

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 10

Approving Rules Relating to the Judicial Assumption of  
State Probation Services

In accordance with L. 1978, Ch. 120, §14(c), the following rules are hereby adopted:

1. Those probation and parole officers of the department of corrections who are terminated from service as officers and employees of that department because of the transfer of probation functions and duties to the district courts on July 1, 1979 may be appointed by the administrative judge of a judicial district as a court services officer of the judicial district.
2. The following rules and procedures shall be complied with before an administrative judge may make any such appointment:
  - (a) EMPLOYEE ELIGIBILITY
    - (1) Prior to January 1, 1979, the Judicial Administrator shall furnish probation and parole officers who are to be terminated by the Department of Corrections because of L. 1978, Ch. 120, §14, a notice of the requirements of Rule 2(a)(2), a description of the duties regularly performed by court services officers, and a copy of these rules.
    - (2) Such probation and parole officers shall notify the Office of the Judicial Administrator on or before January 15, 1979 of their intention to seek appointment as a court services officer of a judicial district.

(3) Such probation and parole officers shall have attained the minimum educational level, experience, and qualifications as are required by the Judicial Administrator, and shall furnish the Judicial Administrator any such information regarding these matters as he may request.

(4) To determine that the minimum employment requirements are met, such probation and parole officers shall be interviewed by the Judicial Administrator or by such person or persons from the Judicial Administrator's staff as may be designated by him. After the interview, the Judicial Administrator shall certify to the Supreme Court those interviewees who possess the required educational background, experience, and qualifications. Those persons certified shall be eligible to be appointed court services officers for those judicial districts designated by the Supreme Court as being in the immediate need of additional probation and other court services personnel.

(5) As soon as practicable, the Judicial Administrator shall furnish such probation and parole officers as are certified as eligible for employment as court services officers a list of the administrative judges of those judicial districts that are designated by the Supreme Court as being in the immediate need of additional probation and other court services personnel. Such eligible personnel may apply to any of the administrative judges on the list for appointment as a court services officer.

(b) EMPLOYER ELIGIBILITY

(1) On or before December 15, 1978 and after such investigation by the Judicial Administrator as is required by the Supreme Court, the Supreme Court shall designate those judicial districts that are in the immediate need of additional probation and other court services personnel and the number of probation and parole officers to be terminated by the Department of Corrections that each such district may hire. While these rules are in effect, no such designated judicial district may hire more of the probation and parole officers to be terminated by the Department of Corrections than are designated by the Supreme Court, no such designated judicial district may hire as court services officers persons other than the eligible probation and parole officers to be terminated by the Department of Corrections, and no judicial district not designated as being in the immediate need of additional probation and other court services personnel may hire as court services officers any additional personnel.

(2) The Judicial Administrator shall furnish the administrative judges of the judicial districts designated by the Supreme Court as being in the immediate need of additional probation and other court services personnel a list of those probation and parole officers to be terminated by the Department of Corrections who are certified as eligible for employment as court services officers. Such administrative judges may contact and hire, within the limits prescribed by

the Supreme Court, any of the personnel on the list and shall notify the Judicial Administrator as soon as any such person is hired.

3. JOINT EMPLOYERS

On or before January 1, 1979, the administrative judges of two or more judicial districts who believe it desirable to unite their districts as joint employers for the purpose of obtaining under these rules additional probation and other court services personnel shall confer with the judges of their respective judicial districts about the feasibility of uniting as joint employers for the purpose of obtaining such additional personnel.

If the judges of the districts believe that uniting the two or more districts for the purpose of obtaining such additional personnel is desirable, the administrative judges concerned shall submit a single written notice to the Judicial Administrator signed by each of them that it is both feasible and desirable to unite the judicial districts for the purpose of obtaining such additional personnel. A brief but complete statement of how any additional personnel obtained under these rules shall be hired, shared, supervised, compensated, or terminated during the probationary period shall accompany the notice.

The Supreme Court shall designate those judicial districts that may unite as joint employers for the purpose of obtaining

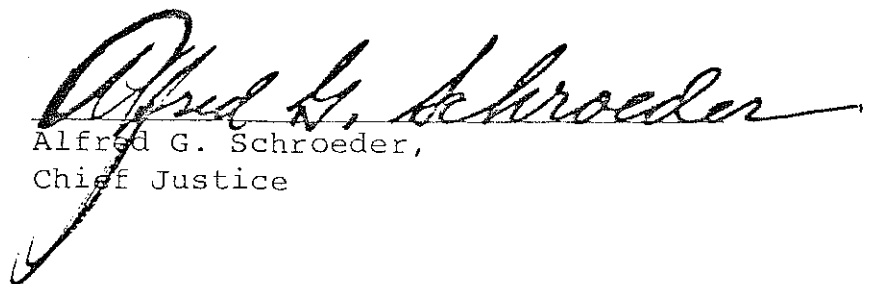
under these rules additional probation and other court services personnel. Joint employers shall be subject to Rule 2(b)(1).

4. PROBATIONARY PERIOD

Each probation and parole officer terminated by the Department of Corrections who is hired to serve as a court services officer of a judicial district shall serve a six-month probationary period. At any time during this period, such employee can be terminated for unsatisfactory service by the appointing administrative judge or joint employer. Such termination shall be final and shall not be subject to review or appeal.

These rules shall become effective on December 15, 1978, and shall expire on April 1, 1979, unless otherwise ordered by the Court.

BY ORDER OF THE COURT this 1st day of December, 1978.

  
Alfred G. Schroeder,  
Chief Justice