

February 23, 2016

The Honorable Ron Ryckman, Jr., Chairperson
House Committee on Appropriations
Statehouse, Room 111-N
Topeka, Kansas 66612

Dear Representative Ryckman:

SUBJECT: Fiscal Note for HB 2559 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2559 is respectfully submitted to your committee.

HB 2559 would require each state agency to create and implement a staffing plan that identifies the staffing levels needed to deliver public services, promote public safety, allow safe operation of the agency and provide necessary staff to respond to emergency situations in patient care or inmate environments. Each plan must identify the minimum staffing level necessary to maintain safe operations at each state agency or facility. Each plan must demonstrate how the minimum staffing level was determined and detail the risks associated with falling below the minimum staffing level. Each agency must submit monthly staffing level reports showing actual staffing levels in relation to minimum staffing levels.

State agencies or facilities that fail to maintain minimum levels of staffing for two or more consecutive months would be required to complete and implement recruitment and retention plans. The plans must be completed within 15 days of the end of the month of failing to maintain minimum staffing levels. Failure by agencies or facilities to maintain minimum levels of staffing for three or more consecutive months would require a press release to be issued on the Governor's website notifying citizens of the understaffing and any risks associated with understaffing. Agencies or facilities failing to maintain minimum levels of staffing for six or more consecutive months must petition the National Institute for Occupational Safety and Health (NIOSH) to perform safety inspections of the facility.

All staffing level reports, recruitment and retention plans, and NIOSH inspection findings must be posted to the Department of Administration website and be made available to state employees, the Governor and legislative leadership.

The Department of Administration indicates that while it is unlikely HB 2559 would require additional staff in the Office of Personnel Services (OPS), the bill could increase the workload of current staff from assisting other Executive Branch state agencies with developing staffing plans, preparing monthly reports, developing recruitment and retention plans and posting monthly staffing reports to the Department's website. The additional workload could result in overtime costs for some OPS staff members and take time and attention away from other duties and responsibilities. However, the precise fiscal effect cannot be determined because it is not possible to predict how complex and time-consuming the plans and reports would be.

For the Department of Revenue, the Department for Children and Families, the Kansas Department for Aging and Disability Services, and the Kansas Department of Wildlife, Parks and Tourism implementing the bill would also have a fiscal effect in the form of additional staff time. While the specific dollar effect is unknown, it is assumed that the bill's requirements could be carried out using current agency staff and resources.

The Commission on Veterans Affairs Office indicates that its human resource staff could also incur overtime from standardizing, coordinating and producing documents for monthly reporting. The Commission notes that staffing reports are currently available for both state veterans homes but are not available for all agency programs. It is estimated that overtime costs could be approximately \$5,500 per year. Currently, the agency does not have a full time public information officer. If publishing staffing reports increases requests under the Kansas Open Records Act or other laws beyond a level that can be accommodated with current staff, the Commission states that a full-time public information officer may be needed at an annual cost of \$80,000.

If the minimum staffing level plan for the Commission requires it to increase employee counts in the Veteran Services field offices, it is estimated that additional expenditures totaling \$312,000 would be needed. Of this amount, \$240,000 would be for the salaries and wages expenses of 6.00 new FTE positions to add one position to each of the six field offices. The remaining \$72,000 would be for new office space at each of the field offices to accommodate the new positions and for IT equipment. The Commission states that the Kansas Veterans Home and the Kansas Soldiers Home would not be affected by a minimum staffing plan required under HB 2559 because both facilities are currently staffed adequately as determined by industry standards and guidelines.

The Kansas Department of Corrections (KDOC) estimates that tracking and reporting monthly staffing levels would require additional staff, but the Department is unable to determine how many positions would be needed and what the cost would be. Currently, the agency conducts regular audits of correctional facilities to ensure appropriate staffing plans are in place. KDOC also states that every level of the agency has a staffing plan to run various shifts throughout the day. Those staffing plans include detailed lists of posts and which ones could be collapsed to achieve minimum staffing, if needed. However, the plans are only for KDOC management. The Department notes making staffing plans public would be a security concern for correctional facilities.

The Kansas Highway Patrol (KHP) indicates that HB 2559 would require additional time by human resource staff to fulfill all of the reporting requirements in the bill. It is likely that this would result in some overtime costs; however, KHP is unable to predict how much overtime would be needed. While it is unclear what staffing benchmarks would be required for KHP under HB 2559, the agency notes that it continues to fulfill its mission and is embarking on a plan to hire 75 additional State Troopers over the next three years.

The Kansas Department of Transportation (KDOT) estimates that the agency would need \$49,300 to hire 1.00 additional Senior Administrative Specialist FTE position to continuously track and report Department staffing levels. Because the agency has not yet established a minimum staffing plan under the bill's requirements, KDOT is unable to estimate the additional expenditures that may be required if the current staffing level is found to be insufficient. Any fiscal effect associated with HB 2559 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Colleen Becker, Department of Administration
Ben Cleeves, Transportation
Adam Pfannenstiel, Corrections
Brad Ridley, Aging & Disability Services
Chris Tymeson, Wildlife, Parks & Tourism
Kim Torrey, Highway Patrol
Pam Rodreguez, Veterans Affairs
Jackie Aubert, Children & Families