

Kansas Administrative Regulations

Department of Administration

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

1-9-22. Job injury leave.

(a) Each classified or unclassified employee who sustains a qualifying job injury, as determined by the employee's appointing authority, shall be eligible for job injury leave in accordance with this regulation.

(b) "Qualifying job injury" shall mean an injury that meets the following conditions:

(1) Renders the employee unable to perform the employee's regular job duties;

(2) arose out of and in the course of employment with the state; and

(3)(A) Was sustained as a result of a shooting, stabbing, or aggravated battery as defined in K.S.A. 21-5413 and amendments thereto, by another against the employee;

(B) was sustained as a result of a confrontation with a patient or client in a facility or ward for mental health, intellectual disability, or developmental disability in which the patient or client inflicts great bodily harm, causes disfigurement, or causes bodily harm with a deadly weapon or in any manner by which great bodily harm, disfigurement, dismemberment, or death can be inflicted; or

(C) was sustained in any other situation in which the appointing authority determines that job injury leave is in the best interest of the state.

(c) Job injury leave shall not exceed six total months away from work. While an employee is on approved job injury leave, the employing state agency shall continue to pay the employee's regular compensation. If the employee is awarded worker's compensation, the state agency shall pay the employee compensation in an amount that, together with worker's compensation pay, equals the regular pay of the employee. The employee shall not be required to use accrued sick leave or vacation leave. The employee shall continue to accrue sick and vacation leave as long as the employee remains in pay status. Nothing in this regulation shall be construed as providing voluntary or gratuitous compensation payments in addition to temporary total disability compensation payments pursuant to the worker's compensation laws.

(d) The appointing authority may require an employee on approved job injury leave to return to full or limited duty if the employee is physically able to perform the duty as determined by a physician selected by the appointing authority or selected by a representative of the state self-insurance fund. However, limited duty allowed shall not, in combination with time away from work on job injury leave, exceed the total six months allowed for job injury leave. If the employee remains unable to return to full duty, the appointing authority shall take any action deemed to be in the best interest of the state.

(e) While an employee is on approved job injury leave, the appointing authority may require the employee to be examined by a physician selected by the appointing authority to determine the capability of the employee to return to full or limited duty.

(f) Each employee on approved job injury leave shall be prohibited from being gainfully employed by any other employer.

(g) The requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. Any waiver or modification may be granted only upon a finding by the director that both of the following conditions are met:

(1) Granting the requested waiver or modification would not be in conflict with any statutes pertaining to leave.

(2) Failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the job injury leave.

(Authorized by K.S.A. 75-3706, K.S.A. 2013 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective, T-86-17, June 17, 1985; effective May 1, 1986; amended Nov. 21, 1994; amended Dec. 17, 1995; amended Sept. 12, 2014.)

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