

Proposed

**State of Kansas**  
**Department of Administration**

**Notice of Public Hearing on Proposed Administrative Regulations**

June 29, 2017

A public hearing will be conducted on Wednesday, August 30, 2017 at 10:00 a.m. in Room 509 of the Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas to consider the adoption of proposed amendments to rules and regulations of the Office of Personnel Services, Department of Administration, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Office of Personnel Services, Landon State Office Building, 900 S.W. Jackson, Room 401-N, Topeka, Kansas 66612-1300 or by email to [Kraig.Knowlton@ks.gov](mailto:Kraig.Knowlton@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting John Yeary at (785) 296-2033 (or TYY 1-800-766-3777). The main entrance to the Landon State Office Building is accessible. Handicapped parking is available in metered spaces in front of the building on the east and west sides of Jackson Street as well as the north and south sides of 9<sup>th</sup> Street between Jackson and Kansas Avenue.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulations can be viewed at the following website:

<http://admin.ks.gov/offices/personnel-services/agency-information>

Summaries of the proposed regulation follows.

**K.A.R. 1-9-7b – Military leave; voluntary or involuntary service with reserve component of the armed forces.** K.A.R. 1-9-7b is an existing regulation that provides for leave for State employees who are members of a reserve component of the military. The primary amendments to this regulation increase the number of days of annual paid military leave available to such employees and expand the type of duty for which such leave can be used. Additional amendments clarify that this leave is available to benefits-eligible State employees in both classified and unclassified positions as well as procedures regarding the requests for such leave. The proposed amendments will potentially result in agencies granting more days of military leave with pay than they are currently required to pay. However, the additional impact of the proposed amendment is more accurately identified as a potential loss of unplanned savings as opposed to an increase in expenditures since employee salaries are budgeted on an annual basis.

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**1-9-7b. Military leave; voluntary or involuntary service with reserve component of the armed forces.** (a)(1) Each employee in a ~~regular~~ classified or unclassified position that is eligible for benefits who is a member of a reserve component of the military service of the United States shall be granted a maximum of ~~45~~ 30 working days of military leave with pay for ~~active duty~~ required military duty within each 12-month period beginning October 1 and ending September 30 of the following year.

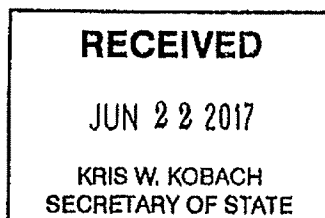
(2) For the purpose of this regulation, "required military duty" shall mean any period of active duty, inactive duty, or full-time national guard duty, or any other appropriate duty status as determined by the director, that is required of the employee.

(b) ~~Active~~ Required military duty in excess of ~~45~~ 30 working days within the 12-month period ~~established~~ specified in subsection (a) shall be charged to military leave without pay or, at the employee's request, to appropriate accrued leave.

(c) ~~Each employee in a regular position who is a member of a reserve component of the military service of the United States shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of performing inactive duty.~~

(d) ~~Requests~~ Each request for military leave shall be made submitted to the appointing authority with as much notice as possible under the circumstances of the order required military duty. Whenever possible, an appropriate military order or duty document shall be received by the appointing authority before military leave is authorized.

(e) (d) Each employee in a ~~regular~~ classified or unclassified position that is eligible for benefits shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of induction, entrance, or examination for entrance into a reserve component. Notice to the appointing authority shall be provided as prescribed by the appointing



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authority. Upon completion of the induction, entrance, or examination, the employee shall return to state employment as prescribed in subsection ~~(g)~~ (f).

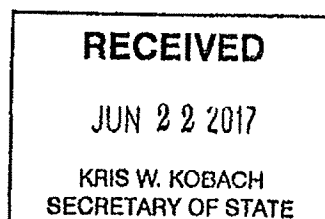
~~(f)~~ (e) Upon release from a period of duty service under ~~subsections~~ subsection (a), (b), ~~(e), or (e)~~ or (d) or upon discharge from hospitalization for or convalescence from an illness or injury incurred in or aggravated during the duty service, each employee shall be permitted to return to one of the following positions:

(1) The position in which the employee would have been employed ~~had~~ if the employee had not been called to military duty absent; or

(2) a position with status and pay similar to the status and pay that the employee would have had if the employee had not been absent for those purposes. If the employee is not qualified to perform the duties of the position by reason of disability sustained ~~during the duty~~ while absent in accordance with this regulation but is qualified to perform the duties of any other position, the employee shall be offered employment in a position comparable to the former position, in status and pay.

~~(g)~~ (f)(1) Except as provided in paragraph ~~(g)~~(f)(2), when returning from periods of ~~inactive or active required military duty or upon completion of the induction, entrance, or examination for entrance into a reserve component~~, the employee shall report for work as follows:

<u>Period of Duty Absence</u> (in consecutive days)	<u>Return to Work</u> <u>Following Release From Duty a Period of Service</u>
1-30	First full, regularly scheduled day after release
31-180	Within 14 days of release
181+	Within 90 days of release



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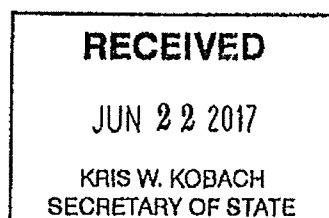
(2) ~~These~~ The time periods specified in paragraph (f)(1) may be extended to no more than two years from the date of release from ~~duty~~ a period of service to accommodate a period of hospitalization or convalescence resulting from a service-connected injury or illness. To the extent practicable, the employee shall inform the appointing authority of any change in the date on which the employee is anticipated to return to work. The appointing authority may request documentation from the employee's commanding officer or the employee's licensed health or mental health care provider of the date on which the employee is released from ~~duty~~ a period of service and of the reasons the employee will not be able to return to work following the employee's release from ~~duty~~ a period of service.

(~~h~~) (g) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave, vacation leave, and holiday credit shall not be earned or accrued during a period of ~~active~~ required military duty when military leave without pay has been granted.

(~~i~~) (h) For purposes of this regulation, ~~any~~ each reference to the military reserve of the United States shall be considered to include members of the national guard.

(~~j~~) ~~This regulation shall be effective on and after October 1, 2006.~~ (Authorized by K.S.A. 75-3706 and K.S.A. ~~2005~~ 2016 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1985; amended Dec. 17, 1995; amended, T-1-10-1-97, Oct. 1, 1997; amended, T-1-11-5-99, Nov. 5, 1999; amended Dec. 22, 2002; amended Oct. 1, 2006; amended P-

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**KANSAS DEPARTMENT OF ADMINISTRATION  
ECONOMIC IMPACT STATEMENT  
K.A.R. 1-9-7b**

**proposed**

**I. Summary of Proposed Amendments to Regulations, Including Purpose.**

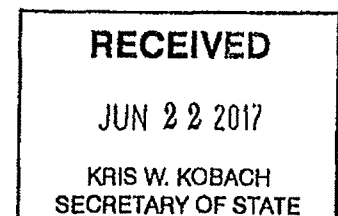
K.A.R. 1-9-7b is an existing regulation that provides for leave for State employees who are members of a reserve component of the military. The primary amendments to this regulation increase the number of days of annual paid military leave available to such employees and expand the type of duty for which such leave can be used. Additional amendments clarify that this leave is available to benefits-eligible State employees in both classified and unclassified positions as well as procedures regarding the requests for such leave.

**II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

This regulation is necessary in order to provide for a specific type of leave for State employees who serve in a reserve component of the military to utilize during periods of required military duty. While components of the regulation regarding reemployment after a period of military service are mandated by the Federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301, et. seq.), the provisions being amended are not.

**III. Anticipated Economic Impact**

The proposed amendments to K.A.R. 1-9-7b will potentially result in agencies granting more days of military leave with pay than they are currently required to pay. From October 2015 to October 2016, 270 employees in non-University, Executive Branch State agencies used military leave with pay. Of that number, 60% of the employees were from either the Adjutant General's Department or one of the Correctional Facilities under the Department of Corrections, and both of those agencies fully support the proposed amendment.



Even if the number of employees utilizing military leave with pay in a particular year were to increase substantially due to particular units being mobilized and deployed, the additional impact of the proposed amendment is more accurately identified from a financial perspective as a potential loss of unanticipated savings as opposed to an increase in expenditures. Employee salaries are budgeted on an annual basis and all but the very smallest of agencies do not factor anticipated periods of leave without pay, whether for military service or otherwise, into such annual estimates.

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**IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.**

Not applicable. The proposed amendments would apply only to State employees.

**V. Anticipated Economic Impact upon School Districts, Following Consultation with the Kansas Association of School Boards.**

Not applicable. The proposed amendments would apply only to State employees.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

The Department considered, but rejected, not making the proposed amendments or increasing the maximum number of annual days of paid military leave available to State employees by a smaller amount. It was determined that compelling reasons exist to amend the regulations as proposed in order to: 1) recognize the changes that have taken place with respect to the mobilization of military units prior to deployment since this regulation and the current maximum number of annual days of paid military leave were first implemented; 2) allow eligible employees more flexibility in utilizing such leave for a broader range of required military duty; and 3) clarify and simplify the process by which such leave is requested and substantiated.

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