

Kansas Administrative Regulations

Department of Administration

Article 14.—Layoff Procedures and Alternatives to Layoff

1-14-10. Procedures for bumping and layoff conferences.

(a) Bumping shall occur within the layoff group identified in the agency's layoff notice, or agencywide if the agency has not designated a layoff group. If the requirements in paragraphs (a)(1) and (2) have been met, any employee with permanent status, or any employee considered permanent for layoff purposes only, who is scheduled for layoff shall bump only into a lower class in which the employee previously had permanent status, unless the employee's position is in a class that is part of a class series designated by the appointing authority in the agency's layoff notice. If such a class series is designated in the agency's layoff notice, then the employee shall be permitted to bump into a lower class in the class series. Except as authorized by subsection (b), in order for an employee with permanent status to exercise bumping rights, the following requirements shall be met:

(1) The employee to be bumped shall have a lower layoff score than the person exercising the bumping right.

(2) The employee to be bumped shall have the lowest layoff score in that employee's job class of anyone in a position not scheduled for layoff.

(b) No employee with permanent status shall be laid off if all of the following conditions are met:

(1) There is a position filled by a probationary employee anywhere in the agency.

(2) The employee with permanent status scheduled to be laid off is interested in the position.

(3) The employee with permanent status is eligible for transfer or demotion to the position pursuant to K.A.R. 1-6-24 and 1-6-27.

(c) If an agency's layoff notice permits bumping only into lower classes in which an employee had previous permanent status and the class or classes in which the employee had previous permanent status have been abolished, the employee shall be

afforded bumping rights to a similar job class in a lower pay grade if a similar job class exists as determined by the director.

(d) Regardless of subsections (a), (b), and (c), subject to the approval of the director, any appointing authority may prevent any classified employee from being laid off if the appointing authority finds that the loss of the employee, due to the employee's particular knowledge, skills, abilities, certification, licensure, or combination thereof, would substantially impair the agency's ability to perform its essential operations.

(e)(1) Bumping procedures shall begin as soon as possible after layoff notices have been given pursuant to K.A.R. 1-14-9. The appointing authority or designee shall develop a schedule for an individual conference with each affected employee, starting with the employee having the highest layoff score. The schedule of conferences shall continue in this order until each affected employee has had such a conference.

(2) During the layoff conference, the employee shall be informed of the bumping options available to the employee and of the opportunity to select one such option. The employee may defer the selection no longer than one full working day, unless a longer period of time is authorized by the appointing authority. If an employee is unavailable on the day the employee is scheduled for a layoff conference, the appointing authority shall reschedule the layoff conference. If the employee fails to appear at the rescheduled conference, the appointing agency shall not be required to hold a layoff conference with the employee and the employee shall forfeit bumping rights.

(3) In extenuating circumstances and when deemed to be in the best interest of the state service, group layoff conference sessions may be authorized by the appointing authority.

(f) At the layoff conference, each employee shall be informed of the employee's right to seek reemployment opportunities with the state, including placement assistance provided by the division. Placement assistance shall be available to the affected employee for up to three years after the effective date of the layoff, unless the affected employee requests in writing that the employee does not want placement assistance.

(g) Any employee who is not scheduled for layoff, but whose position will be vacated during the layoff and bumping process, and who refuses to accept a transfer or

demotion to another position may request to be laid off voluntarily. Any employee who has been granted a voluntary layoff shall have reemployment rights.

(h) All disputes resulting from the forfeiture of bumping rights shall be resolved by the director.

(Authorized by K.S.A. 2014 Supp. 75-3747; implementing K.S.A. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996; amended Jan. 6, 2017.)

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