



KANSAS

GEORGE VEGA, DIRECTOR

DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL SERVICES

KATHLEEN SEBELIUS, GOVERNOR
DUANE A. GOOSSEN, SECRETARY
CAROL L. FOREMAN, DEPUTY SECRETARY

MEMORANDUM

TO: All State Agencies
FROM: George Vega
DATE: July 11, 2006
SUBJECT: September 10, 2006 Step Increase

As you are no doubt aware, the Legislature approved a single step increase for eligible classified employees effective September 10, 2006. We have received a number of questions about exactly who is eligible for this step increase, so this memorandum is intended to clarify the eligibility issues set out in Executive Directive 06-369 and the steps necessary to insure that all classified employees who should receive the step increase meet the eligibility requirements. The Executive Directive can be viewed at the following link: <http://da.state.ks.us/ps/subject/arc/memos/execdirective/ED%2006-369.pdf>

The first clarification that needs to be made is that temporary classified employees are not eligible for the September 10, 2006 step increase. K.A.R. 1-5-9 (d) states that, "No person hired on a temporary basis shall be eligible for any step increase during the period of temporary employment" and since neither the legislation nor the Executive Directive speak to this issue, the provisions of the regulation still control.

With respect to the eligibility criteria set out in the Executive Directive, the first requirement is that the employee is in a regular classified position on September 10, 2006 and must have been hired on or before June 17, 2006. This means that employees who were working in a classified temporary position or an unclassified position on or before June 17, 2006 but then transfer or promote to a regular classified position sometime before September 10, 2006 are eligible for the step increase. Other than a classified temporary employee or an unclassified employee moving to a regular classified position, changes in position due to demotion, promotion or transfer have no impact on this requirement. In all cases, any employee hired on or after June 18, 2006 is not eligible to receive the September 10, 2006 step increase.

The second requirement set out in the Executive Directive is that a classified employee's most recent performance review rating must be at least satisfactory and that the rating must have occurred within the 12 months preceding the date of the step increase. This means that a classified employee must have a satisfactory review dated sometime between September 10, 2005 and September 10, 2006 in order to meet the second eligibility requirement for the September 10, 2006 step increase. This performance review rating can be from a

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former position or even another agency, so long as it is satisfactory and falls within the required timeframe. Any classified employee whose most recent performance review rating is less than satisfactory, regardless of whether this rating was from a time when the employee was employed in another position or agency, will NOT be eligible for the September 10, 2006 step increase if that unsatisfactory rating is the most recent rating at the time of the step increase .

The timing element of this requirement should not be an issue for most classified employees since K.A.R. 1-7-10 (a) (2) requires performance reviews to be completed at least annually. If, for some reason you have a classified employee that has not received a performance review since September 10, 2005, a review should be completed for the employee immediately to insure that the employee receives the step increase, as well as to comply with the provisions of K.A.R. 1-7-10. In order to make the deadline for eligibility for the step increase, employee reviews should be entered into SHARP no later than September 8, 2006.

In addition, since the Executive Directive does not limit eligibility for the September 10, 2006 step increase to classified employees who have attained permanent status, that has resulted in a number of questions about whether classified employees who are still serving an original probationary period but were hired on or before June 17, 2006 are eligible for the step increase. As the matter of a step increase was discussed at the Legislature this year, it was very clear that the intent of the Legislature was that such an increase should be applied broadly. In recognition of this intent and in the absence of language in the legislation or regulations expressly prohibiting such an action, the Administration has determined that these employees should be considered eligible for the step increase.

Classified employees who are still serving an original probationary period do not ordinarily receive a performance review prior to the completion of the probationary period. However, if the agency believes that the probationary employee is performing satisfactorily, the agency should give probationary employees hired on or before June 17, 2006 a special evaluation with a rating of satisfactory in order to be eligible for the September 10, 2006 step increase. Although this is something of a unique situation, K.A.R. 1-7-10 (a) (3) allows an appointing authority to conduct a special evaluation on any employee at any time, so this action is permissible.

I hope that this information is helpful. If you have any questions about this memorandum or the September 10, 2006 step increase in general, please contact Kraig Knowlton at Kraig.Knowlton@da.state.ks.us or by telephone at (785) 296-1082. Thank you.

GV:KK