

Kansas Administrative Regulations

Department of Administration

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

1-9-7a. Military leave; voluntary or involuntary service in the Armed Forces.

(a) Subject to the additional requirements and limitations of Title 38, U.S. Code, Chapter 43, each employee in a regular position, who enlists or is drafted into the armed forces of the United States, including reservists and members of the national guard who are activated to military duty, shall be granted military leave without pay upon the employee's notice to the appointing authority of a military order requiring active duty for other than training purposes. The appointing authority shall require the employee to provide, within a reasonable period of time, documentation to substantiate the military order for active duty.

Any person on military leave, as mentioned above, who applies to the appointing authority for permission to return to the classified service within 90 days after receiving a discharge from the military service under honorable conditions, or from hospitalization, shall:

(1) be restored to that position or to a similar position with like status and pay in the same geographic location, as determined pursuant to K.A.R. 1-5-11;

(2) if qualified to perform the duties of any other position, be offered employment in the same geographic location in a position comparable in status and pay to the former position; or

(3) appeal to the secretary of administration for appropriate placement.

(b) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave, vacation leave, and holidays shall not be earned or accrued during a period of military leave without pay.

(c) Reenlistment or continuation of active duty beyond the time prescribed by Title 38, U.S. Code, Chapter 43, shall be considered a voluntary resignation from military leave status. This regulation shall be effective on and after December 17, 1995.

(Authorized by K.S.A. 1994 Supp. 75-3747; implementing K.S.A. 77-3746; effective May 1, 1985; amended, T-1-3-14-91, March 14, 1991; amended July 8, 1991; amended Dec. 17, 1995.)

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