

Kansas Administrative Regulations

Department of Administration

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

1-9-6. Leave without pay.

(a) The appointing authority shall determine whether approval of each request for leave without pay is for the good of the service, and shall approve or disapprove the request. The appointing authority may require use of accumulated vacation leave and accumulated sick leave before approval of leave without pay.

(b) Any new hire in a regular position without permanent status may be granted leave without pay for a period not to exceed 60 calendar days:

(1) for illness or disability, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom;

(2) for the adoption of a child by the employee;

(3) for the initial placement of a foster child in the home of the employee;

(4) in order to care for a family member who has a serious health condition; or

(5) for other good and sufficient reason, when the appointing authority deems leave to be in the best interest of the service.

When an appointing authority determines that granting a longer leave of absence without pay than prescribed in this subsection is in the best interest of the service, the appointing authority may approve a longer leave, or an extension of a leave. The total duration of the leave shall not exceed six months. Any leave granted under this subsection that exceeds 30 calendar days shall be reported to the director of personnel services.

(c) Any employee currently without permanent status as a result of a promotion or reinstatement may be granted leave without pay under the same conditions as an employee with permanent status, if the employee had permanent status in the class in which the employee was employed immediately prior to the promotion or reinstatement.

(d) Any employee with permanent status may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year:

(1) for illness or disability, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom;

(2) for the adoption of a child by the employee;

(3) for the initial placement of a foster child in the home of the employee;

(4) in order to care for a family member who has a serious health condition; or

(5) for other good and sufficient reason, when the appointing authority deems such leave to be in the best interest of the service. Any leave that exceeds 30 calendar days shall be reported to the director of personnel services.

(e) Any employee with permanent status may be granted leave of absence without pay from the employee's classified position to enable the employee to take a position in the unclassified service, if the granting of this leave is considered by the appointing authority to be in the best interest of the service. Leave for this purpose shall not exceed one year, but the appointing authority may grant one or more extensions of up to one year, and the appointing authority may determine the number of extensions.

(f) Desire of an employee to accept employment not in the state service shall be considered by the appointing authority as insufficient reason for approval of a leave of absence without pay, except under unusual circumstances.

(g) If the interests of the service make it necessary, the appointing authority may terminate a leave of absence without pay by giving written notice to the employee at least two weeks prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.

(h) When an employee returns at the expiration of an approved leave without pay or upon notice by the appointing authority that a leave without pay has been terminated, the employee shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same pay grade for which the employee meets the qualifications.

(i) Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated, shall be deemed a resignation. Such resignation shall be reported by the appointing authority to the director of personnel services in the manner provided by the director. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee, and a summary of the steps taken to try to contact the employee shall be submitted to the director of personnel services with the resignation.

(j) As used in this regulation, the term "family member" shall have the meaning set out in K.A.R. 1-9-5(e)(2). This regulation shall be effective on and after December 17, 1995.

(Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 75-2947, as amended by 1995 SB 175, § 11; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-88-9, April 21, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988; amended Dec. 27, 1993; amended Dec. 17, 1995.)

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