

Employee Preference Frequently Asked Questions

1) What is the Kansas Employee Preference Program?

The Kansas Employee Preference Program was implemented in 2003 via Executive Order No. 03-07 and was later codified into regulation in K.A.R. 1-6-23. This program provides State of Kansas employees who have been laid off, or who have received a written notice of layoff, with preference for announced vacant positions for which they qualify, and which are at the same pay grade or lower pay grade than the position from which they are laid off or scheduled to be laid off.

2) Who is eligible for Kansas Employee Preference?

Classified employees who have received a written proposed layoff notice and a copy of the Kansas Employee Preference letter are eligible for employee preference, provided their last performance rating before being laid off was "meets expectations" or better and they have not been suspended, involuntarily demoted or dismissed anytime during the 12 months before the layoff occurs.

Unclassified employees may also be eligible for the Kansas Employee Preference, depending on the nature of the end of their appointment. Unclassified employees will be notified of their eligibility for the Kansas Employee Preference in their "End of Appointment" letter.

3) How long does the preference last?

The preference ends as soon as one of the following situations occurs:

- 12 months from the date of the actual layoff or end of appointment has passed;
- An employee gives verbal or written acceptance of employment in a benefits eligible position with the State of Kansas after they are laid off or their appointment ends; or
- An employee is formally disciplined after becoming eligible for employee preference, but before the date of the actual layoff.

4) What positions can I use my Kansas Employee Preference for?

Employees who are laid off from a classified position and are eligible for the Kansas Employee Preference can use their preference for any classified position in state government and any unclassified position in an agency under the Governor's jurisdiction if:

- The classified position is at the same pay grade or a lower pay grade than the classified position from which they were laid off from, or are scheduled to be laid off from;
- The unclassified position has a rate of pay equal to or less than the rate of pay of the classified position from which they were laid off from, or are scheduled to be laid off from;
- The individual meets the qualifications for the position; and
- The position is advertised in the State of Kansas Notice of Vacancies.

Employees whose unclassified appointment was ended and are eligible for the Kansas Employee Preference can use their preference for any unclassified position in an agency under the Governor's jurisdiction if:

- The unclassified position has a rate of pay equal to or less than the rate of pay of the classified position from which they were laid off from, or are scheduled to be laid off from;
- The individual meets the qualifications for the position; and
- The position is advertised in the State of Kansas Notice of Vacancies.

5) How do I find out what job vacancies are available?

The Kansas Careers Portal can be accessed at the following link: [Jobs | Kansas Department of Administration](#)

6) I found a job I am interested in, what do I do now?

You should contact the recruiter listed on the notice of vacancy as soon as possible, and no later than the posted closing date, to indicate you are interested in the position and that you want to exercise your employee preference for the position. You will need to provide the recruiter with a copy of your Kansas Employee Preference letter and comply with the recruiter's instructions. The agency may ask you to provide a completed employment application, transcript(s), or resume, or there may be other application requirements. At a minimum, you are required to interview for the vacancy to determine your interest in the position and to allow the agency the opportunity to assess your capabilities.

7) I am a part-time employee. Can I use my preference for a full-time position?

Yes, you can use your employee preference for either full or part-time benefits eligible classified positions.

8) Can I use my Kansas Employee Preference on a position that is at a higher pay grade than I am currently on or at a higher annual rate for unclassified positions?

No, you can only exercise your Kansas Employee Preference for a classified position that is at a pay grade equal to or lower than your pay grade at the time of your layoff, or for an unclassified position that has a rate of pay equal to or less than the rate of pay from which you were laid off or separated.

9) How do I know what pay grade I am on?

Your pay grade, or annual salary for unclassified positions, will be listed in the Kansas Employee Preference letter that you receive when you are notified of your layoff or end of appointment.

10) If I accept an unclassified position, will I lose my Kansas Employee Preference?

Yes, once you have accepted a benefits eligible classified or an unclassified position you will lose your Kansas Employee Preference.

11) If I am part of a layoff of classified positions, will my eligibility continue if I exercise my bumping rights?

Employees who may have the option to bump are eligible for preference until or unless they exercise their right to bump, at which time they would continue their employment. For purposes of this program, an employee exercises their right to bump at the time they begin working in the position to which they have elected to bump. Employees eligible for this preference cannot exercise this preference to obtain a position in the unclassified service, but they will lose their eligibility for the preference if they apply and are selected for an unclassified position that provides benefits, including an unclassified temporary position.

12) Do I automatically get the position if I exercise my Kansas Employee Preference?

It is not completely "automatic." First, you must meet the minimum qualifications for the position, and then the agency must be satisfied that you can perform the job duties.

In some situations, there may be more than one individual with preference applying for the same job. When this happens, the agency will use a competitive process to select the most qualified individual from those exercising employee preference. Since agencies are only required to interview the top seven qualified employees with preference, it is possible that some individuals with preference may not be given an interview. However, all individuals exercising preference who are veterans will be given an interview for the position. In addition, if all candidates exercising preference for a position are determined to be equally qualified, the position will be offered first to any of those individuals who are also exercising another preference, such as the disability hiring preference or veterans' preference.

If you are the only applicant using employee preference for the position, you meet the minimum qualifications and the agency is confident you can perform the job, you will be offered the position. You will want to be sure that the job is a good fit for you before you accept the new position.

If you are using preference and are offered a position, you have two business days to inform the agency whether you are accepting the position or not.

13) If I exercise my Kansas Employee Preference, but do not receive the position, will I lose my Kansas Employee Preference?

No, you will only lose your Kansas Employee Preference if you receive an offer and accept a position that is benefits eligible.

14) If I am offered a position after exercising my Kansas Employee Preference but turn the job down, will I lose my preference?

No, you will only lose your employee preference if you give verbal or written acceptance for an eligible state position.

15) What happens if an agency believes I cannot successfully manage the duties and responsibilities of the position I have exercised my Kansas Employee Preference for?

The agency will contact the Director of the Division of Personnel Services to explain their position. The Director will review the information and make the final decision. As part of the review process the Director or their designee will contact you to discuss the matter.

16) Will I be able to retain my same salary?

The salary you are offered will depend upon the operating budget of the agency. It could be that an agency will not be able to match your current salary, but these situations should be rare. You should discuss your salary requirements with the agency at the time of the interview.

17) Do I have to provide an Employment Summary, resume, transcripts, etc. at the time I contact the employing agency?

Yes, if requested by the agency. These materials provide the agency with a summary of your experience and education and allow the agency to determine if you meet the minimum requirements for the position. You will also be interviewed to ensure you are interested and qualified for the position.

18) Can I use Kansas Employee Preference if I think I am going to be laid off or my unclassified appointment is going to end, but have not received official notice yet?

No, you can only exercise Kansas Employee Preference if you have been notified in writing of layoff or end of appointment and have received a letter stating that you have the right to Kansas Employees Preference.

19) If I have received my notice, and accept employment outside the State of Kansas or accept a non-benefits eligible unclassified or part-time unclassified position, do I retain my preference?

Yes, you will retain your preference until you give verbal or written acceptance for a position that is eligible for benefits or for twelve months after the date of the proposed layoff.

The only exception to this is if you have received your layoff notice or were laid off from a position that was not eligible for benefits and you choose to use your preference on, and accept employment in, a position that is not eligible for benefits. In that case, the individual's eligibility ends when they give verbal or written notice for the position.

20) Can I request a copy of the position description before I decide whether I am interested in a vacancy?

You can request additional information about the job. Most agencies will give you either a position description or some type of description of the duties and responsibilities of the job. Be sure to talk to the recruiter and/or supervisor of the position to make sure the position is a good fit for you.

21) Where can I get additional information?

You can find additional information about the Kansas Employee Preference at the following link to the Department of Administration, Division of Personnel Services' website: [Office of Personnel Services | Kansas Department of Administration](#)