AN ACT concerning the state civil service board; transferred from the department of administration to the office of administrative hearings; amending K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2014 Supp. 75-2929d and repealing the existing sections.

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

Section 1. K.S.A. 75-2929b is hereby amended to read as follows: 75-2929b. (a) The board shall be attached to the department of administration and office of administrative hearings and shall be within the department office of administrative hearings as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the secretary of administration or director of administrative hearings. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board or a person or persons designated by such chairperson and the secretary of administration or director of administrative hearings or a person or persons designated by such secretary or director.

  (b) The board shall organize annually by electing one of its members as chairperson and one as vice-chairperson. The board shall meet regularly at least once each calendar quarter and special meetings may be called by the chairperson or by a majority of the board. A quorum of the board shall consist of three members. No action may be taken by the board without the affirmative vote of at least three members. In the holding of hearings of appeals by employees or appointing authorities pursuant to the Kansas civil service act, the board may delegate to one or more of its members the authority to serve as a hearing examiner for such a hearing, but action upon any such appeal shall require the concurrence of at least three members of the board.

  (c) Meetings of the board shall be open to the public and no meeting or hearing of the board shall be held unless at least three members of the board are present. The director of personnel services or administrative hearings shall act as secretary of the board or may designate a person to serve as the secretary of the board. The board shall keep records and minutes of its business and official actions, and such records and minutes shall be public records open to public inspection, subject to rules and regulations specifying the hours and conditions of inspection. The director...
of administrative hearings shall be the legal custodian of such records and shall have the duty to store and maintain such records in order to carry out the official business of the board and respond to inquiries regarding the business and official actions of the board.

(d) Each member of the state civil service board attending meetings of such board, attending a subcommittee meeting thereof authorized by such board, or serving as hearing examiner at a hearing under the Kansas civil service act shall be paid per diem compensation of $70 and shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. In addition, each member, who resides more than 100 miles from the location of an authorized meeting or hearing, shall receive per diem compensation of $35 for each day in travel to or from such meeting or hearing if such travel is on a day other than the day or days of such meeting or hearing.

Sec. 2. K.S.A.—2014 2015 Supp. 75-2929d is hereby amended to read as follows: 75-2929d. (a) The state civil service board shall hear appeals taken to it pursuant to: (1) K.S.A. 75-2940, 75-2949 and 75-3747, and amendments thereto, concerning demotion, dismissal or suspension of a permanent employee in the classified service, or concerning refusal to examine an applicant or to certify a person as eligible for a job class; and (2) K.S.A. 75-2973, and amendments thereto, concerning disciplinary action in violation of that statute.

(b) When an appeal is taken to the board, the board shall establish a time and a place for the hearing which shall be held within 45 days after receipt of request for the appeal. The board shall notify the person bringing the appeal and the appointing authority or other person whose action is being reviewed of the time and the place of the hearing at least 14 days prior to such hearing. Each party at the hearing shall have the right to be represented by a person of the party's own choice. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. For purposes of the administrative procedure act, the state civil service board shall be deemed the agency head. The board may affirm, modify or reverse an agency action and order any other action it deems appropriate.

(c) The board, or the director of personnel services administrative hearings when authorized by majority vote of the board, may depose witnesses. Either party to a hearing may depose witnesses in accordance with the Kansas administrative procedure act. If books and papers are required to be produced in advance of a hearing date, the person or agency producing the books and papers shall be entitled to receive reasonable compensation to recover all costs of such production from the person or agency for which they are produced. The board, any presiding officer or the director of administrative hearings may examine such public records
as may be required in relation to any matter which the board has authority
to investigate.

(d) Each person not in the classified or unclassified service who
appears before the board or the director of administrative hearings by
order shall receive for such person's attendance the fees and mileage
provided for witnesses in civil actions in the district court. Such fees and
mileage shall be audited and paid by the state upon presentation of proper
vouchers. Each witness subpoenaed at the request of parties other than the
board or the director of administrative hearings shall be entitled to
compensation from the state for attendance or travel only if the board
certifies that the testimony of such witness was relevant and material to the
matter investigated or, if such witness is not called to testify, the board
determines and certifies that such compensation should be paid.

Sec. 3. K.S.A. 75-2929g is hereby amended to read as follows: 75-
2929g. The secretary of administration, upon recommendation of the
director of personnel services administrative hearings and the board, may
adopt rules and regulations as provided in K.S.A. 75-3706, and
amendments thereto, to carry out the provisions of K.S.A. 75-2929d to 75-
2929g, inclusive; and 75-2949d to 75-2949f, inclusive, and amendments
thereto.

Sec. 4. K.S.A. 75-3746 is hereby amended to read as follows: 75-
3746. The director of personnel services shall:

(a) Require the development of effective personnel administration
within all agencies in the state and make available the facilities of the
division of personnel services to this end.

(b) Keep in the office of the division of personnel services an official
roster of the state civil service showing the employment history of each
and every person who has been appointed to, employed, promoted,
reduced or reinstated in any position in such service. The director of
personnel services shall have access to all public records and papers, the
examination of which will aid in the discharge of the director's duty in
connection with this roster.

(c) Prepare, in accordance with the provisions of the Kansas civil
service act and rules and regulations adopted thereunder as provided in
K.S.A. 75-3706, and amendments thereto, examinations, eligible lists and
ratings of candidates for appointment.

(d) Make certification for appointment within the classified service,
in accordance with the provisions of the Kansas civil service act.

(e) Make investigations concerning all matters touching the
enforcement and effect of the provisions of the Kansas civil service act and
rules and regulations adopted thereunder as provided in K.S.A. 75-3706,
and amendments thereto.

(f) Make an annual report to the secretary of administration, the
legislature and the governor regarding the activities of the division.

(g) Attend or designate a representative to attend all meetings of the state civil service board.

(h) Prepare and recommend to the secretary of administration rules and regulations suitable for adoption as provided in K.S.A. 75-3706, and amendments thereto, for the purpose of carrying out the provisions of the Kansas civil service act. Such rules and regulations shall provide, among other things, for current records of efficiency for methods of regular distribution of communication materials; the manner of completing appointments and promotions; the rejection of eligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their rating in the examinations; leave of absence with and without pay; transfers, reinstatements, layoffs, vacations and public notice of examinations; procedure for changes in rates of pay; hours of work and other conditions of employment; the establishment of programs, including trainee programs, designed to attract and utilize persons with limited qualifications, but with potential for development, in order to provide career development opportunities; establishment of a plan for resolving employee grievances and complaints; development and operation of programs to improve work effectiveness, including orientation, on-the-job training, supervisory training, managerial development, safety, fringe benefit counseling and employee relations; and the establishment of policies regarding manpower allocation and control.

(i) Conduct regular planned assistance visits from the division of personnel services to review personnel practices of agencies and identify agency needs.

(j) Administer the Kansas civil service act.

Sec. 5. K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2014 Supp. 75-2929d are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after July 1, 2016 2017, its publication in the statute book.