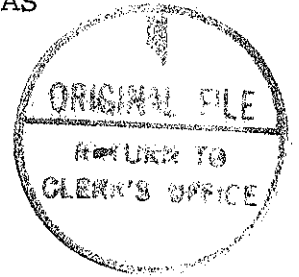


IN THE SUPREME COURT OF THE STATE OF KANSAS

OFFICE OF JUDICIAL ADMINISTRATOR

Administrative Order No. 21  
Amending Personnel Rules

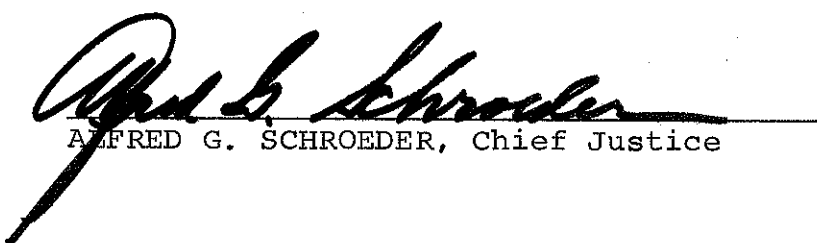


Amendments to the following sections of the Rules Relating to the Kansas Court Personnel System have been duly adopted by the Court and are reflected on the attached pages of the Rules:

- Section 4.15, Termination Compensation
- Section 5.17, Types of Appointment
- Section 6.2, Disciplinary Actions and Dismissals
- Section 7.0, Insurance and Retirement Benefits
- Section 8.2, Annual Leave
- Section 8.4, Leave Without Pay
- Section 8.6, Personal Leave
- Section 8.10, Compensatory Time

Pages of the Rules dated 12-78 shall be removed and replaced with the attached pages.

BY ORDER OF THE SUPREME COURT this 16th day of July, 1979.

  
ALFRED G. SCHROEDER, Chief Justice

Attachments

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LEWIS G. CARTER  
CLERK APPELLATE COURTS

d. An employee shall be eligible for advancement to the next step on the pay grade after one year's service at step B or any higher step. All salary increases shall be implemented as set forth in subsection 4.7.

- 4.14 Individual Salary Decreases. Upon recommendation of the appointing authority and upon approval by the personnel officer and the Chief Justice, the salary of any employee may be reduced for unsatisfactory performance as indicated by performance evaluations or other pertinent data. The reduction shall be one step in the salary grade assigned for the class of position in which the person is employed. Any person whose salary is so decreased shall be eligible for a salary increase on the first day of the payroll period following the date marking one year from the salary decrease.
- 4.15 Termination Compensation. A terminating employee, except those terminated during an initial probationary period, will be paid for each day of annual leave accrued to the date of termination. Payment will be made at the salary level at the time of termination.
- 4.16 Additional Compensation. No compensation in addition to the employee's regular salary shall be received from any source by any full-time employee for work performed during regular hours of employment.

- b. Permanent Part-Time: Employees will be considered eligible for status as permanent part-time if they are authorized to work at least twenty hours per week, but less than thirty-five hours per week. These employees are entitled to the same benefits on a proportional basis as permanent full-time employees, except that permanent part-time employees receive full retirement and insurance benefits.
- c. Temporary: Employees will be considered as temporary employees if they are appointed for employment for a designated period of time which is less than one thousand hours. A temporary employee may not be appointed to the same position to work full time for more than six months in any twelve-month period. The period of time served by a temporary employee shall not be counted as part of the probationary period in case of subsequent appointment to a permanent position. Temporary employees are not entitled to employment benefits other than Workmen's Compensation coverage.

5.18 Appointment Policy.

- a. Promotional Appointments: Insofar as it is practicable, vacancies in the Kansas judicial system shall be filled by promotion of permanent employees.

1. Such right shall not exceed 121 calendar days, from effective date of layoff.
  2. Such right may be waived by the employee. Such waiver shall be in writing and shall be submitted to the personnel officer. There is no appeal.
  3. A district court which has laid off employees will not be allowed to fill vacated positions with anyone else until all employees with reinstatement rights have been reemployed or have waived their rights.
- e. Recall: Employees will be called back to work in the reverse order of layoff.
  - f. Earned, but unused, annual leave may be taken by the employee while laid off.

#### 6.2 Disciplinary Actions and Dismissals.

- a. Disciplinary actions may be taken for reasons of misconduct or unsatisfactory work performance.
- b. A tenured employee may be disciplined by a one-step salary decrease, demoted, suspended, or terminated for unsatisfactory work performance only by means of the following procedure:
  1. A performance evaluation rating of "unsatisfactory" is filed with the personnel officer. Such evaluation may be a regular annual evaluation or a special evaluation and must cite specific details of unsatisfactory work performance.
  2. A supplementary evaluation at the end of 60 days as required under 5.24 of these rules also results in an "unsatisfactory" rating.

## 7.0 INSURANCE AND RETIREMENT BENEFITS

### 7.1 Insurance and Retirement Benefits

All permanent full-time and eligible part-time employees will be entitled to participate in the State's insurance and retirement programs as provided by law. Current statutes provide that an employee must be in a position which requires 1,000 hours of work per year to be eligible to participate.

### 7.2 Compensation for Sick Leave Upon Retirement

Employees retiring from the Kansas Court Personnel System who have accumulated one hundred days or more of sick leave shall receive compensation for accumulated days of sick leave not to exceed thirty days at retirement. Retirement employee contributions shall be deducted from the sick leave compensation and benefit calculations shall include the sick leave compensation.

## 8.0 HOURS OF WORK, LEAVE, AND HOLIDAYS

### 8.1 Hours of Work

Normal hours are 8:30 a.m. to 5:00 p.m. Every clerk's office shall be open when court is in session. Deviations from this schedule must be approved by the Supreme Court, except that administrative authorities shall schedule lunch periods in accordance with local conditions.

### 8.2 Annual Leave

- a. Annual leave shall be earned by all full-time and permanent part-time employees from the date of their initial employment. Leave will be accrued as follows:

| <u>Period of Employment</u> | <u>Annual Leave in Working Days</u> | <u>Accrual Rate</u> |
|-----------------------------|-------------------------------------|---------------------|
| Less than 5 years           | 12 days                             | 1 day/month         |
| Five to ten years           | 15 days                             | 1.25 days/month     |
| Ten to fifteen              | 18 days                             | 1.5 days/month      |
| Fifteen to twenty           | 21 days                             | 1.75 days/month     |
| More than twenty            | 24 days                             | 2 days/month        |

- b. Annual leave shall not be taken during the first six months of employment. Employees terminated during the first six months of employment shall not be entitled to payment for annual leave accrued during their probationary period.
- c. Leave for permanent part-time employees shall be accrued proportionately to hours worked.
- d. Annual leave may be accrued up to a maximum of 30 working days.
- e. Previous service with state agencies and state courts shall be used in computing years of service for annual leave accrual purposes.
- f. Previous service with county governments shall be used in computing years of service for annual leave accrual purposes for persons employed by the district courts as of January 1, 1979. Persons hired by district courts on and after January 1, 1979, shall not be accorded this benefit.

### 8.3 Sick Leave

- a. Sick leave shall be earned by all full-time and permanent part-time employees at the rate of 12 days per year from the date of initial employment. In the case of permanent part-time employees, leave shall be accrued in proportion to hours worked.
- b. Sick leave may be accrued without limit.
- c. Maternity leave shall be granted as sick leave.
- d. Once sick leave is exhausted, annual leave or leave without pay may be granted at the discretion of the administrative authority.
- e. For the purpose of computing sick leave balances available to an employee as of the effective date of these rules, each employee will be credited with six days of sick leave per year of continuous service with any state court or state agency.
- f. Previous service with county governments shall be used for the purpose of computing sick leave balances available to district court employees for those persons employed by the court as of January 1, 1979.

### 8.4 Leave Without Pay

- a. Leave without pay for a period not to exceed 12 months may be granted to an employee subject to the approval of the appropriate administrative authority. An employee on leave without pay who accepts employment with another state agency shall be deemed conclusively to have resigned employment with the courts.
- b. At the conclusion of the leave-without-pay period, the employee is entitled to return to a position similar to that which he or she left. Annual and sick leave do not accrue during the leave period.

### 8.5 Military Leave

- a. Military leave of two types will be allowable. Active service in any branch of the United States Armed Forces, Federal Reserves, or National Guard for a period not to exceed fifteen (15) working days within any calendar year will be treated as active work time. During such periods, the employee will

receive his normal salary, accrue annual and sick leave, and be entitled to all benefits accruing under this system.

- b. Military service in excess of fifteen (15) days entered into during time of war or other national emergency or as a result of conscription will be treated as leave without pay. The employee will not be entitled to salary, leave, or benefits during this period however, he or she is entitled to return to a similar position within thirty days of release from the service.

#### 8.6 Personal Leave

Each employee shall be granted three days of personal leave per fiscal year. The purpose of this leave will be to attend funerals, to handle personal business that cannot be accomplished outside working hours, or to accommodate religious holidays. Personal leave may not be accrued from year to year. Personal leave will not abut other leave time or any holidays, except when taken as funeral leave to attend the funeral of a close relative. Personal leave for business that cannot be accomplished outside working hours shall be scheduled at the discretion of the appointing authority.

#### 8.7 Leave Responsibility and Scheduling

- a. Except as provided in subsection 8.6, scheduling of all leaves shall be subject to the approval of the appointing authority.
- b. All military leave and leave without pay must be requested in writing and approved by the appropriate administrative authority.



## 8.8 Transfer of Leave

Persons hired by the unified court system after June 18, 1978, who have been previously employed by state agencies or state courts shall be credited with accrued annual and sick leave which is documented in the records of the former employer.

## 8.9 Holidays

- a. Holidays for judicial system employees shall be those days declared as such by the Chief Justice who may authorize variances to meet local conditions.
- b. In the event that a courthouse is to be closed for a local holiday declared by a county commission, district administrative judges shall coordinate with the commission so as to insure that judicial employees will be granted access to the courthouse whenever judicial business which cannot be delayed is presented to the court or its employees.

## 8.10 Compensatory Time

Supervisors, subject to the approval of the appropriate appointing authority, may grant compensatory time off to an employee, other than an hourly employee, who is required to work in excess of 40 hours in any week. Any compensatory time off shall be scheduled by the supervisor so as to produce minimal interference with court operations and shall be used within one year of its accrual.