

Shawnee County
Office of the County Counselor



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House Committee on Financial Institutions and Pensions
Rep. Jim Kelly, Chair
Kansas State Capitol
Statehouse, Room 581-W
Topeka, KS 66612

RE: House Bill No. 2289 – Allowing certain time away from work or normal duties to be credited as participating service under KPERS and KP&F. **(SUPPORT/PROPONENT)**

Chair Kelly and other distinguished members of this Committee:

Thank you for the opportunity to submit written testimony in support of House Bill 2289. The proposed language offered through this Bill will provide needed clarity to KPERS and participating employers and will create a simpler, more consistent process for administering contributions to KPERS and KP&F. Although, I will use our law enforcement and corrections employees in a few examples to highlight the need for the enactment of this Bill, these circumstances can apply to any participating employee in KPERS or KP&F.

There are numerous situations where a participating employee must be off work on *paid* leave through no fault of the employee. For example, our participating employees sometimes suffer work related injuries that require time off work—sometimes those injuries can be routine, and sometimes our law enforcement and corrections officers are injured through intentional criminal action. Regardless of the reason why an employee suffers injury, if an employee’s work related injury is determined to be compensable by the participating employer, then an employee’s paid time off while recovering should not be treated as a break in service by KPERS and KP&F. This Bill will help to ensure that this does not occur.

This Bill also addresses time off on paid administrative leave. We often think of administrative leave in the context of the employee disciplinary process, but participating employers use administrative leave under a broader range of circumstances. For example, it is common following “use of force” incidents to place law enforcement and corrections officers on paid administrative leave. Often it is immediately clear that the use of force involved was necessary and appropriate, however, as a matter of sound public policy a participating employer will place an employee on paid administrative leave while investigating the incident. Sometimes these investigations are conducted by outside, independent agencies, and therefore, the participating employer has no control over the length of the investigation and the length of the paid leave. Like a work related injury, the use of force is a consequence of the job that we expect a law enforcement officer to do in order to protect his or her community. A law enforcement or corrections officer placed on paid administrative leave under these circumstances should not suffer a break in service or penalty for serving his or her community. This Bill will help to ensure that a participating employee on paid administrative leave will not suffer a break in service.

This Bill just makes good, practical sense, and I strongly encourage you to support its passage. The Bill eases the burden of administration of participating employer contributions by making it clear that if a participating employee is on *paid* leave, then contributions shall continue to be made to KPERS and KP&F.

I thank you for your time and consideration of this important issue.

Sincerely,



James M. Crowl
Shawnee County Counselor
Shawnee County Legislative Coordinator

C: Board of County Commissioners of Shawnee County, Kansas