

HOUSE BILL No. 2126

By Committee on Appropriations

1-30

AN ACT concerning state officers and employees; relating to compensation; concerning certain job classifications and prescribing certain job market studies; amending K.S.A. 75-2938 and repealing the existing section.

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

New Section 1. It is the purpose of this act and the intent of the legislature that:

(1) The state government compensation system shall facilitate equity across all state agencies and job classifications shall reflect meaningful differences in the levels of skill necessary to perform agency tasks that defines the general scope and complexity of the work required;

(2) the state pay plan shall reflect the economic conditions of the various occupational labor markets;

(3) the classification, evaluation and compensation systems and practices of Kansas state government shall be administered in an efficient, cost-effective, responsive, fair and equitable manner to meet the needs of employees and the people of Kansas;

(4) the step movement component of the state pay plan shall provide for pay increases based on employee merit and considered an essential component in state employee's career ladder for advancement; and

(5) the cost-of-living adjustment component of the state pay plan shall be adjusted, fully funded and otherwise maintained through cost-of-living adjustments and job market studies in accordance with the requirements of K.S.A. 75-2938, and amendments thereto, and shall be intended to ensure that state employees' purchasing power is not eroded by inflation and shall be intended to update the pay matrix.

Sec. 2. K.S.A. 75-2938 is hereby amended to read as follows: 75-2938. (a) Except as otherwise provided in the Kansas civil service act, the director of personnel services, after consultation with the heads of state agencies or persons designated by them, shall assign each position in the classified service to a class according to the duties and responsibilities thereof. Titles shall be specified by the director for each such class for use in certifying the names of persons for appointment under this act. A description of the duties and responsibilities with suitable qualifications

1 required for satisfactory performance in each class shall be specified by
2 the director. The classes and titles so specified and described shall be
3 used for: (1) Original appointments; (2) promotions; (3) payrolls; and (4)
4 all other records affecting the status of persons in the classified service.
5 Each class when approved or modified and approved as modified by the
6 governor shall take effect on a date or dates specified by the governor.
7 After consultation with the director of the budget and the heads of state
8 agencies or persons designated by them, the director shall recommend
9 changes in classes ~~from time to time~~ *not less often than once every three*
10 *fiscal years*, and such changes, when approved or modified and approved
11 as modified by the governor, shall take effect on a date or dates specified
12 by the governor.

13 (b) The director of personnel services shall recommend to the gov-
14 ernor the assignment, and from time to time the reassignment, of each
15 class to a specified range approved or modified and approved as modified
16 by the governor, the same shall become effective on a date or dates spec-
17 ified by the governor. In adopting or revising any plans, the governor shall
18 ~~give consideration to~~ *base such adoption or revision on* pertinent rates in
19 other public and private employment in the appropriate labor markets,
20 and for this purpose the director shall have made periodic wage and salary
21 surveys with one survey to be conducted each year. The results of such
22 survey and recommendations for revisions in the pay plan are to be for-
23 warded to the governor, the secretary of administration, the director of
24 the budget and the legislature. The recommendations shall ~~give consid-~~
25 ~~eration and weight to be based on such~~ survey results, to changes in the
26 cost-of-living and to proper internal alignment of the various job classes
27 *and other relevant factors*. The director may use the results of other
28 appropriate surveys conducted by public or private agencies ~~in lieu of or~~
29 in addition to surveys authorized to be conducted under this subsection.
30 *Such recommendations shall prescribe wage rates for state employees that*
31 *are at least equal to wages and salaries based on job market studies of*
32 *pertinent compensation rates of public and private employment in similar*
33 *labor markets*.

34 (c) The secretary of administration may delegate the authority to as-
35 sign positions in the classified service to a class according to the duties
36 and responsibilities thereof to the appointing authority *subject to the*
37 *requirements of subsections (a) and (b)*. Such delegation shall specify the
38 particular classes, ranges, and schedules authorized. Appointing authori-
39 ties delegated such assigning authority shall make monthly reports of as-
40 signing transactions to the director of personnel services. Any delegation
41 of such authority is subject to review by the secretary of administration
42 who may modify any delegation made in order to ensure consistency with
43 the state classification plan and may withdraw the delegated authority

1 from the appointing authority upon evidence of improper use of such
2 authority by the appointing authority. The decision of the secretary of
3 administration in regard to the withdrawal of such delegated authority
4 shall be final.

5 (d) After consultation with the director of the budget and the sec-
6 retary of administration, the director of personnel services shall prepare
7 a pay plan which shall contain a schedule of salary and wage ranges and
8 steps, and from time to time changes therein *in accordance with the*
9 *requirements of this section*. When such pay plan or any change therein
10 is approved or modified and approved as modified by the governor, the
11 same shall become effective on a date or dates specified by the governor
12 and any such modification, change of date shall be in accordance with
13 any enactments of the legislature applicable thereto.

14 (e) The classes and pay plan for the classified service as approved by
15 the governor shall be used by the director of the budget in preparation
16 of the budget.

17 (f) Whenever any appropriation or other act specifies any pay plan or
18 any change, limitation or condition upon the pay plan, personnel or pol-
19 icies of the state or any state agency, such appropriation act or other act
20 shall control the provisions of this section to the extent of their application
21 thereto.

22 (g) *The governor is hereby authorized and directed to modify the pay*
23 *plan for fiscal year 2004 and each fiscal year thereafter in accordance*
24 *with this subsection. The existing pay plan for the preceding fiscal year*
25 *in each such case shall be modified to provide:*

26 (1) *Notwithstanding any other provision of law to the contrary, on*
27 *and after the first day of the first payroll period chargeable to the fiscal*
28 *year ending June 30, 2004, each state employee and officer in the classified*
29 *service under the Kansas civil service act whose latest performance review*
30 *rating in the preceding 12-month period is at least satisfactory shall re-*
31 *ceive a pay step increase at the same times and in the same manner as*
32 *authorized by the Kansas civil service act, and all increases in compen-*
33 *sation prescribed by this section shall be in addition to any pay plan*
34 *adjustments or modifications for the purposes of increases in the cost of*
35 *living, shall be in addition to any step movement or any other merit pay*
36 *increases which state officers or employees may be entitled to receive or*
37 *which may be granted to such officers or employees, and shall be in ad-*
38 *dition to any longevity or other salary bonus payments which officers or*
39 *employees may be entitled to receive or which may be granted to such*
40 *officers or employees;*

41 (2) *each employee who has reached the maximum step on the salary*
42 *range of the pay plan to which such employee's position is assigned and*
43 *who cannot receive a pay increase pursuant to step movement and who*

1 is otherwise eligible for an increase in compensation shall receive an in-
2 crease by being placed at the step of the next higher salary range of the
3 pay plan, which will provide the equivalent step increase. The assignment
4 of job classes to pay ranges of the pay plan for the classified service and
5 increases in compensation through step movement for classified employees
6 under the pay plan shall be subject to the provisions of this subsection;

7 (3) the governor is hereby authorized and directed to annually modify
8 or authorize the modification of the salaries of all state officers or em-
9 ployees who are in the unclassified service under the Kansas civil service
10 act and whose salaries are subject to approval by the governor under
11 K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for step
12 pay increases as prescribed by this subsection which shall be effective on
13 the first day of the first biweekly payroll period which is chargeable to
14 the ensuing fiscal year, commencing with the fiscal year ending June 30,
15 2004, and for each fiscal year thereafter; and

16 (4) the governor is hereby authorized and directed to annually modify
17 or authorize the modification of the pay plan for fiscal year 2004 and each
18 fiscal year thereafter to provide an adjustment for the purpose of provid-
19 ing an increase in the cost of living for classified and unclassified state
20 officers and employees based on relevant economic measures including,
21 but not limited to, the federal bureau of labor statistics employment cost
22 index for state and local government and the federal bureau of economic
23 analysis national income and products accounts table which utilizes gross
24 domestic product estimates.

25 (h) No job reclassification or development of a new classification for
26 any public employee, as defined in K.S.A. 75-4322, and amendments
27 thereto, represented by an appropriate unit pursuant to K.S.A. 75-4321,
28 et seq. and amendments thereto, shall be approved by the state unless
29 the public employer, as defined in K.S.A. 75-4322, and amendments
30 thereto, meets and confers in good faith with the employee organization
31 representing such unit.

32 Sec. 3. K.S.A. 75-2938 is hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its
34 publication in the statute book.

35
36
37
38
39
40
41
42
43