

76-3311. Employees, qualifications and duties; grievance rights; transfer of employees from medical center to authority, continuation of compensation and benefits; establishment of health insurance plan. (a) The authority may employ such employees as it may require and upon such terms and conditions as it may establish. The authority shall establish personnel, payroll, benefit and other such systems as authorized by the board, such systems to be initially established or contracted by the transfer date, or at such later date designated by the board. The authority shall determine the qualifications and duties of its employees subject to any statutes concerning licensure, certification or registration under state law. The board shall develop and adopt policies and procedures that will afford its employees grievance rights, ensure that employment decisions shall be based upon merit and fitness of applicants and shall prohibit discrimination because of race, religion, color, sex or national origin.

(b) Nothing in this act or any act of which it is amendatory shall be construed as placing any officer or employee of the authority in the classified or the unclassified service under the Kansas civil service act.

(c) All current hospital employees of the university of Kansas medical center shall transfer to the authority. The authority and the university of Kansas medical center shall then jointly determine any medical center employees whose employment shall be transferred to the authority. The university shall issue a written notice to all persons whose employment will be transferred to the authority. After receipt of such notice, each such employee may elect not to be employed by the authority by submitting a written statement of such election within 45 days after receipt of such notice. Any classified employee of the university of Kansas medical center who receives such notice of transfer to the authority and elects not to become employed by the authority and who is not reemployed by any department, institution, board, commission or agency of the state shall be subject to the provisions of K.S.A. 75-2948 et seq., and amendments thereto. Any unclassified employee or unclassified health care worker of the university of Kansas medical center who receives such notice of transfer to the authority and elects not to become employed by the authority shall be subject to the employment policies of the university of Kansas medical center. Any employee who accepts employment with the authority shall not be considered to be involuntarily separated from state employment. The authority shall not be treated as a state agency for purposes of the state leave payment reserve fund under K.S.A. 75-5542 through 75-5545, and amendments thereto.

(d) Hospital employees and medical center employees of the university of Kansas medical center who transfer to the authority to a position of similar duties as of the transfer date shall receive the same rate of compensation as was received by the employee prior to such transfer.

(e) Notwithstanding the provisions of K.A.R. 1-9-13 or any other rules and regulations or of any statute to the contrary, all vacation leave and sick leave balances of employees of the university of Kansas medical center who accept employment with the authority as of the transfer date shall be transferred from the university of Kansas medical center to the authority.

(f) The authority and the university of Kansas medical center may enter into agreements providing for the purchase of services of employees of the university of Kansas medical center utilized in support of the hospital by payment of such amounts as may be agreed upon by the parties.

(g) Nothing in this act shall affect the representation rights of collective bargaining organizations that represent employees of the university of Kansas medical center who transfer to the authority, nor shall it affect any term or condition of any collective bargaining agreement in effect on the effective date of this act. The authority shall be a public agency for purposes of the Kansas public employer-employee relations act, K.S.A. 75-4321 et seq., and amendments thereto.

(h) The authority is authorized to establish a health insurance plan for the benefit of its employees or to enter into agreements with the department of administration in accordance with K.S.A. 75-6503, and amendments thereto, providing for the coverage of its employees under the state employees' health insurance plan. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the authority as a result of this act and who is a member of any plan providing health insurance coverage as an employee of the university of Kansas medical center and who so elects to continue such coverage shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred, with such election to continue through the current state employees' health insurance coverage period. Alternatively, an employee may elect to become a member of any health insurance plan established by the authority.

History: L. 1998, ch. 12, § 11; L. 1999, ch. 168, § 4; May 20.