

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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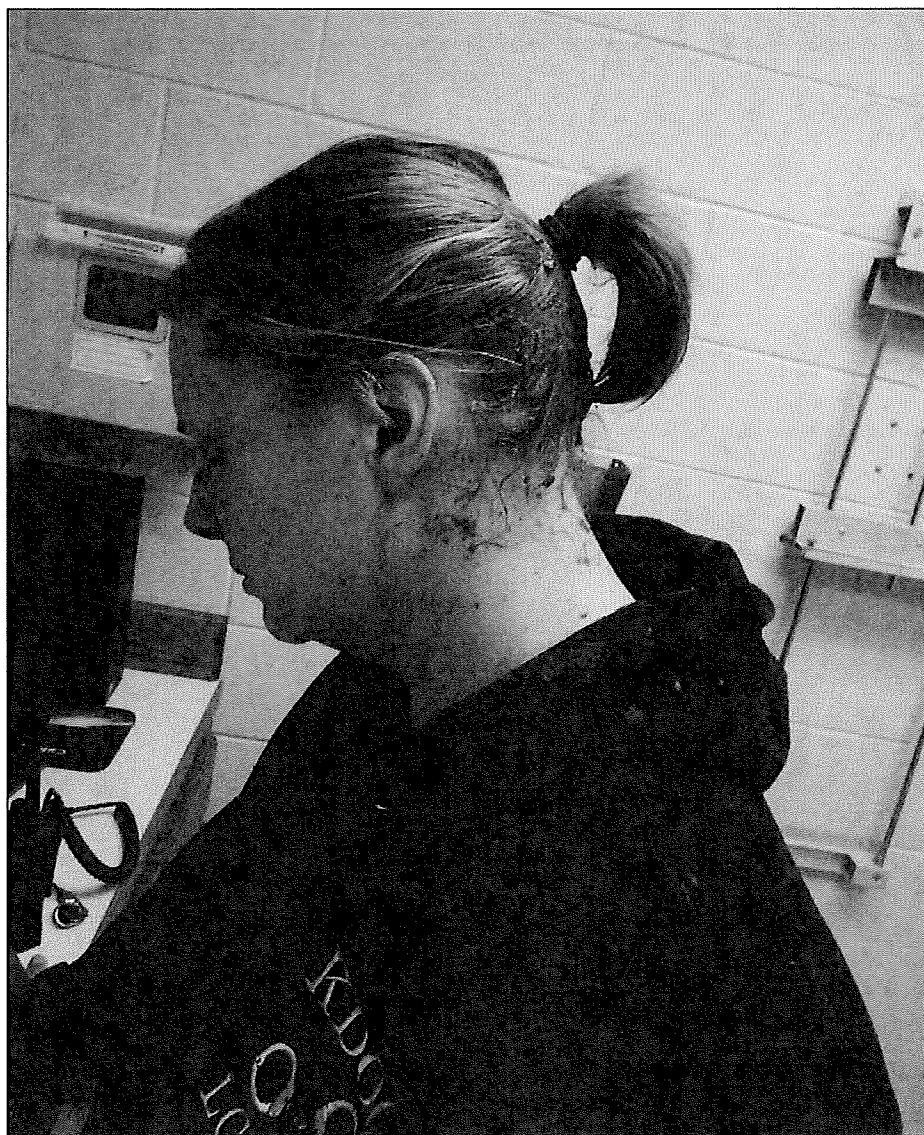
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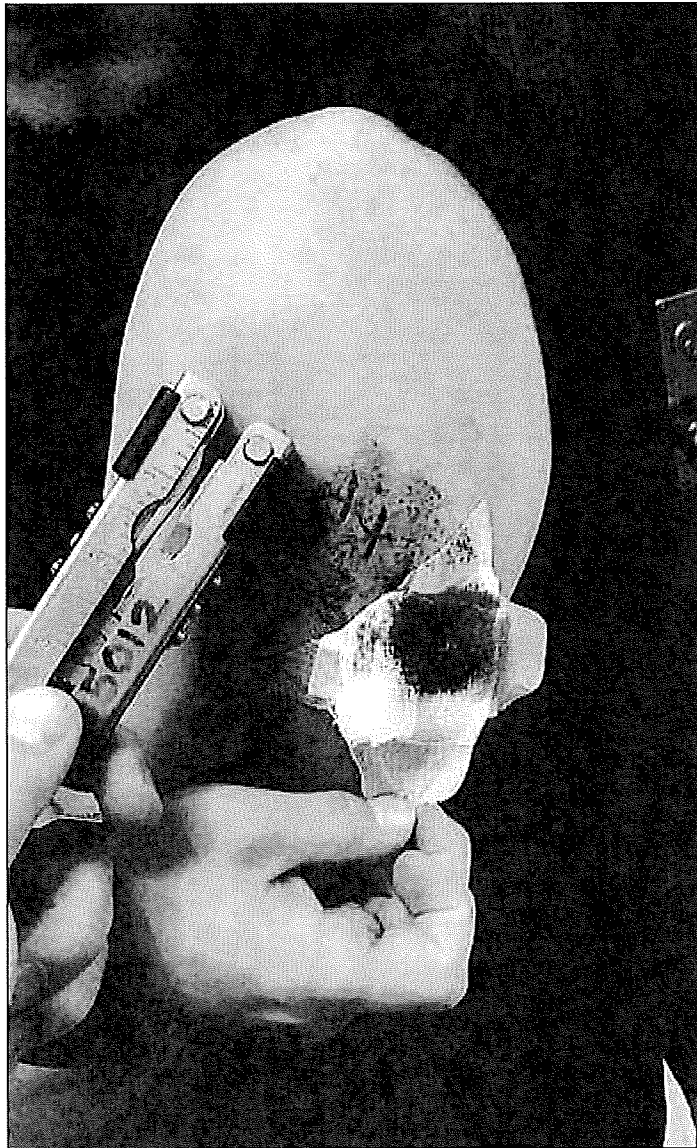
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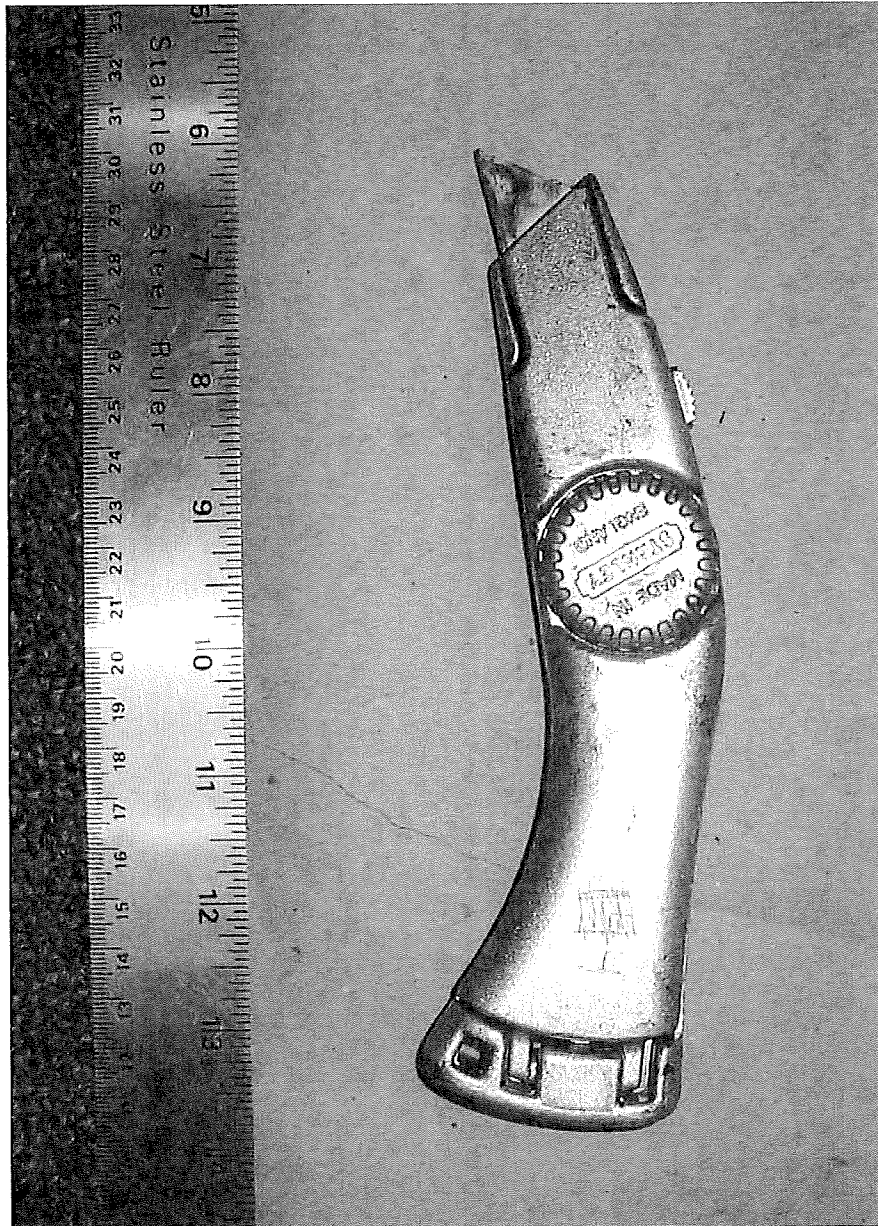
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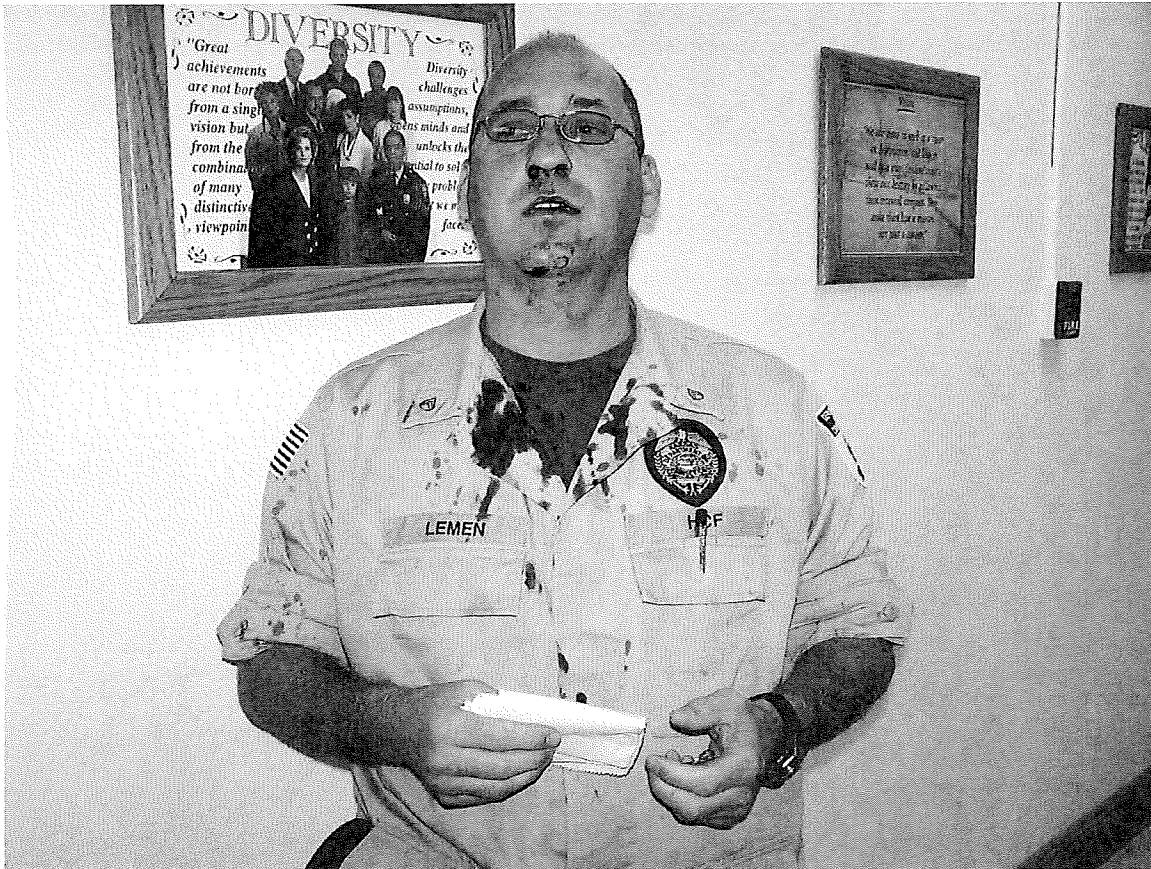
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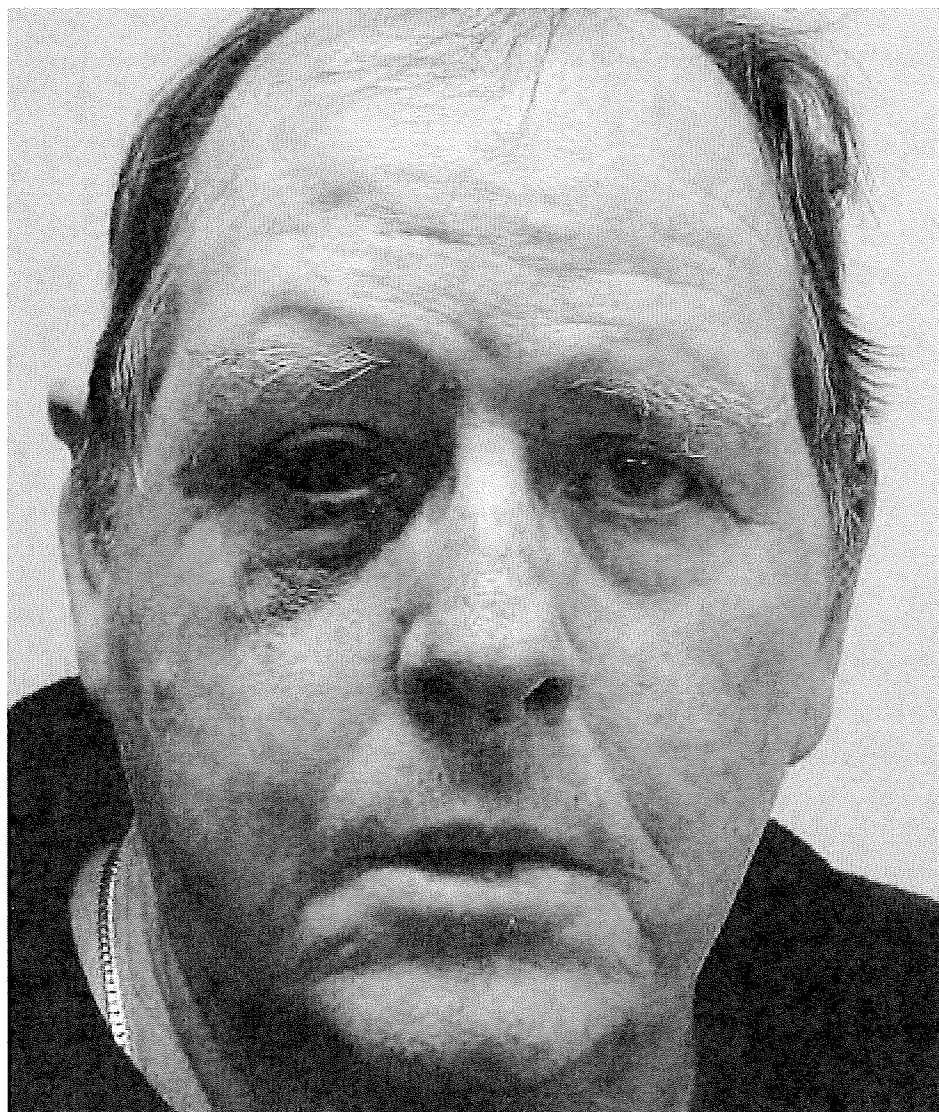
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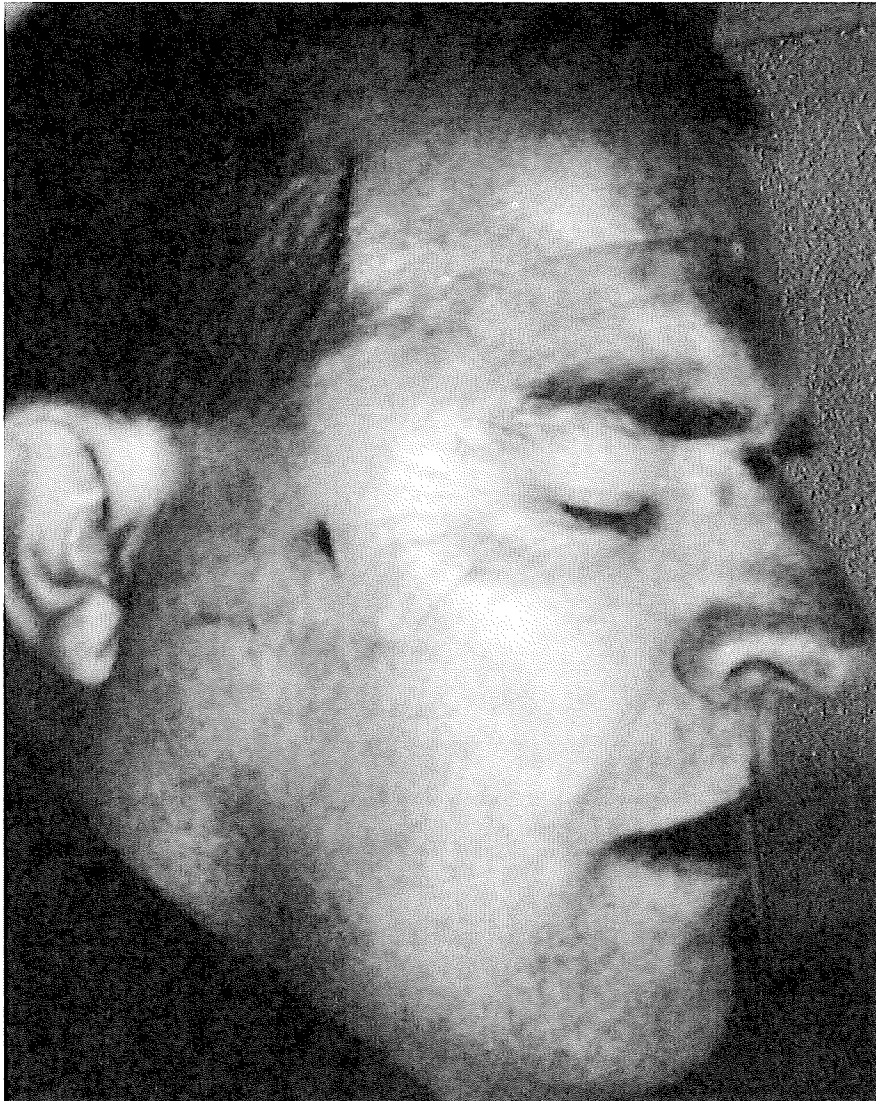
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**HOUSE BILL No. 2165**

By Representatives Delperdang, Bergquist, Capps, W. Carpenter, Highland, Hoheisel, Holscher, Howard, Humphries, Jacobs, Jennings, Moore, Owens, Patton, Pittman, Probst, Resman, Seiwert, E. Smith and Thomas

2-6

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employees retirement system and systems thereunder; affiliation and  
3 membership of certain employees of the department of corrections  
4 located at correctional institutions and juvenile correctional facilities in  
5 the Kansas police and firemen's retirement system; employee and  
6 employer contributions.  
7

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

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

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

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

27 (d) Any rights or benefits accruing to any security officer employed  
28 by the department of corrections prior to the effective date of affiliation  
29 shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,  
30 and amendments thereto. Any security officer who becomes a member  
31 pursuant to this section, who has a vested retirement benefit pursuant to  
32 K.S.A. 74-4917, and amendments thereto, and who terminates  
33 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,  
34 and amendments thereto, may have such service credited for purposes of

1 computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and  
2 amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et  
3 seq., and amendments thereto, to the contrary, if a security officer has a  
4 vested retirement benefit pursuant to K.S.A. 74-4963, and amendments  
5 thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and  
6 amendments thereto, and retires on or after such security officer's normal  
7 retirement date under K.S.A. 74-4957a, and amendments thereto, then  
8 such security officer shall also be deemed to have retired for the purposes  
9 of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible  
10 for such vested retirement benefit pursuant to K.S.A. 74-4917, and  
11 amendments thereto.

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

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

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

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

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

1 responsibilities thereof;  
 2 (2) who is promoted prior to or on or after January 1, 2020, from a  
 3 position in any job class under paragraph (1) to any position in any job  
 4 class of warden or deputy warden of any correctional institution, training  
 5 program manager, training technician, superintendent, deputy  
 6 superintendent, corrections manager I, corrections manager II, staff  
 7 development specialist, safety and health inspector or safety and health  
 8 specialist, as such job classes are described on January 1, 2020, in the state  
 9 job classification plan in effect for the classified service under the Kansas  
 10 civil service act or to any successor job class or classes that are approved  
 11 under K.S.A. 75-2938, and amendments thereto, and who have  
 12 substantially the same duties and responsibilities, if the person was  
 13 employed and had at least three consecutive years of service in any one or  
 14 more positions in any one or more job classes described in paragraph (1)  
 15 immediately preceding promotion to the position in a job class under this  
 16 paragraph and is located at a correctional institution or a juvenile  
 17 correctional facility;

INSERT: "or (7)"

DELETE: "or" and INSERT: ", "

INSERT: "parole director or deputy parole director"

INSERT: "or (7)"

DELETE: "or"

INSERT: "or a parole office"

18 (3) who is in any position for which the duties and responsibilities  
 19 directly and primarily involve operation of power plant facilities within  
 20 any correctional institution or juvenile correctional facility and involve  
 21 regular contact with inmates or juvenile offenders;

DELETE: "or"

22 (4) who is in any position for which the duties and responsibilities  
 23 directly and primarily involve the operation of the correctional industries  
 24 activity of the department of corrections within a correctional institution or  
 25 juvenile correctional facility and involve regular contact with inmates or  
 26 juvenile offenders;

INSERT: "or (7) 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 who have substantially the same duties and responsibilities thereof."

27 (5) who is in any position for which the duties and responsibilities  
 28 directly and primarily involve supervision of food service or laundry  
 29 operations within any correctional institution or juvenile correctional  
 30 facility and involve regular contact with inmates or juvenile offenders; or

31 (6) who is in any position for which the duties and responsibilities  
 32 directly and primarily involve supervision of maintenance operations  
 33 within any correctional institution or juvenile correctional facility and  
 34 involve regular contact with inmates or juvenile offenders.

35 (i) As used in this section, references to the department of corrections  
 36 include correctional institutions as defined by K.S.A. 75-5202, and  
 37 amendments thereto, and juvenile correctional facilities as defined by  
 38 K.S.A. 2018 Supp. 38-2302, and amendments thereto, unless the context  
 39 requires otherwise.

40 Sec. 2. This act shall take effect and be in force from and after its  
 41 publication in the statute book.

DELETE: "and"

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