



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 3, 1976

ATTORNEY GENERAL OPINION NO. 76-240

Mr. Anthony D. Lopez
Executive Director
Kansas Commission on Civil Rights
535 Kansas Avenue, 5th Floor
Topeka, Kansas 66603

RE: Labor and Industries -- Acts Against Discrimination -- Contracts -- Compliance Review

Synopsis: The Kansas Commission on Civil Rights has authority to conduct compliance review procedures respecting contracts which are exempt from compliance with K.S.A. 44-1030 by virtue of K.S.A. 1975 Supp. 44-1031.

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Dear Mr. Lopez:

You inquire whether the Commission has the legal authority to conduct a contract compliance review when a contractor is exempt from reporting to the Commission pursuant to K.S.A. 44-1031.

K.S.A. 1975 Supp. 44-1031 provides:

"Every person as defined in subsection (a) of K.S.A. 1975 Supp. 44-1002, who wishes to enter into a contract which is covered by the provisions of K.S.A. 44-1030, shall, prior to entering into such contract, inform the commission in writing of the manner in which it shall recruit and screen personnel to be used in performing the contract. The report shall be made on forms to be supplied by the commission. The provisions of K.S.A. 44-1030 and K.S.A. 1975 Supp. 44-1031, shall not apply to any contractor who has already complied with the provisions set forth in

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the sections by reason of holding a contract with the federal government or a contract involving federal funds. (Emphasis added)

The above statute specifically exempts contractors from the provisions of K.S.A. 44-1030 and K.S.A. 1975 Supp. 44-1031, if that contractor has already complied with the above provisions by reason of holding a contract with the federal government or a contract involving federal funds. You should note that the statute provides an exemption only if the contractor has "already complied" with K.S.A. 44-1030 and K.S.A. 44-1031 by reason of holding a federal contract or a contract involving federal funds.

K.S.A. 44-1032 provides in part:

"The contracting agency shall be responsible for assuring compliance with the provisions of section 14 [44-1030] of this act. The commission, on its own motion or at the request of the contracting agency, may review compliance with the provisions of this act[*]..."

There is no statutory prohibition which would preclude the commission from conducting a contract compliance review even though the contractor invokes the exemption provision of K.S.A. 1975 Supp. 44-1031. The exemption provision applies only if the contractor has already complied with K.S.A. 44-1030 and 1975 Supp. 44-1031, by reason of holding a contract with the federal government or a contract involving federal funds which requires compliance with equal employment opportunity regulations. Inasmuch as compliance with those regulations is a prerequisite to exemption compliance with K.S.A. 44-1030, compliance review by the Commission may justifiably be construed to extend to review of compliance with pertinent federal equal employment opportunity regulations. In such instances, of course, in order to avoid wasteful duplication of effort by state and federal agencies, it might be useful in many instances for the Commission to coordinate its compliance review with the pertinent federal contracting agency, as well as with the U.S. Equal Employment Opportunity Commission.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:EJY:gw