**M E M O R A N D U M**

**TO:** Employee Advisory Committee

**FROM:** Natalie Yoza, President

**DATE:** July 23, 2020

**SUBJECT:**  Proposed New Legislation Addressing K.S.A. 75-6502

Membership on the Kansas Health Care Commission (HCC) is established by a statute, K.S.A. 75-6502(a). The five members are the: (1) Insurance Commissioner; (2) Secretary of Administration; (3) a “current state employee in the classified service under the Kansas civil service act, appointed by the governor”; (4) “a person who retired from a position in the classified service under the Kansas civil service act, appointed by the governor”; and (5) a representative of the public, appointed by the governor. This statute was last amended in 1992, and the character of the state workforce has drastically changed since then.

Today, most state employees are unclassified, meaning they are at-will employees that can be fired at any time. In contrast, employees subject to the Kansas Civil Service Act are in classified service. The Act establishes policies and procedures for personnel matters, including hiring, advancement, and benefits. Classified employees are also entitled to appeal disciplinary actions to the Kansas Civil Service Board. In recent history, the Act was amended to permit conversion of many classified positions to unclassified. This has caused a dramatic reduction in the number of state employees in classified service.

In 2000—eight years after K.S.A. 75-6502 was last amended—there were 20,090 classified employees and 2,082 unclassified non-University Executive Branch employees. By 2020, there were 5,747 classified and 12,841 unclassified non-University Executive Branch employees. Notably, these figures exclude employees in the judicial branch, legislative branch, and all University employees. Historically, some University employees were in classified service, but those positions have all been converted.

As a result of this dramatic shift, the number of state employees eligible to serve on the HCC has also dramatically shrunk—a trend that is likely to continue. One way to address representation of this changing workforce on the HCC is for the EAC to recommend that the HCC seek an amendment to K.S.A. 75-6502(a) during the 2021 Legislative Session. And there are various ways to amend the statute, including eliminating the restriction that the current state employee serving on the HCC be in classified service. This amendment would not exclude classified employees from appointment. But it would allow unclassified employees, which are now the overwhelming majority of state employees, the opportunity to serve on the HCC.

The retired HCC member is also limited to those who served in classified service. Over time, the same dramatic shift will occur within our retiree population and the percentage of retirees that served in classified service will diminish. The EAC could also seek an amendment that removes the restriction that the retiree member of the HCC be from classified service.

If the EAC wants to look into this issue, several stakeholders should be engaged including the HCC’s legal counsel and the Kansas Organization of State Employees.