



STATE OF KANSAS

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June 29, 1984

ATTORNEY GENERAL OPINION NO. 84- 62

Ann Victoria Thomas
General Counsel
Office of the General Counsel
The University of Kansas
Strong Hall
Lawrence, Kansas 66045

Re: State Boards, Commissions and Authorities -- Law
Enforcement Training Center -- Definition of Full-
time and Part-time Officers

Synopsis: Parking service officers at the University of Kansas who engage in traffic control as part of their duties are contained within the definition of police officer or law enforcement officer found at K.S.A. 1983 Supp. 74-5602(e), and so are covered by the training provisions of the Law Enforcement Training Center Act, K.S.A. 1983 Supp. 74-5601 et seq. If such officers are employed by the University for 1,000 or more hours per year, they are full-time employees for the purposes of the act, despite performing traffic control as only a small part of their duties, and therefore must comply with the instructional requirements of the act for full-time employees. Cited herein: K.S.A. 8-1450, K.S.A. 1983 Supp. 74-5602, 74-5604a.

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Dear Ms. Thomas:

As general counsel for the University of Kansas, you request the opinion of this office concerning whether a full-time state employee with limited law enforcement duties can be classified as a part-time law enforcement officer for purposes of the Law Enforce-

ment Training Center Act. That act, found at K.S.A. 1983 Supp. 74-5601 et seq., concerns the training of full-time and part-time police officers and law enforcement officers. You inquire whether employees at the University of Kansas whose principal duties concern regulation of parking, but who also perform occasional traffic direction duties, may be classified as part-time employees under the act.

According to K.S.A. 1983 Supp. 74-5602(e), a "police officer" or "law enforcement officer" is any full-time or part-time officer or employee of the state, whose duties include prevention or detection of crime and enforcement of criminal or traffic laws. We note that there is nothing in this subsection which indicates that such persons must have only these duties, which would leave the door open for individuals such as the parking service officers to be considered as police officers or law enforcement officers. Further, under K.S.A. 8-1450, the term "police officer" includes every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

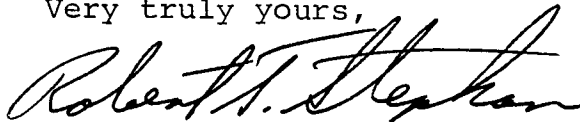
Accordingly, there can be little doubt that parking service officers who direct traffic, even as a very small part of their employment, would be police officers under the above definitions. While the positions which are specifically enumerated in K.S.A. 1983 Supp. 74-5602(e) do not specify parking services officers (although campus policemen are mentioned), this list is not inclusive. The only question which remains, therefore, is whether such officers can be considered full-time or part-time, as those terms are defined by subsections (f) and (g) of K.S.A. 1983 Supp. 74-5602.

The distinction made in these subsections between part-time and full-time lies in the number of hours of work per year in the person's employment, with full-time requiring at least 1,000 hours, with part-time being anything less than that. It is important to note that the definition is not couched in terms of hours of law enforcement or crime detection or prevention duties, but rather simply in terms of employment. In that the parking services officers are full-time employees, in our opinion they cannot be classified as part-time under this statute, even though their actual law enforcement duties take up only a small fraction of their time, and may indeed be less than 1,000 hours a year. While this change would not be difficult to amend into the statute, at the present time we cannot read it into the law, especially given the legislative history for the 1983 amendments to K.S.A. 74-5602 and 76-5604a, which indicate a legislative intent to broaden and strengthen law enforcement training in Kansas. While this is not to say that the number of hours required by K.S.A. 1983 Supp. 74-5604a for part-time officers

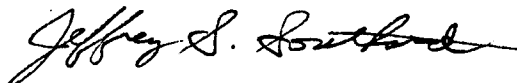
(80 hours) would not be sufficient for the parking service officers, at present the statutes do not contemplate a distinction made on the basis of duties, rather than on hours of employment.

In conclusion, parking service officers at the University of Kansas who engage in traffic control as part of their duties are contained within the definition of police officer or law enforcement officer found at K.S.A. 1983 Supp. 74-5602(e) and so are covered by the training provisions of the Law Enforcement Training Center Act, K.S.A. 1983 Supp. 74-5601 et seq. If such officers are employed by the University for 1,000 or more hours per year, they are full-time employees for the purposes of the act, despite performing traffic control as only a small part of their duties, and therefore must comply with the instructional requirements of the act for full-time employees.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Jeffrey S. Southard
Deputy Attorney General

RTS:JSS:crw