

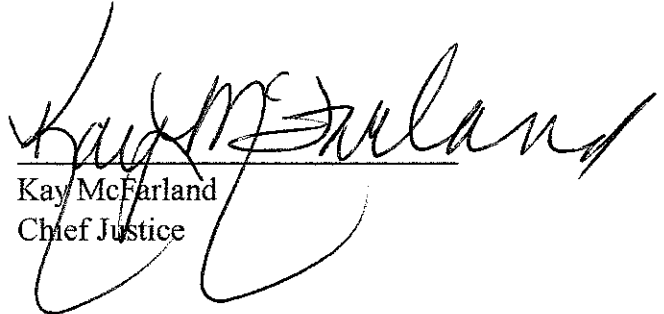
IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order 170

Re: Amendments to Kansas Court Personnel Rule 9.6, concerning Military Leave

Rule 9.6 of the Rules Relating to the Kansas Court Personnel System is hereby amended by the attached pages effective this date.

BY ORDER OF THE SUPREME COURT THIS ^{30th} DAY OF NOVEMBER 2001.



Kay McFarland
Chief Justice

Attachment

9.6 Military Leave

- a. All employees, except temporary, are eligible for military leave. Two types of military leave will be allowed: Active service for 15 days or less and active service in excess of 15 days.
 1. Active service for annual training or special assignments in any branch of the United States Armed Forces, Federal Reserves, or National Guard for a period not to exceed 15 working days within any calendar year will be treated as active work time. During active service leave an employee will receive normal pay, accrue vacation and sick leave, and be entitled to all benefits accruing under this system. A copy of the military orders placing the employee on active duty must be submitted to the appointing authority and the Personnel Officer prior to the effective date of leave.
 2. Military service in excess of 15 working 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 accrue pay, or leave or benefits during this period; however, the employee is entitled to return to a similar position within ninety days of release from the service. A copy of the military orders placing the employee on active duty must be submitted to the appointing authority and the Personnel Officer prior to the effective date of leave.
 3. An employee may request and use accrued vacation leave and compensatory time prior to being placed on military leave without pay.
 4. Before leaving for active duty, an employee may request payout of the total balance or a portion of the balance of any vacation leave and compensatory time accrued prior to the pay period in which the employee takes military leave.

- b. Except as provided in K.C.P.R. 9.6 c, all employees, except temporary, who return to work from military service pursuant to the following schedule are granted the protections of subsection d below.
 1. An employee who served less than 31 days must report to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the calendar day on which the employer returned home.
 2. An employee who served 31 to 180 days must submit an application for reemployment no later than 14 days after completion of the person's service or the first business day thereafter.

3. An employee who served 181 or more days must submit an application for reemployment no later than 90 days after completion of the person's military service or the first business day thereafter.
 4. The reporting or application deadlines will be extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.
 5. If, due to no fault of the employee, reporting to work or applying for reemployment in a timely manner would be impossible or unreasonable, the employee must report back to work as soon as possible.
- c.
1. The provisions of K.C.P.R. 9.6 d do not apply to employees who
 - A. separated from the service with a dishonorable or bad conduct discharge;
 - B. separated from the service under other than honorable conditions as defined by the regulations of the pertinent service;
 - C. were dismissed pursuant to section 1161(a) of Title 10 of the United States Code; or
 - D. were dropped from the military rolls pursuant to section 1161(b) of Title 10 of the United States Code.
 2. The provisions of K.C. P.R. 9.6 d will not apply if the circumstances of the Judicial Branch have changed so drastically that reemployment would be impossible or unreasonable.

- d. The following protections are subject to the provisions of subsections b and c.
1. An employee returning from military service will be reinstated in the employee's former position if
 - A. the cumulative length of service did not exceed five years, except for:
 - i. service required beyond five years to complete an initial period of obligated service;
 - ii. service from which a person, through no fault of the person, is unable to obtain a release within the five year limit;
 - iii. required training for reservists and National Guard members;
 - iv. service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations;
 - v. service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress;
 - vi. active duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent;
 - vii. service by volunteers who are ordered to active duty in support of a "critical mission or requirement" in times other than war or national emergency and when no involuntary call up is in effect; or
 - viii. federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States; and

- B. the employee remains qualified or easily can become qualified to perform the position's duties with or without a reasonable accommodation for any disability incurred or aggravated during military service.
2. An employee returning from military service of 31 to 180 days cannot be terminated for six months following reemployment except for cause as provided in K.C.P.R. 7. An employee returning from military service of more than 180 days cannot be terminated for one year following reemployment except for cause as provided in K.C.P.R. 7.
 3. An employee returning from military service will receive all general salary increases, merit step increases, and longevity bonuses for which the employee would have been eligible if not for military service.
 4. All periods of military service will count toward time on step and length of service for eligibility for longevity pay and the accrual rate for vacation leave. However, all employees must demonstrate full performance prior to moving from Step C to Step D on the pay matrix.
 5. Within 30 days of returning to work from active duty, an employee may buy back all of the vacation leave paid out at the value at which it was paid out.