Testimony on HB 2165
To
The Financial Institutions & Pensions Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
February 25, 2019

Members of the committee:

The Kansas Department of Corrections urges favorable consideration to HB 2165.

I am writing to urge favorable consideration of HB 2165. During my previous tenure as Secretary of Corrections, the department had encouraged adding certain corrections personnel to the Kansas Police and Fire retirement system. The job performed by corrections personnel is physically, mentally and emotionally demanding. It takes a toll on the men and women who work in our agency to keep their fellow Kansans safe. It carries risks comparable to those encountered by police and firefighters, but their duties are performed out of the sight of the public and have, in my opinion, been overlooked for far too long.

As you well know, we are experiencing a critical shortage in our ranks at this time, so severe that I recently was compelled to declare an emergency for El Dorado Correctional Facility. We are struggling to fill positions at almost all of our correctional facilities and field offices. We have spoken to our employees and know that salaries, benefits and working conditions not only attract people to employment but are important in motivating them to continue to work in this service. We have not kept up with our competitors. We need any and every incentive we can get to attract and retain the best people available. We believe this would be another important tool to assist us in that effort.

Over the last few weeks, I have been showing pictures of our employees and our facilities and the challenges they have faced and are continuing to confront. Our parole officers contact and confront offenders under oftentimes dangerous circumstances – many times with the bad news that an offender needs to return to prison for non-compliance of the terms of their release.
It is my belief that the more you, as policy makers, know and see about what our staff’s work is like, the better and more informed decisions you can make. I am again providing a set of photographs of our employees to give you a sense of why it is appropriate to include them in the KP&F system. Some of these pictures were taken during my previous tenure as Secretary from 2002 to 2010. Other are much more recent, but the story remains the same. Corrections personnel perform important roles in very difficult and challenging environments, and they deserve the same consideration we have shown to other law enforcement personnel and firefighters.

I have attached a balloon amendment to incorporate parole officers into this bill. Thank you for your consideration of this request.
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AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and
membership of certain employees of the department of corrections
located at correctional institutions and juvenile correctional facilities in
the Kansas police and firemen's retirement system; employee and
employer contributions.

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

Section 1. (a) On January 1, 2020, the department of corrections shall
be an eligible employer as defined in K.S.A. 74-4952, and amendments
thereto, and shall affiliate on January 1, 2020, with the Kansas police and
firemen's retirement system established under K.S.A. 74-4951 et seq., and
amendments thereto.

(b) The division of the budget and the governor shall include in the
budget and in the budget request for appropriations for personnel services,
the amount required to satisfy the employer's obligation under this section
as certified by the board of trustees of the system, and shall present the
same to the legislature for allowance and appropriation. Upon affiliation,
the department of corrections shall pay to the system a sum sufficient to
satisfy such obligations as certified by the board.

(c) The determination of retirement, death or disability benefits shall
be computed upon the basis of credited service, as used in K.S.A. 74-4951
et seq., and amendments thereto, but shall include only participating
service with the department of corrections, commencing on and after the
effective date of affiliation by the department of corrections with the
Kansas police and firemen's retirement system.

(d) Any rights or benefits accruing to any security officer employed
by the department of corrections prior to the effective date of affiliation
shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,
and amendments thereto. Any security officer who becomes a member
pursuant to this section, who has a vested retirement benefit pursuant to
K.S.A. 74-4917, and amendments thereto, and who terminates
employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,
and amendments thereto, may have such service credited for purposes of
computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and
amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et
seq., and amendments thereto, to the contrary, if a security officer has a
vested retirement benefit pursuant to K.S.A. 74-4963, and amendments
thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and
amendments thereto, and retires on or after such security officer's normal
retirement date under K.S.A. 74-4957a, and amendments thereto, then
such security officer shall also be deemed to have retired for the purposes
of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible
for such vested retirement benefit pursuant to K.S.A. 74-4917, and
amendments thereto.

(c) Every person who is employed as a security officer on or after the
entry date of the department of corrections into the Kansas police and
firemen's retirement system shall become a member of the Kansas police
and firemen's retirement system.

(f) Except as otherwise provided by this act, any security officer
employed by the department of corrections who becomes a member of the
Kansas police and firemen's retirement system shall be subject to all the
provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

(g) Beginning with the first payment of compensation for services of
a security officer after becoming a member of the Kansas police and
firemen's retirement system, the employer shall deduct from the
compensation of such member 7.15% as the employee contribution to the
system. Such deductions shall be remitted, deposited and credited as
provided in K.S.A. 74-4965, and amendments thereto.

(h) As used in this section, "security officer" means any person, as
certified to the board by the secretary of corrections, who is employed on
or after the effective date of this act as an employee of the department of
corrections:

(1) Who is in any position in a job class in the corrections officer or
juvenile services corrections officer class series, including, but not limited
to, corrections officer I (A), corrections officer I (B), corrections officer II,
corrections supervisor I, corrections supervisor II, corrections supervisor
III, corrections counselor I, corrections counselor II, unit team supervisor,
corrections classification administrator, juvenile corrections officer I (A),
juvenile corrections officer I (B), captain, major, juvenile corrections
officer II, juvenile corrections officer III, special investigator II, unit team
manager, chief of security, RAI investigator or RAI investigator supervisor
job class, as all such job classes are described on January 1, 2020, in the
state job classification plan in effect for the classified service under the
Kansas civil service act or who is in a position in any successor job class
or classes that have been approved under K.S.A. 75-2938, and
amendments thereto, and who have substantially the same duties and
responsibilities thereof;

(2) who is promoted prior to or on or after January 1, 2020, from a

d position in any job class under paragraph (1) to any position in any job

class of warden or deputy warden of any correctional institution, training

program manager, training technician, superintendent, deputy

superintendent, corrections manager I, corrections manager II, staff

development specialist, safety and health inspector or safety and health

specialist, as such job classes are described on January 1, 2020, in the state

job classification plan in effect for the classified service under the Kansas

civil service act or to any successor job class or classes that are approved

under K.S.A. 75-2938, and amendments thereto, and who have

substantially the same duties and responsibilities, if the person was

employed and had at least three consecutive years of service in any one or

more positions in any one or more job classes described in paragraph (1)

immediately preceding promotion to the position in a job class under this

paragraph and is located at a correctional institution or a juvenile

correctional facility,

(3) who is in any position for which the duties and responsibilities

directly and primarily involve operation of power plant facilities within

any correctional institution or juvenile correctional facility and involve

regular contact with inmates or juvenile offenders;

(4) who is in any position for which the duties and responsibilities

directly and primarily involve the operation of the correctional industries

duty within a correctional institution or juvenile correctional

correctional facility and involve regular contact with inmates or juvenile offenders;

(5) who is in any position for which the duties and responsibilities

directly and primarily involve supervision of food service or laundry

operations within any correctional institution or juvenile correctional

correctional facility and involve regular contact with inmates or juvenile offenders;

(6) who is in any position for which the duties and responsibilities

directly and primarily involve supervision of maintenance operations

within any correctional institution or juvenile correctional facility and

involve regular contact with inmates or juvenile offenders;

(i) As used in this section, references to the department of corrections

include correctional institutions as defined by K.S.A. 75-5202, and

amendments thereto, and juvenile correctional facilities as defined by

K.S.A. 2018 Supp. 38-2302, and amendments thereto, unless the context

requires otherwise.

Sec. 2. This act shall take effect and be in force from and after its

publication in the statute book.

Who is in any position in a job class in the parole officer or parole

supervisor class series, including, but not

limited to, parole officer I, parole officer II, or parole supervisor job class, as all such

job classes are described on January 1, 2020, in the state job classification plan in

effect for the classified service under the Kansas civil service act or who is in a

position in any successor job class or classes that have been approved under

K.S.A. 75-2938, and amendments thereto, and parole officers as defined by K.S.A. 75-5202, and

amendments thereto,