

SENATE BILL No. 134

By Senator Pittman

2-3

1 AN ACT concerning state agencies; relating to employees; requiring
2 minimum staffing plans.

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

5 Section 1. (a) Each state agency shall draft and implement a staffing
6 plan that:

7 (1) Provides for adequate, appropriate and high-quality delivery of
8 public services;

9 (2) promotes public safety;

10 (3) allows safe operation of each state agency or facility and provides
11 necessary staff resources to respond to emergency situations in patient care
12 or inmate environments; and

13 (4) establishes a minimum staffing level necessary to maintain safe
14 operations at each state agency or facility.

15 (b) Each staffing plan shall identify how the minimum staffing level
16 was determined and include details regarding all risks of falling below the
17 minimum staffing level. Each facility head, division director, department
18 director or regional director, as appropriate, shall be responsible for
19 compliance with the staffing plan and maintaining the minimum staffing
20 level for each facility, division, department or state agency under their
21 authority. Each state agency secretary or agency head is responsible for
22 requesting and allocating sufficient funds to maintain staffing at the
23 minimum level or above the minimum level.

24 (c) All staffing plans required by subsection (a) shall be created and
25 implemented no later than July 1, 2022. Staffing plans shall be considered
26 public records and shall be available to the public upon request.

27 (d) (1) Upon implementation of the staffing plan, monthly staffing
28 level reports showing actual staffing levels in relation to minimum staffing
29 levels shall be written by each state agency.

30 (2) Staffing level reports shall reflect current, actual staffing, by day
31 and by shift, not staffing averages over a period of time.

32 (3) Any employees required to work mandatory overtime shall not be
33 considered when calculating whether a shift is meeting its minimum
34 staffing level.

35 (4) For positions requiring particular training or certifications, only
36 employees holding the required training or certifications shall be

1 considered when calculating the staffing level. Employees from
2 subordinate positions without the required training or certification shall not
3 be considered as filling a position.

4 (5) Staffing level reports shall be available to state employees, the
5 department of administration, the governor, the president of the senate, the
6 senate minority leader, the speaker of the house of representatives and the
7 house minority leader. Such reports shall also be posted monthly on the
8 website of the department of administration.

9 (e) (1) Any state agency or facility failing to maintain its minimum
10 staffing level for two or more consecutive months is required to complete
11 and implement a recruitment and retention plan within 15 days of the end
12 of the second month of failing to maintain its minimum staffing level. The
13 plan shall be provided to state employees, the department of
14 administration, the governor, the president of the senate, the senate
15 minority leader, the speaker of the house of representatives and the house
16 minority leader. The state agency's subsequent monthly staffing reports
17 required by subsection (d) shall include a section describing the state
18 agency's progress in detail under the recruitment and retention plan until
19 such state agency or facility attains its minimum staffing level.

20 (2) Any state agency or facility failing to maintain its minimum
21 staffing level for three or more consecutive months shall issue a press
22 release on the website of the governor notifying citizens of the
23 understaffing and any public health and safety risks created by the
24 understaffing.

25 (3) Any state agency or facility failing to maintain its minimum
26 staffing level for six or more consecutive months shall petition the national
27 institute for occupational safety and health (NIOSH) to perform a safety
28 inspection of the facility. The state agency shall cooperate fully with the
29 inspection and allow NIOSH inspectors full access to facilities, records
30 and employees. Such inspection findings and results shall be provided to
31 the individuals listed in paragraph (1), along with the state agency plan to
32 address any safety issues or deficiencies discovered in the NIOSH
33 findings. Such state agency plan shall also be posted on the website of the
34 department of administration.

35 (f) For the purposes of this section:

36 (1) "State agency" means any executive branch state agency; and

37 (2) "facility" means any hospital, prison, correctional facility or any
38 other building under the control of any executive branch state agency.

39 Sec. 2. This act shall take effect and be in force from and after its
40 publication in the statute book.