

# **Kansas Administrative Regulations**

## **Department of Administration**

### **Article 6.—Recruiting and Staffing**

#### **1-6-23. Reemployment.**

(a)(1) Except as provided in subsection (b), each employee who is laid off, or demoted or transferred in lieu of layoff, shall be placed in a reemployment pool by the director, unless the employee requests in writing to not be placed in the reemployment pool. Each employee in the reemployment pool shall be eligible to apply for any vacancy to be filled, including any internal vacancy, until the date the employee is reemployed or for three years from the date of the layoff, whichever occurs first.

(2) Each employee who is eligible for reemployment and who is also a veteran shall be offered an interview for any vacancy that meets all of the following conditions:

(A) The vacancy is for a regular position in the classified service.

(B) The vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the notice of layoff.

(C) The employee meets the minimum requirements for the position.

(b)(1) Each individual who meets all of the following conditions shall be eligible for the Kansas employee preference program, as provided in this subsection:

(A) The individual received a written layoff notice in accordance with K.A.R. 1-14-9.

(B) The individual's most recent performance rating before receiving the layoff notice was "meets expectations" or better.

(C) The individual was not suspended, demoted, or terminated pursuant to K.S.A. 75-2949, and amendments thereto, in the 12 months preceding the date on which the individual received the layoff notice.

(2) Each individual who qualifies under paragraph (b)(1) shall remain eligible for the Kansas employee preference program until any of the following events occurs:

(A) The individual is appointed to a classified or unclassified position that is eligible for benefits.

(B) An eligible individual who was laid off or is scheduled to be laid off from a regular position that was not eligible for benefits chooses to use the Kansas employee preference for any position, whether that position is eligible for benefits, and the individual then is appointed to that position.

(C) A period of 12 consecutive months has passed since the effective date of the layoff. Each individual who is eligible for the Kansas employee preference program but has not been reemployed under any of the circumstances identified in paragraph (b)(2)(A) or (b)(2)(B) at the end of that 12-month period shall remain eligible for reemployment as provided in subsection (a).

(D) The individual is suspended, demoted, or terminated pursuant to K.S.A. 75-2949, and amendments thereto, at any time after the individual becomes eligible for the Kansas employee preference program, but before the date on which the individual is actually laid off.

(3) Each individual who is qualified to receive a Kansas employee preference shall be eligible to apply for any vacancy that meets all of the following conditions:

(A) The vacancy is for a classified position that is eligible for benefits, except that when the individual who is eligible for the Kansas employee preference program was laid off from or has received a layoff notice for a regular position that is not eligible for benefits, the vacancy may be for any regular position in the classified service, whether the vacant position is eligible for benefits.

(B) The vacant position is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the layoff notice.

(C) The vacant position to be filled is one for which a notice of vacancy will be posted in accordance with K.A.R. 1-6-2, including an internal vacancy.

(4) Upon receiving an application for the vacant position from an individual who is eligible for a Kansas employee preference, the appointing authority shall offer the position to the individual if the individual meets the minimum requirements for the position, subject to the following requirements:

(A)(i) If only one individual who is eligible for a Kansas employee preference applies for the position and is determined to meet the minimum requirements for the position,

the appointing authority shall schedule an interview with the individual to provide the appointing authority with an opportunity to assess the employee's ability to successfully perform the duties and responsibilities of the position and to provide the individual with an opportunity to determine whether the position is of interest to the individual.

(ii) Following the interview, the appointing authority shall offer the position to the individual, unless the director determines that the individual cannot successfully perform the duties and responsibilities of the position under paragraph (b)(4)(C).

(iii) The individual who is offered the position as provided in paragraph (b)(4)(A) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.

(B) If more than one individual who is eligible for a Kansas employee preference applies for the position and meets the minimum requirements for the position, the appointing authority shall apply additional, job-related selection criteria in accordance with K.A.R. 1-6-21 in considering the application of each of these individuals, subject to the following requirements:

(i) The appointing authority shall not be required to interview more than seven individuals, except that each individual who is a veteran shall be offered an opportunity for an interview.

(ii) After considering the additional, job-related selection criteria, the appointing authority shall offer the position to one of these individuals, except that the appointing authority shall not be required to offer the position to any individual who the director determines cannot successfully perform the duties and responsibilities of the position under paragraph (b)(4)(C).

(iii) Each individual who is a veteran shall be offered the position if that individual is determined to be equally qualified after applying the additional, job-related selection criteria.

(iv) The individual who is offered the position as provided in paragraph (b)(4)(B) shall inform the appointing authority whether the individual accepts or rejects the offer within two business days of the date on which the position is offered.

(C) If the appointing authority submits written documentation to the director and, based on the documentation, the director determines in writing that an individual who is

eligible for the Kansas employee preference could not successfully perform the duties and responsibilities of the position, the appointing authority shall not be required to offer the position to that individual.

(c) For purposes of this regulation, "veteran" shall mean any individual who is eligible for a veteran's preference pursuant to K.S.A. 73-201, and amendments thereto. (Authorized by K.S.A. 75-2948 and K.S.A. 2014 Supp. 75-3747; implementing K.S.A. 75-2948; effective May 1, 1979; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996; amended, T-1-4-1-03, April 1, 2003; amended July 25, 2003; amended Jan. 6, 2017.)

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