



FILE

Subject

Institutional State Educational

Copy to _____

STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

August 21, 1974

Opinion No. 74- 286

Honorable Harold P. Dyck
State Representative
101st District
226 Hess
Hesston, Kansas 67062

Dear Representative Dyck:

We have your inquiry regarding the status of employees provided for in K.S.A. 76-11a01 and K.S.A. 76-11a02 were these statutes to be repealed.

The first of the statutes cited deals with the transfer of classified personnel when the State Department of Education assumed responsibility for the state institution for the blind and the state school for the deaf. The statute states that such employees "shall retain rights and status to the extent provided in subsection (c) of section 19[72-7702]" Subsection (c) referred to provides:

"The employees specified in subsections (a) and (b) of this section . . . who are in the classified service under the Kansas civil service act on the effective date of this act shall be employed in the same or comparable positions in the state department of education established by this act, and shall retain rights and status acquired under said civil service act, . . ."

It is our view that if K.S.A. 76-11a01 were repealed, the necessary linkage to subsection (c) would be removed. Therefore, the personnel affected may arguably be unable to claim the guarantees set forth in the subsection.

K.S.A. 76-11a02 provides for the transfer of unclassified personnel. Differing from K.S.A. 76-11a01 the rights guaranteed are set forth within it:

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"[Employees] shall retain their status in the unclassified service subject to the same rights of tenure and status as are provided by existing practice and regulation of the state board of regents, . . ."

status of one of these employees, it would be necessary to turn to the policies of the board of regents. If the statute were repealed, these employees' guarantee on tenure and status would be seriously jeopardized.

If we may be of further assistance, please contact us.

Yours very truly,



VERN MILLER
Attorney General

VM:DMH:jsm

cc: Ms. Carolyn Rampe
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