

Kansas Administrative Regulations

Department of Administration

Article 6.—Recruiting and Staffing

1-6-29. Acting assignments.

(a) Any appointing authority may temporarily assign an employee who has permanent status to perform the duties of another position on the basis of an acting assignment if all of the following conditions are met:

(1)(A) The other position is vacant; or

(B) The incumbent in the other position is unable or unavailable to perform the duties of that position for 30 days or more.

(2) The appointing authority makes both of the following determinations:

(A) It is necessary to assign the duties of the other position to another employee until the vacancy is filled or the incumbent returns to work.

(B) There are no other viable alternatives to an acting assignment.

(3) The employee meets the qualifications of the other position.

(4) The acting assignment is made in accordance with the provisions of this regulation.

(b) The appointing authority shall initiate action to fill the position on a permanent basis, if the incumbent has permanently vacated the position. However, the appointing authority may delay filling the position because of a shortage of funds.

(c) Acting assignments shall not be used to generate a series of acting assignments for an employee.

(d) An acting assignment shall not exceed one year in length unless approved by the director. No acting assignments made pursuant to K.S.A. 75-4315a shall exceed 12 months in duration. Acting assignments shall not be retroactive. The acting assignment procedure shall not be used for a short duration, temporary assignment of an employee for fewer than 30 days.

(e) Documentation of the acting assignment shall be placed in the employee's permanent record.

(f)(1) If an employee is acting in a position assigned to a pay grade higher than that of the employee's normal position, the employee shall be paid at a step on the higher grade that gives the employee an increase in pay. Such an increase shall not exceed the highest step that would be possible if the employee was being promoted to the position.

(2) When the acting assignment is terminated and the employee is returned to the former class, the employee's pay shall revert to whatever rate it would have been had the employee not received the acting assignment.

(3) Neither the employee's pay increase date nor the employee's status in the normal position shall be affected by an acting assignment.

(g)(1) If an employee is acting in a position assigned to the same pay grade as that of the employee's normal position, the appointing authority may compensate the employee at a higher step of the pay grade than the step on which the employee is paid in the employee's normal position if the appointing authority determines the pay increase is in the best interests of the state. Nothing in this regulation shall authorize pay above the maximum step of the pay grade. The employee's pay increase date shall be governed by the time-on-step requirement of the new step to which the employee is assigned under this subsection.

(2) When the acting assignment is terminated and the employee is returned to the former class, the employee's pay shall revert to whatever rate it would have been had the employee not received the acting assignment.

(h) If an employee is acting in a position assigned to a pay grade lower than that of the employee's normal position, the employee shall be paid at the employee's normal pay rate.

(i) For the duration of any acting assignment, the employee may receive pay step increases in accordance with applicable pay step increase regulations.

(j) If the employee is promoted to a position in which the employee has served in an acting assignment, any accumulated months shall count towards the next pay step increase. The time served in the acting assignment may be credited towards the probationary period required for promotions.

(k) In a manner prescribed by the director, the appointing authority shall report to the director all acting assignments made by the appointing authority pursuant to this regulation.

(l) This regulation shall be effective on and after June 5, 2005.

(Authorized by K.S.A. 75-3706 and K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2938, 75-3707, 75-3746, and 75-4315a; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Jan. 6, 1992; amended Dec. 17, 1995; amended Oct. 24, 1997; amended June 5, 2005.)

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