

DIRECTIVE NUMBER: 300-25-12

DATE: December 5, 2015

TO: All Kansas Department of Labor Employees

FROM: Lana Gordon, Secretary of Labor

SUBJECT: Policy on Merit System for Employees

1. **Background and Purpose.** In accordance with the 2015 House Bill 2391 amendments to K.S.A. 2014 Supp. 75-2935 (2015 Kan. Sess. Laws Ch. 52, § 1), the Secretary hereby makes the following binding statement of agency policy:
2. **Policy and Procedure.** In accordance with the provisions of 42 U.S.C. § 503(a)(1), relating to the required establishment and maintenance of personnel standards on a merit basis, and consistent with the standards for a merit system of personnel administration that are applicable to state governments as a condition of eligibility for Federal assistance or participation in an intergovernmental program in accordance with 5 C.F.R. §§ 900.602 through 900.603 and 42 U.S.C. § 4701, the following terms and conditions relating to employment shall apply to all Kansas Department of Labor (KDOL) employees that are engaged in the administration of unemployment insurance benefits and related programs in a position that directly involves: (1) the determination of whether a claimant will be paid benefits; (2) the determination of an employer's liability for contributions; or (3) hearing first level appeals:
 - (a) The recruiting, selecting, and advancing of such KDOL employees shall include consideration of the employee's relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
 - (b) KDOL will provide equitable and adequate compensation for such employees;
 - (c) KDOL will provide training for such employees, as needed, to assure high quality performance;
 - (d) Determinations of whether such employees will be retained shall include consideration of the adequacy of the employee's performance and whether the employee has had a reasonable opportunity to correct inadequate performance. KDOL shall separate such employees whose inadequate performance cannot be corrected;
 - (e) KDOL shall provide fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws; and
 - (f) Such KDOL employees shall be protected against coercion for partisan political purposes and such KDOL employees are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

