



# K A N S A S

JACK RICKERSON, DIRECTOR

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL SERVICES

KATHLEEN SEBELIUS, GOVERNOR  
HOWARD R. FRICKE, SECRETARY

**TO:** Agency HR Directors  
Intervention Team Members

**FROM:** Robbie Berry

**DATE:** July 1, 2003

**SUBJECT:** Kansas Employee Preference Program -Update

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The proposed amendments to K.A.R. 1-6-23 implementing the Kansas Employee Preference program are in the final stages of becoming permanent. As a result of the feedback we have received, as well as lessons learned with regard to the program since the implementation of the temporary regulation, several additional changes have been incorporated to the final version of the regulation and the regulation has been reorganized structurally for clarity.

These changes were discussed with the Review Coordination subcommittee of the Regulation Team and announced at the Public Hearing that was held on June 17th and have been approved and accepted by the Department of Administration's Legal Section and the Attorney General's Office. You can view the additional changes (in bold print) in Attachment 1.

The regulation and related paperwork from the Governor and the Secretary of Administration is being finalized and will then be submitted to the Secretary of State's Office for publication in the Kansas Register. The Division is planning to submit the material this Wednesday (July 2nd) and the regulation should be published in the Register the following Thursday (July 11th). The regulation would ordinarily become effective 15 days after publication, but language has been added to the regulation making it effective July 30th to coincide with the expiration of the temporary regulation.

We have had some requests, including one from the Intervention Team, for a list of the classifications of the individuals who still have their preference. Jack has asked that we begin doing that immediately, and regularly. We plan to provide that information on a quarterly basis, with the understanding that you can call Dianne at any time if you have an immediate need for more current information. Attachment 2 is the first listing of the individuals who have not used their preference, and includes job classification, pay grade/salary step, and the date of the preference letter.

As you know, the preference is good for one year based on the date of the letter, or until reemployed by the State in a benefits-eligible position. We hope you find this information helpful in your recruitment efforts. We are unable to include names due to confidentiality rights, but we would be glad to provide you with assistance if you are recruiting for one of the classifications listed and would like to recruit an individual with preference. At your request, we can make contact with the individual(s).

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In April, we communicated that the SHARP Team was making modifications to the system in order to provide the capability to track program data in the system. We anticipated this becoming available with the upgrade, but modifications are still being made. It remains our goal to provide this function in SHARP.

Until that time, we still need your support and assistance with our tracking efforts so we can provide program data to the Governor's Office. This same data will be used to update our records so that we can provide you with the most current data on individuals that still have preference. Attachment 3 is the report compiled for the time period April 1, 2003 through June 7, 2003 - using the data you provided.

This is also a reminder that during the recruitment process for each vacancy in which an eligible Kansas Employee Preference candidate contacts you, please continue to email Dianne Hilton the following information:

1. The Job Requisition number, class title and pay grade of the position announced.
2. The name(s), class title(s) and pay grade(s) of the individual(s) exercising preference for the vacancy.
3. If more than one person with preference applies, the name, class title, and pay grade of the individual finally selected.
4. The start date.
5. Any special circumstances that should be explained, such as an employee withdraws from the position, etc. or an appeal to the Director not to consider the person with preference.

Thank you for your continued efforts and please let us know if you have any questions or concerns.

Dianne Hilton - [dianne.hilton@da.state.ks.us](mailto:dianne.hilton@da.state.ks.us).  
Elizabeth Wong – [elizabeth.wong@da.state.ks.us](mailto:elizabeth.wong@da.state.ks.us)  
Lois Ryan – [lois.ryan@da.state.ks.us](mailto:lois.ryan@da.state.ks.us)  
Robbie Berry – [robbie.berry@da.state.ks.us](mailto:robbie.berry@da.state.ks.us)

RB:hf  
Attachments

ATTACHMENT 1

June 20, 2003

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL SERVICES

Proposed Amendment

Article 6: Recruiting and Staffing

**K.A.R. 1-6-23.** Reemployment. (a) (1) Except as provided in subsection (b), each employee who is laid off, or demoted or transferred in lieu of layoff, shall be placed in a reemployment pool by the director, unless the employee requests in writing to not be placed in the reemployment pool. Each employee in the reemployment pool shall be eligible to apply for any vacancy to be filled, including any internal vacancy, until the date the employee is reemployed or for three years from the date of the layoff, whichever occurs first.

**(2) Each employee who is eligible for reemployment and who is also a veteran shall be offered an interview for any vacancy that meets all of the following conditions:**

**(A) The vacancy is for a regular position in the classified service.**

**(B) The vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the notice of layoff.**

(C) The employee meets the minimum requirements for the position.

(b)(1) Each individual who meets all of the following conditions shall be eligible for the Kansas employee preference program, as provided in this subsection:

(A) The individual received a written layoff notice in accordance with K.A.R. 1-14-9 **for a layoff that was effective on or after June 8, 2002.**

(B) The individual's most recent performance rating before receiving the layoff notice was "satisfactory" or better.

(C) The individual was not suspended, demoted, or terminated as provided in K.S.A. 75-2949, and amendments thereto, in the 12 months preceding the date on which the individual received the layoff notice.

(2) Each individual who qualifies under paragraph (b)(1) shall remain eligible for the Kansas employee preference program until any of the following events occurs:

(A) The individual is appointed to a classified or unclassified position that is eligible for benefits.

**(B) An eligible individual who was laid off or is scheduled to be laid off from a regular position that was not eligible for benefits chooses to use the Kansas employee preference for any position, whether or not that position is eligible for benefits, and the individual then is appointed to that position.**

(C) A period of 12 consecutive months has passed since the effective date of the layoff or since July 30, 2003, whichever date is later. Each individual who is eligible for the Kansas employee preference program, but has not been reemployed under any of the circumstances identified in paragraph (b)(2)(A) or (b)(2)(B) at the end of that 12-month period shall remain eligible for reemployment as provided in subsection (a).

(D) The individual is suspended, demoted, or terminated as provided in K.S.A. 75-2949, and amendments thereto, at any time after the individual becomes eligible for the Kansas employee preference program, but before the date on which the individual is actually laid off.

(3) Each individual who is qualified to receive a Kansas employee preference shall be eligible to apply for any vacancy that meets the following conditions:

(A) The vacancy is for a classified position that is eligible for benefits, **except that when the individual who is eligible for the Kansas employee preference program was laid off from or has received a layoff notice for a regular position that is not eligible for benefits, the vacancy may be for any regular position in the classified service, whether or not the vacant position is eligible for benefits;**

(B) the vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the layoff notice; and

(C) the vacant position to be filled is one for which a notice of vacancy will be posted in accordance with the provisions of K.A.R. 1-6-2, including an internal vacancy.

(4) Upon receiving an application for the vacant position from an individual who is eligible for a Kansas employee preference, the appointing authority shall offer the position to the individual if the individual meets the minimum requirements for the position, subject to the following requirements:

(A)(i) If only one individual who is eligible for a Kansas employee preference applies for the position and is determined to meet the minimum requirements for the position, the appointing authority shall schedule an interview with the individual to provide the appointing authority with an opportunity to assess the employee's ability to successfully **perform** the duties and responsibilities of the position and to provide the individual with an opportunity to determine whether the position is of interest to the individual.

(ii) Following the interview, the appointing authority shall offer the position to the individual, unless the director determines that the individual cannot successfully **perform** the duties and responsibilities of the position under paragraph (b)(4)(C).

**(iii) The individual who is offered the position as provided in this paragraph (b)(4)(A) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.**

(B) If more than one individual who is eligible for a Kansas employee preference applies for the position and meets the minimum requirements for the position, the appointing authority shall apply additional, job-related selection criteria in accordance with K.A.R. 1-6-21 in considering the application of each of these individuals, subject to the following conditions and requirements:

(i) The appointing authority shall not be required to interview more than seven individuals, **except that each individual who is a veteran shall be offered an opportunity for an interview.**

(ii) After considering the additional, job-related selection criteria, the appointing authority shall offer the position to one of these individuals, except that the appointing authority shall not be required to offer the position to any individual who the director determines cannot successfully **perform** the duties and responsibilities of the position under paragraph (b)(4)(C).

**(iii) Any individual who is a veteran shall be offered the position if that individual is determined to be equally qualified after applying the additional, job-related selection criteria.**

**(iv) The individual who is offered the position as provided in this paragraph (b)(4)(B) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.**

(C) If the appointing authority submits written documentation to the director and, based on the documentation, the director determines in writing that there is a clear indication that an individual who is eligible for the Kansas employee preference **could not, after minimal training or a reasonable amount of experience on the job, successfully perform** the duties and responsibilities of the position, the appointing authority shall not be required to offer the position to that individual.

**(c) For purposes of this regulation, “veteran” means any individual who is eligible for a veteran’s preference under the provisions of K.S.A. 75-2955, and amendments thereto.**

**(d) This regulation shall be effective on and after July 30, 2003.** (Authorized by K.S.A. ~~1995~~ 2002 Supp. 75-3747 and K.S.A. 75-2948; implementing K.S.A. ~~1995~~ Supp. 75-2948; effective May 1, 1979; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996; amended, T-1-4-1-03, April 1, 2003; amended July 30, 2003.)

**ATTACHMENT 2**  
**Kansas Employee Preference Classifications**

<b>Classification</b>	<b>Pay Grade/Step</b>	<b>Date of Letter</b>
Accountant II	24/4	04/04/03
Accountant II	24/4	04/04/03
Activity Specialist I	22/9	04/03/03
Administrative Assistant	13/6	04/03/03
Administrative Assistant	13/4	04/04/03
Administrative Assistant	13	05/05/03
Administrative Assistant	13	05/30/03
Administrative Specialist	18/4	04/01/03
Administrative Specialist	18/14	04/01/03
Agricultural Technician	17/4	04/03/03
Agricultural Technician	17	04/25/03
Applications Prog/Anal II - 75%	27/4	04/04/03
Architect II	27/11	04/04/03
Attorney II	31/8	04/03/03
Building Compliance Inspector	24/9	04/04/03
Building Compliance Inspector	24/12	04/04/03
Building Systems Eng. III	35/4	04/04/03
Building Systems Eng. III	35/8	04/04/03
Carpenter Senior	19/4	04/01/03
Carpenter Senior	19/4	04/01/03
Certific Asbestos Worker	20	04/16/03
Chemical Dependency Counselor	22/6	04/03/03
Clinical Chaplain	24/6	04/03/03
Computer Operator III	20/4	04/04/03
Computer Operator III	20/4	04/04/03
Computer Operator III	20/15	04/01/03
Computer Operator Supervisor	23/4	04/04/03
Computer Operator Supervisor	23/4	04/04/03
Conservator	23/6	04/03/03
Custodial Specialist	11/4	04/03/03
Custodial Supervisor	15/4	04/17/03
Economic & Employment Support Supervisor	27/5	04/03/03
Economic & Employment Assistant Specialist I	21/6	04/03/03
Economic & Employment Assistant Specialist I	21/8	04/03/03
Economic & Employment Support Specialist II	24/9	04/03/03
Economic & Employment Support Specialist II	24	04/03/03

General Maintenance & Repair Technician	13/4	04/03/03
General Maintenance & Repair Technician Sr.	17	04/16/03
Graphic Designer	20/4	04/01/03
Grounds Maint. Supervisor I	16/6	04/04/03
<b>Classification</b>	<b>Pay Grade/Step</b>	<b>Date of Letter</b>
HRP I	23/4	04/04/03
HRP II	26/4	04/04/03
HRP II	26/4	04/04/03
HRP II	26/4	04/04/03
HRP II	26/4	04/04/03
HRP II	26/4	04/04/03
HRP II	26/4	04/04/03
Information Resource Spec I	28/4	04/04/03
Information Resource Spec II	30/9	04/04/03
Information Resource Spec II	30/4	04/04/03
Information Tech. Cons. II	27/4	04/01/03
Installation Service Tech I	23/4	04/04/03
Landscape Architect I	24/15	04/04/03
Management Systems Analyst II	29/4	04/01/03
Microcomputer System Support Technician I	19	04/16/03
Network Control Tech. II	25/4	04/04/03
Office Assistant	11/14	04/03/03
Office Assistant	11/4	04/03/03
Office Assistant	11/13	04/03/03
Office Assistant	11/6	04/03/03
Office Assistant	11/4	04/03/03
Office Assistant	11/9	04/04/03
Office Assistant	11/4	04/04/03
Office Assistant	11/5	04/04/03
Office Assistant	11/4	04/09/03
Office Assistant	11	05/30/03
Office Assistant	11	05/30/03
Office Assistant	11	05/30/03
Office Assistant	11	05/30/03
Office Assistant	11	05/30/03
Office Assistant	11	05/30/03
Plant Science Technician I	16/4	04/03/03
Plant Science Technician II	18	05/22/03
Plumber Senior	19/5	04/01/03
Program Consultant I	24/15	04/01/03
Program Consultant I	24/9	04/01/03
Program Consultant I	24/7	04/01/03
Program Consultant I	24/5	04/01/03
Program Consultant I	24/15	04/01/03
Program Consultant I	24/4	04/01/03



Program Consultant I	24/6	04/01/03
<b>Classification</b>	<b>Pay Grade/Step</b>	<b>Date of Letter</b>
Program Consultant I	24/15	04/01/03
Program Consultant I	24/6	04/01/03
Program Consultant I	24/6	04/01/03
Program Consultant I	24/6	04/01/03
Program Consultant I	24/9	04/01/03
Program Consultant I	24/6	04/01/03
Program Consultant II	27/4	04/01/03
Program Consultant II	27/6	04/01/03
Program Consultant II	27/8	04/01/03
Program Consultant II	27/10	04/01/03
Program Consultant II	27/13	04/01/03
Program Consultant II	27/13	04/03/03
Program Consultant II	24	05/30/03
Program Support Worker	15/4	04/01/03
Program Support Worker	15/4	04/01/03
Program Support Worker	15/4	04/01/03
Program Support Worker	15/8	04/03/03
Program Support Worker	15/11	04/03/03
Program Support Worker	15	05/30/03
Program Support Worker	15	05/30/03
Public Service Administrator I	24/4	04/04/03
Public Service Executive I	29/4	04/01/03
Public Service Executive II	32/10	04/01/03
Public Service Executive III	34/4	04/04/03
Public Service Executive III	34/15	04/04/03
Senior Admin. Assistant	15/13	04/04/03
Senior Admin. Assistant	15/4	04/04/03
Senior Admin. Assistant - 49%	15/13	04/04/03
Senior Administrative Assistant	15/8	04/01/03
Senior Administrative Assistant	15/4	04/01/03
Senior Administrative Assistant	15/4	04/03/03
Special Investigator I	22/12	04/03/03
Sr. Administrative Assistant	15/6	04/01/03
Staff Development Specialist I	26	04/03/03
Tourist Counselor	15/4	04/03/03
Utility Worker	10/8	04/03/03

\* These are the job classifications that have been reported to the Division of Personnel Services by agencies as of 6/25/03.

### ATTACHMENT 3

<b>Kansas Employee Preference Program</b>	
4/1/03 to 6/7/03	
<b>Recruitment Process Finalized</b>	
Number of Letters Given	150
Number of Positions Advertised 4/2/03 - Present	597
Number of Positions for which KEP letter was presented*	77
Total Number of KEP Applicants Hired	27
Number of Employees Accepting Demotion	10
Number of Employees Maintaining Current Salary	26
Number of Exceptions Requested	21
Number of Exceptions Granted	0
Number of Employees Withdrawing Application**	19
<b>Recruitment Process Pending</b>	
Number of Positions with KEP applicants with Decision Pending or in Interview Process	9
Number of KEP applicants for those positions	9

\* Each position represented may have had multiple applicants with KEP

\*\* Employees are counseled to make good decisions in using their preference, and to withdraw their preference if, after the interview, they do not believe the job would be right for them.