

Employee Preference Frequently Asked Questions

1. What is the Kansas Employee Preference Program?

Governor Sebelius' Executive Order No. 03-07 directed the Secretary of Administration to establish a Kansas Employee Preference Program. This program provides State of Kansas employees who have been laid off, or who have received a written proposed notice of layoff, with preference for announced positions for which they qualify 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?

There are two groups of employees that are eligible for Kansas

Employee Preference:

Group One: If you were a classified employee and left state employment due to a layoff on or after June 8, 2002 and you have not been reemployed in a benefits eligible position, you are eligible for employee preference, provided your last performance rating before being laid off was "satisfactory" or better and you had not been suspended, involuntarily demoted or dismissed anytime during the 12 months before the layoff occurred.

Group Two: If you are a classified employee who has received a written proposed layoff notice and a copy of the Kansas Employee Preference letter, but you haven't actually been laid off, you are eligible for employee preference, provided your last performance rating before being laid off was "satisfactory" or better and you have not been suspended, involuntarily demoted or dismissed anytime during the 12 months before the layoff occurs. If you believe you are eligible for employee preference, but have not been notified by the Human Resource Department in your agency, you should contact them.

3. How long does the preference last?

The preference ends:

- 12 months from July 30, 2003 (the effective date of the regulation); or
- 12 months from the date of the actual layoff whichever date is later.

Or if:

- You give verbal or written acceptance of employment in a benefits eligible position with the State of Kansas; or
- You are formally disciplined after becoming eligible for employee preference, but before the date you are actually laid off.

4. What positions can I use my preference for?

You can use your preference for any **classified** position in state government if:

- The position is at the same pay grade or a lower pay grade than the position from which you were laid off from, or are scheduled to be laid off from;

- You meet 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 easiest way to find the State of Kansas Notice of Vacancies is by visiting the website at <http://www.jobs.ks.gov>. Select "Job Search" and you can click on the complete job listing. The State of Kansas Notice of Vacancies is also available at all Workforce Centers throughout Kansas and the Human Resources Office of larger state agencies.

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 in order 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 full time positions?

Yes, as a part-time permanent employee who was laid off or received a written notice of layoff, you can use your employee preference for either full or part-time benefits eligible classified positions.

If you are a part-time employee who was laid off from a non-benefits eligible position, you will also be able to use your employee preference for a classified position comparable to the one from which you were laid off, but if you use employee preference for such a position, it will end your eligibility.

8. Can I use my employee preference on a job that is at a higher pay grade than I am currently on?

No, you can only use your preference for a job that is on a pay grade equal to or lower than your current pay grade, or the pay grade you were on at the time of your layoff. You can still apply for promotions, but you cannot use your preference to seek a position on a higher pay grade. Once you have given verbal or written acceptance for any position that is benefits eligible, even if it is a promotion, you will lose your employee preference.

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

Your pay grade will be listed in the Kansas Employee Preference letter you receive when notified of layoff action. If you aren't sure of your pay grade, you should contact your agency Human Resource Office.

10. If I accept an unclassified position will I lose my employee preference?

Yes, if the unclassified position is benefits eligible, you will lose your eligibility for preference. You will also lose your eligibility for preference if you were laid off from or

have received written notice of layoff from a position that is not eligible for benefits and you accept an unclassified position that is not eligible for benefits.

11. Will my eligibility continue if I exercise my bumping rights?

If you are scheduled to be laid off but have bumping rights, you will lose your employee preference when you use your bumping rights and move to that position, provided the position is benefits eligible.

12. Do I automatically get the position if I exercise my preference for the position?

It is not completely "automatic." First, you have to meet the minimum qualifications for the position, and then the agency has to 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 is a veteran.

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 get 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 a veteran applies for the same position at an agency as an individual that has employee preference, is the agency still required to interview the veteran?

No. According to K.A.R. 1-6-21(c)(3) if an individual with employee preference applies for a position the agency is not required to interview veterans that apply for the same position.

14. If I exercise my preference, but for some reason I don't get the job, will I lose my preference?

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

15. If I exercise my preference but turn the job down, will I lose my preference?

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

16. What happens if an agency believes I cannot do the job?

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 his designee will contact you to discuss the matter.

17. Will I be able to stay at my current 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.

18. Do I have to provide an Employment Application, 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.

19. Can I use employee preference if I think I am going to be laid off, but have not received official notice yet?

No, you are only eligible for an employee preference if you have been notified in writing of proposed layoff and have received a letter stating that you have the right to Kansas Employees' Preference.

20. If I have received my notice and accept a non-State of Kansas job do I retain my preference?

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

21. If I have received my notice and accept a non-benefits eligible classified or unclassified position, regardless of whether it is full-time or part-time, 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.

22. 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.

23. If an employee who is going to be laid off decides to retire, do they retain the employee preference should they decide to return to work?

Yes, the employee who retires in lieu of layoff would retain their employee preference.

24. Where can I get additional information?

You should first contact the Human Resource Office in your agency since they will be the most familiar with your particular situation. You may also email Vicki Harding at vicki.harding@da.ks.gov.