

Kansas Administrative Regulations

Department of Administration

Article 9.—Hours; Leaves; Employee-Management Relations

1-9-5. Sick leave.

(a) Each classified employee in a regular position shall be credited and accumulate sick leave as provided in this regulation.

(b) The maximum sick leave credit an employee may accrue in any payroll period shall be 3.7 hours. The amount of sick leave hours earned each payroll period and the increments in which sick leave may be used shall be determined as follows.

(1) Each non-exempt employee shall accrue sick leave in accordance with the following table.

**Sick Leave Table for
Non-Exempt Employees**

Hours in Pay Status Per Pay Period	Hours Earned Per Pay Period
0-7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6

(A) Non-exempt employees shall use sick leave only in increments of a quarter of an hour.

(B) For purposes of this regulation, hours in pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(2) Each exempt employee in a position that is eligible for benefits shall accrue sick leave in accordance with the following table.

**Sick Leave Table for
Exempt Employees**

Time in Pay Status Per Pay Period	Hours Earned Per Pay Period
0	0.0
> 0	3.7

(A) Exempt employees, including part-time exempt employees, shall use sick leave only in half-day or full-day increments.

(B) For purposes of this regulation, hours in pay status shall include time off while receiving workers compensation wage replacement for loss of work time.

(3) Each exempt employee in a position that is not eligible for benefits shall earn one-half the amount of leave set out in paragraph (b) (2).

(c) Sick leave earned by an employee during a pay period shall be available for use on the first day of the following pay period.

(d) Any employee may be required by the appointing authority or the director of personnel services to provide evidence necessary to establish that the employee is entitled to use sick leave under the circumstances of the request. If the employee fails to provide this evidence, the requested use of sick leave may be denied by the appointing authority or director. The appointing authority, with the director's approval, may require an examination of an employee by a licensed health care or mental health care professional ultimately responsible for patients' health care, as designated by the agency and at the agency's expense. An appointing authority with delegated authority

under K.S.A. 75-2938, and amendments thereto, shall not be required to obtain the director's approval before requiring an examination of an employee.

(e)(1) Sick leave with pay shall be granted only for the following reasons:

(A) Illness or disability of the employee, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom, and personal appointments with a physician, dentist, or other recognized health practitioner;

(B) illness or disability, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom, of a family member, and a family member's personal appointments with a physician, dentist, or other recognized health practitioner, when the illness, disability, or appointment reasonably requires the employee to be absent from work;

(C) legal quarantine of the employee; or

(D) the adoption of a child by an employee or initial placement of a foster child in the home of an employee, when the adoption or initial placement reasonably requires the employee to be absent from work.

(2) For purposes of this regulation, "family member" means the following:

(A) Any person related to the employee by blood, marriage, or adoption; and

(B) any minor residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code.

(f) If an appointing authority has evidence that an employee cannot perform the employee's duties because of illness or disability, if the employee has accumulated sick leave, and if the employee refuses or fails to apply for sick leave, the appointing authority may require the employee to use sick leave. Upon exhaustion of this employee's sick leave, the appointing authority may require the employee to use any accumulated vacation leave. An appointing authority may request a written release by a licensed health care or mental health care professional ultimately responsible for patients' health care before the employee is allowed to return to work. If the employee has exhausted all sick leave or accumulated vacation leave, the appointing authority may grant the employee leave without pay as provided in K.A.R. 1-9-6(c).

(g) Each employee who is injured on the job and awarded workers compensation shall be granted use of accumulated leave upon the employee's request. The compensation for accumulated leave used each payroll period shall be that amount which, together

with workers compensation, equals the regular pay for the employee. Unless the employee requests otherwise, vacation leave and compensatory time credits shall be used only after sick leave credits have been exhausted. The appointing authority shall not require the use of accumulated compensatory time credits in conjunction with workers compensation.

(h) Each former employee who had unused sick leave at the time of separation and who returns to state service in a regular position within a year shall have the unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from state service.

(i) Payments for sick leave accumulated by the date of retirement, in accordance with K.S.A. 75-5517, and amendments thereto, shall be calculated using the hourly or salary rates set forth in K.A.R. 1-5-21.

(Authorized by K.S.A. 2001 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Sept. 26, 1988; amended July 16, 1990; amended Jan. 6, 1992; amended Aug. 3, 1992; amended July 26, 1993; amended Dec. 17, 1995; amended June 7, 2002.)

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