

TO: Conference Committee on HB 2037 (KPERS Issues)

FROM: Mark Tallman, Assistant Executive Director

DATE: April 1, 2005

KASB has serious concerns about the House proposals regarding working after retirement. We ask the conference committee members to consider the following points:

- KASB has not taken a position on the issue of lifting the salary cap on individuals who return to work in the same district. This would be a change in policy, and districts would have a choice of whether to pay any additional contribution rate.
- KASB opposes “changing the rules” for districts that are currently employing individuals who have retired from other KPERS employers. In these cases, districts would face either significantly higher costs for these employees, reducing their salaries, or terminating their employment.
- Unless specifically addressed in the proposed legislation, school districts cannot unilaterally negotiate a salary with a teacher. Under state law, all teachers are members of the collective bargaining unit.
- Currently employed teachers may have already achieved due process rights (tenure), and can be non-renewed only for cause. These teachers may appeal to a hearing officer, a process that is both expensive and may take many months. It is unlikely hearing officers would allow teachers to be fired simply because the employer contribution rate is rising.
- Retired educators are frequently employed because they are the best qualified – if not the only – applicant for positions. If these individuals were not hired, the position might simply remain vacant, which would not provide any benefit to KPERS.
- In many areas and disciplines, school districts have difficulty finding qualified teachers AND administrators. The Legislature should carefully consider the consequences of making it more expensive to fill positions, especially when teacher qualification requirements are increasing.
- The teacher shortage in math, science and fine arts will increase due to higher State Board of Education graduation requirements. The demand for special education teachers will continue to increase.
- Spending more on individuals who have retired from KPERS will divert money that could be used for teacher salaries that would help attract and retain qualified employees.