



K A N S A S

JACK RICKERSON, DIRECTOR

DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL SERVICES

KATHLEEN SEBELIUS, GOVERNOR
HOWARD R. FRICKE, SECRETARY

MEMORANDUM

TO: Agency Heads and HR Directors

FROM: Jack Rickerson

DATE: March 31, 2003

SUBJECT: Kansas Employee Preference Program

Governor Sebelius' Executive Order No. 03-07 directed the Secretary of Administration to prepare necessary personnel regulations, policies or procedures to establish a Kansas Employee Preference Program. This program provides State of Kansas employees who have been laid off, or who have received a formal 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. To get this program underway as soon as possible, we are pursuing temporary regulations. A copy of those proposed regulations is attached.

A hearing with the Regulations Board on these temporary regulations is scheduled for April 1, 2003. We anticipate these regulations will be approved as proposed, but we will get final word to you after the hearing. We are providing these draft regulations now so you can begin your planning to manage the efforts the program requires.

As you read the draft regulations, you will see the program provides preference for:

1. Employees who have been separated from state employment due to layoff and have not been reemployed. The program reaches back to cover those employees who were laid off on or before July 1, 2002.
2. Employees who receive a formal (written) layoff notice, as provided by the regulations, but have not yet actually been separated.

The essence of this program is to provide or continue employment in a benefits eligible position. Employees who may have the option to bump are eligible for this preference until or unless they exercise their right to bump, at which time they would continue their employment. While employees eligible for this preference cannot use this preference to obtain a position in the unclassified service, they will lose their eligibility for the

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preference if they apply and are selected for an unclassified position that provides benefits, including an unclassified temporary position.

To ensure compliance with the program's requirements, we recommend Appointing Authorities provide eligible employees with a letter explaining their eligibility and actions required on their part. A sample letter is attached. Appointing Authorities/HR Directors will need to contact and provide a slightly different letter to employees who have been, and remain separated from state service due to layoff, if the layoff occurred on or after July 1, 2002.

You will see in the sample letter that employees are required to initiate action by making timely contact with the recruiter for a given vacancy listed on Notice of Vacancy Listing, and that they will be required to produce a copy of their letter from the Appointing Authority as evidence of their eligibility for preference. We recommend, as a standard practice, the HR people with the receiving agency contact the HR people with the agency laying off the employee to confirm the employee's eligibility for the preference.

Further, in those instances in which the employee has been laid off for a period of time longer than 60 days, and the receiving agency does not have the necessary access to check Employment History in SHARP, we recommend the receiving agency send an e-mail to request.sharp@state.ks.us to confirm there has been no interim employment in a benefits eligible position with the state.

Once the regulations are approved, employees will be entitled to be considered for all (appropriate) positions still open for application, including those listed with a close date of "Open Until Fill," and for all future vacancies announced. The regulations indicate that agencies are only required to interview up to seven applicants exercising preference. We encourage you to interview all applicants exercising preference, unless that effort would be burdensome.

Secretary Fricke has asked that the Division of Personnel Services track the success of this program. We are looking at the potential to manage tracking through SHARP entries to minimize agency efforts in providing data. We will get back with you soon to explain necessary tracking actions.

This is a first for Kansas. While some agencies have employed Secretary's preference, this larger effort, which will be new to many agencies, will bring its share of challenges. I am confident we will be able to successfully work through those challenges to achieve the outcomes envisioned by the Governor. I'm excited about the opportunities this program will provide to demonstrate commitment to our workforce, to help those employees who are directly affected by layoff action, and to retain our investment in the skills and experience of our employees.

Questions about the regulations or program should be addressed first to me (jack.rickerson@state.ks.us /785-296-2541) then to Kraig Knowlton (kraig.knowlton@state.ks.us /785-296-1082) in my absence. Thanks.

JER:hf

Attachments

cc: Carol Foreman