

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Commerce, Labor and Economic Development** recommends **SB 333**, As Amended by Senate Committee, be amended on page 1, following line 5, by inserting:

"New Section 1. Sections 1 through 3, and amendments thereto, shall be known and may be cited as Kathy's bill.

New Sec. 2. For purposes of sections 1 through 3, and amendments thereto:

(a) "Disability" means a physical or mental impairment that substantially limits one or more major life activities of an individual.

(b) "Major life activities" includes, but is not limited to, the activities of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. "Major life activities" also includes the operation of major bodily functions, including, but not limited to, the immune system, normal cell growth, digestive system, bowel, bladder, neurological system, brain, respiratory system, circulatory system, endocrine system and reproductive system.

(c) "Reasonable accommodation" means:

(1) Making existing facilities used by employees readily accessible and usable by individuals with disabilities; and

(2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or

interpreters or other similar accommodations for individuals with disabilities.

(d) "State government" means any department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and legislative branches of state government and political subdivisions of the state.

New Sec. 3. (a) Persons with disabilities shall be preferred for employment and promotion in the state government of Kansas if qualified, with or without a reasonable accommodation, to meet the performance standards of the position. In the event that a person with a disability meeting the requirements of this act and a veteran meeting the requirements of the veteran's preference established by K.S.A. 73-201, and amendments thereto, apply for the same position, the person having the highest qualifications meeting the performance standards of the position shall receive the primary preference.

(b) State government job opening notices and application forms shall state that the position is subject to the disability preference and explain how applicants with disabilities may take advantage of the preference, including information regarding the documentation of a disability that shall be provided pursuant to subsection (c) and the process that will be used for selection.

(c) An applicant who is a person with a disability shall provide documentation of the person's disability to the state government hiring authority when applying for the disability preference by providing a copy of one of the following documents:

- (1) Supplemental security income or social security disability insurance determination letter;
- (2) letter from a managed care organization or a qualified medical professional attesting to the disability;
- (3) home and community-based services waiver approval letter; or

(4) vocational rehabilitation letter from a vocational rehabilitation counselor.

(d) The state government hiring authority shall offer an interview to a person who has applied for an open position who is qualified, with or without reasonable accommodation, to meet the performance standards of the position and who has presented proof of disability as provided in subsection (c).

(e) In any reduction in personnel by the state government employer, employees who are persons with disabilities shall be retained in preference to all other employees in the same job classification or job title with equal qualifications, seniority, status and performance reviews.

(f) A person with a disability has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection (e) at a later date unless the disability is disclosed prior to the announcement of a layoff by submission of documentation as provided in subsection (c). Disclosure may be made to the state government human resources office where the employee is employed and shall remain confidential unless disclosure is required for the provision of a reasonable accommodation for the person with a disability or for emergency preparedness planning.

(g) The provisions of sections 1 through 3, and amendments thereto, shall not apply to positions that are filled by elected officers or vacancies in such elected offices, personal secretaries of such officers, members of boards and commissions, persons employed on a temporary basis, positions held by patients in state institutions, inmates in the custody of the secretary of corrections, students enrolled at a state educational institution, heads of departments, positions that require licensure as a physician and positions that require that the employee be admitted to practice law in Kansas.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "the state use law" and inserting "persons

with disabilities; relating to employment thereof"; also in line 1, before "extending" by inserting "providing hiring, promotion and retention preferences for such persons for certain executive branch state government positions;"; and the bill be passed as amended.

\_\_\_\_\_ Chairperson