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**Testimony to the
House Committee on Financial Institutions and Pensions
House Bill No. 2289
Sean P. McCauley
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Mr. Chairman and members of the Committee, good morning. My name is Sean McCauley, and I serve as the State Lodge Attorney for the Kansas State Lodge of the Fraternal Order of Police (FOP). I am also the General Counsel for the Kansas State Troopers Association, the General Counsel for the Missouri State FOP as well the attorney for a number of FOP Local Lodges throughout the states of Kansas, Missouri and Colorado.

I am here this morning to offer testimony as a proponent of HB 2289 which seeks to amend portions of the Kansas Public Employee Retirement System (KPERs) pertaining to mandated paid administrative leave. As members of the Committee may well be aware, many law enforcement agencies, including the Kansas Highway Patrol, have determined, as a matter of sound law enforcement policy, that any officer involved in an incident causing death or serious physical injury shall be placed on administrative leave with pay until it is determined by a mental health professional that the officer is ready to return to duty. As you might expect, the duration of such administrative leave in each case depends upon a variety of circumstances that are beyond the control of the individual officer or Trooper. Often times, officers remain on paid administrative leave for an extended period of time. There is without question a mental health crisis in law enforcement. The organizations I represent, in cooperation with many law enforcement employers, have taken important steps to address mental health in the last several years. Part of that process requires officers to be relieved of duty while they address these issues. HB 2289 guarantees that officers are protected during this time away from work.

It has been recently brought to my clients' attention that KPERs considers that any officer assigned to paid administrative leave for more than ten (10) days is not covered by the state retirement system, and that KPERs will not grant participating service credit to any officer during such extended leave. HB 2289 corrects this issue and simply provides that such paid administrative leave time constitutes participating service credit.

This issue is very important. If HB 2289 is not adopted, officers, under the current KPERs interpretation, would not accrue service credit while on paid leave. The most unfortunate consequence of this interpretation is that an officer who is killed or severely injured while on paid administrative leave credit would not be eligible for any KPERs or KP&F death benefits. Officers should not be placed into this untenable position, and HB 2289 guarantees that they will be treated fairly. For these reasons, I urge you to pass HB 2289.

Thank you for allowing me to present testimony. I am glad to answer any questions at the appropriate time.