

Kansas Administrative Regulations

State Board of Regents

Article 3.—Guidelines for the Determination of Residency for Fee Purposes

88-3-11. Recruited or transferred employees.

(a) The resident fee privilege shall be granted to any person who upon enrollment has been a domiciliary resident of the state of Kansas for fewer than 12 months and whose current domiciliary residence was established to accept or retain full-time employment in the state of Kansas. The resident fee privilege shall also be granted to the spouse and dependent children of that person.

(b) Any person seeking the resident fee privilege pursuant to the provisions of this regulation shall provide a statement from the employer that supports the claim and meets these requirements:

- (1) Be notarized;
- (2) be signed by the personnel director of the employer and one of the following:
 - (A) The owner;
 - (B) a partner; or
 - (C) the chief executive officer of the employer;
- (3) indicate whether residence in Kansas was established as the result of a job transfer or recruitment;
- (4) indicate the date of initial employment in Kansas in case of a job transfer;
- (5) indicate the date of hire in the case of an employment recruitment;
- (6) set forth the nature of the position in Kansas as full-time; and
- (7) set forth the expected length of employment in Kansas.

(c) An individual who is self-employed shall not be considered eligible for the resident fee privilege under this regulation.

(d) Military personnel shall be considered pursuant to K.A.R. 88-3-8 and not pursuant to the provisions of this regulation.

(e) Each person seeking the resident fee privilege pursuant to the provisions of this regulation shall be responsible for providing information necessary to indicate that the establishment of residence in the state of Kansas was solely as a result of accepting, upon recruitment by an employer, or retaining, upon a transfer request by an employer, full-time employment in the state of Kansas.

(f) The resident fee privilege extended by this regulation shall continue for a maximum of 12 months, but this privilege shall be extended during the pendency of the labor certification process with the United States department of labor or of a petition for adjustment of status with the immigration and naturalization service, when the recruited or transferred employee is a foreign national who has presented proof of each relevant filing.

(Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, T-88-30, Aug. 19, 1987; effective May 1, 1988; amended Nov. 18, 1991; amended July 24, 1998.)

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