

## HOUSE BILL No. 2780

By Committee on Appropriations

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AN ACT relating to public officers and employees; concerning civil service; establishing that advance registered nurse practitioners, physician assistants and other designated health care professionals shall be considered as unclassified state employees; amending K.S.A. 2001 Supp. 75-2935 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2001 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employ-

1 ees performing duties in connection with the business operations of any  
2 such institution, except administrative officers and directors; as used in  
3 this subsection (1)(f), "health care employees" means employees of the  
4 university of Kansas medical center who provide health care services at  
5 the university of Kansas medical center and who are medical technicians  
6 or technologists or respiratory therapists, who are licensed professional  
7 nurses or licensed practical nurses, or who are in job classes which are  
8 designated for this purpose by the chancellor of the university of Kansas  
9 upon a finding by the chancellor that such designation is required for the  
10 university of Kansas medical center to recruit or retain personnel for  
11 positions in the designated job classes; and employees of any institution  
12 under the state board of regents who are medical technologists;

13 (g) operations, maintenance and security personnel employed to im-  
14 plement agreements entered into by the adjutant general and the federal  
15 national guard bureau, and officers and enlisted persons in the national  
16 guard and the naval militia;

17 (h) persons engaged in public work for the state but employed by  
18 contractors when the performance of such contract is authorized by the  
19 legislature or other competent authority;

20 (i) persons temporarily employed or designated by the legislature or  
21 by a legislative committee or commission or other competent authority  
22 to make or conduct a special inquiry, investigation, examination or  
23 installation;

24 (j) officers and employees in the office of the attorney general and  
25 special counsel to state departments appointed by the attorney general,  
26 except that officers and employees of the division of the Kansas bureau  
27 of investigation shall be in the classified or unclassified service as provided  
28 in K.S.A. 75-711, and amendments thereto;

29 (k) all employees of courts;

30 (l) client, patient and inmate help in any state facility or institution;

31 (m) all attorneys for boards, commissions and departments;

32 (n) the secretary and assistant secretary of the Kansas state historical  
33 society;

34 (o) physician specialists, *physician assistants*, dentists, dental hygien-  
35 ists, pharmacists, *advanced registered nurse practitioners*, medical tech-  
36 nologists ~~and~~, long term care workers employed by the department of  
37 social and rehabilitation services *and other health care professionals at*  
38 *social and rehabilitation services facilities as designated by the secretary*  
39 *of social and rehabilitation services*;

40 (p) physician specialists, dentists and medical technologists employed  
41 by any board, commission or department or by any institution under the  
42 jurisdiction thereof;

43 (q) student employees enrolled in public institutions of higher

1 learning;

2 (r) administrative officers, directors and teaching personnel of the  
3 state board of education and the state department of education and of  
4 any institution under the supervision and control of the state board of  
5 education, except that this subsection (1)(r) shall not be construed to  
6 include the custodial, clerical or maintenance employees, or any employ-  
7 ees performing duties in connection with the business operations of any  
8 such institution, except administrative officers and directors;

9 (s) all officers and employees in the office of the secretary of state;

10 (t) one personal secretary and one special assistant to the following:  
11 The secretary of administration, the secretary of aging, the secretary of  
12 agriculture, the secretary of commerce and housing, the secretary of cor-  
13 rections, the secretary of health and environment, the superintendent of  
14 the Kansas highway patrol, the secretary of human resources, the secre-  
15 tary of revenue, the secretary of social and rehabilitation services, the  
16 secretary of transportation, the secretary of wildlife and parks and the  
17 commissioner of juvenile justice;

18 (u) one personal secretary and one special assistant to the chancellor  
19 and presidents of institutions under the state board of regents;

20 (v) one personal secretary and one special assistant to the executive  
21 vice chancellor of the university of Kansas medical center;

22 (w) one public information officer and one chief attorney for the fol-  
23 lowing: The department of administration, the department on aging, the  
24 department of agriculture, the department of commerce and housing, the  
25 department of corrections, the department of health and environment,  
26 the department of human resources, the department of revenue, the de-  
27 partment of social and rehabilitation services, the department of trans-  
28 portation, the Kansas department of wildlife and parks and the commis-  
29 sioner of juvenile justice;

30 (x) civil service examination monitors;

31 (y) one executive director, one general counsel and one director of  
32 public affairs and consumer protection in the office of the state corpo-  
33 ration commission;

34 (z) specifically designated by law as being in the unclassified service;

35 (aa) all officers and employees of Kansas, Inc. and the Kansas tech-  
36 nology enterprise corporation; and

37 (bb) any position that is classified as a position in the information  
38 resource manager job class series, that is the chief position responsible  
39 for all information resources management for a state agency, and that  
40 becomes vacant on or after the effective date of this act. Nothing in this  
41 section shall affect the classified status of any employee in the classified  
42 service who is employed on the date immediately preceding the effective  
43 date of this act in any position that is a classified position in the infor-

1 mation resource manager job class series and the unclassified status as  
2 prescribed by this subsection shall apply only to a person appointed to  
3 any such position on or after the effective date of this act that is the chief  
4 position responsible for all information resources management for a state  
5 agency.

6 (2) The classified service comprises all positions now existing or here-  
7 after created which are not included in the unclassified service. Appoint-  
8 ments in the classified service shall be made according to merit and fitness  
9 from eligible pools which so far as practicable shall be competitive. No  
10 person shall be appointed, promoted, reduced or discharged as an officer,  
11 clerk, employee or laborer in the classified service in any manner or by  
12 any means other than those prescribed in the Kansas civil service act and  
13 the rules adopted in accordance therewith.

14 (3) For positions involving unskilled, or semiskilled duties, the sec-  
15 retary of administration, as provided by law, shall establish rules and reg-  
16 ulations concerning certifications, appointments, layoffs and reemploy-  
17 ment which may be different from the rules and regulations established  
18 concerning these processes for other positions in the classified service.

19 (4) Officers authorized by law to make appointments to positions in  
20 the unclassified service, and appointing officers of departments or insti-  
21 tutions whose employees are exempt from the provisions of the Kansas  
22 civil service act because of the constitutional status of such departments  
23 or institutions shall be permitted to make appointments from appropriate  
24 pools of eligibles maintained by the division of personnel services.

25 Sec. 2. K.S.A. 2001 Supp. 75-2935 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its  
27 publication in the statute book.

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