

Kansas Administrative Regulations

Department of Administration

Article 14.—Layoff Procedures and Alternatives to Layoff

1-14-7. Agency submission of layoff notice to director.

(a) When submitting a layoff notice to the director, the appointing authority shall list the reason for the proposed layoff. As established by K.S.A. 75-2948, as amended, the reasons for proposing a layoff shall be limited to:

- (1) a shortage of work or funds;
- (2) the reinstatement of an employee returning from authorized leave; or
- (3) the abolition of a position or other material change in duties or organization.

(b) Any appointing authority proposing a layoff shall give written notice of the proposed layoff to the director, and a copy of the notice to the secretary of administration, at least 45 calendar days before the proposed effective date of the layoff. In cases of extenuating circumstances, the 45-day notice requirement may be waived by the director. However, in no case shall notice of layoff to the director be less than 30 days prior to the proposed effective date of the layoff.

(c) In the notice, the appointing authority shall specify:

- (1) the reason or reasons for the layoff;
- (2) the class, classes, or class series in which the layoff is to occur;
- (3) the estimated number of employees to be laid off;
- (4) the proposed effective date of each layoff;
- (5) the position or positions to be vacated by layoff; and
- (6) the layoff scores of employees identified in subsection (a) of K.A.R. 1-14-9.

(d) In addition to the information required under subsection (c), the notice shall include the following information:

- (1) a list of the agency's organizational units;
- (2) a description of any geographic areas to which the layoffs will be limited; and
- (3) any other information requested by the director.

If the agency chooses to permit employees to bump into lower classes in a class series in addition to any lower class in which an employee had permanent status, the notice shall also indicate the class series to be used for bumping.

(e)(1) The appointing authority may designate a geographic area or an organizational unit within which the layoff is to occur and within which the employees are to be subject to layoff. If one or more geographic areas or organizational units are designated by the appointing authority, they shall be indicated in the layoff notice. If no area or unit is designated, the layoff shall be agency-wide. The appointing authority also may limit the layoff to full-time employees or to employees employed on less than a full-time basis.

(2) If an area or unit is used, the layoff and bumping rights shall be applied only to employees within the designated area or unit. When the layoff is limited to full-time employees or less than full-time employees, any employee with permanent status may exercise bumping rights into a position filled by any employee with probationary status only within the group of employees having the same full-time or less than full-time status. Otherwise, any employee with permanent status may exercise bumping rights into any position filled by an employee with probationary status anywhere within the agency, if the employee with permanent status meets the required selection criteria for the class.

(f) The appointing authority may also allow employees to bump into lower classes in a class series in addition to any lower class in which the employee had permanent status. The class series bumping option shall be limited to class series that are designated in the layoff notice.

(g) Within 10 working days of the receipt of a proposed layoff notice, the agency shall be contacted by the director with any questions the director may have regarding the layoff, and the proposed layoff shall be reviewed with the secretary of administration. The proposed layoff shall be approved, modified and approved as modified, or rejected by the secretary within 15 working days of the receipt of the proposed layoff notice. The agency shall be notified in writing of the secretary's determination.

(Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

***** Authenticated Kansas Administrative Regulation *****