

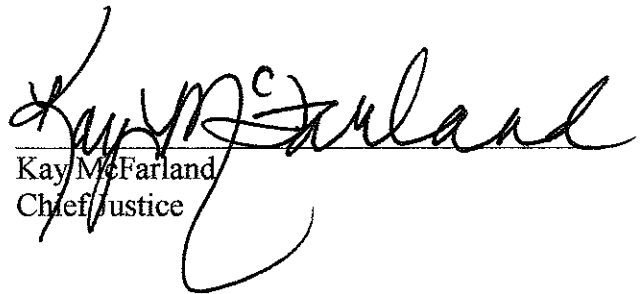
IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 182

In re: Kansas Judicial Branch Shared Leave Policy

Pursuant to K.S.A. 20-162, the Supreme Court adopts the attached Kansas Judicial Branch Shared Leave Policy as a permanent policy effective January 1, 2004. An employee who remains eligible may exhaust all leave donated under the prior temporary policy established by Administrative Order No. 176.

BY ORDER OF THE COURT THIS 15th day of December, 2003.


Kay McFarland
Chief Justice

Attachment

JUDICIAL BRANCH SHARED LEAVE

The shared leave benefit policy allows Judicial Branch employees to donate vacation and sick leave to a qualifying Judicial Branch employee experiencing a serious medical condition which would cause the employee to be unable to perform the duties of the employee's position for at least 180 days and require the employee who has not yet been approved for KPERS long-term disability benefits to take leave without pay or terminate employment.

The shared leave policy does not apply to common or minor illnesses, injuries, impairments or mental conditions that may cause an employee to be unable to perform the duties of the employee's position for less than 180 days. An employee receiving worker's compensation is not eligible to receive shared leave.

Judicial Branch employees, except those in temporary or extended temporary positions, may be eligible to receive or donate shared leave as provided in these rules.

Shared leave may be granted to a regular Judicial Branch employee if the employee:

1. is experiencing a serious medical condition, substantiated by a physician's written statement, which would require the employee to take leave without pay or terminate employment; and
2. the serious medical condition keeps the employee from performing regular work duties and this inability is likely to persist for at least 180 days.

A Judicial Branch employee shall be eligible to receive shared leave only when:

1. the employee has exhausted all paid leave available for use, including vacation leave, sick leave, discretionary day and compensatory time credits; and
2. the employee has six months of continuous service with the Judicial Branch; and
3. the employee has applied for KPERS long-term disability.

Employees shall not be notified of need for shared leave until the request for shared leave has been approved by the administrative authority. No employee shall be coerced, threatened, intimidated or financially induced into donating leave. Violation of this policy is grounds for disciplinary action for personal misconduct.

Shared leave may be used only after all other paid leave has been exhausted and only for the duration of the serious medical condition for which it was collected. When an employee is granted shared leave, the maximum duration of the shared leave will be six months from the date the employee became unable to perform regular work duties.

Shared leave cannot be transferred to any employee other than the Judicial Branch employee for whom it was requested and donated. Shared leave may be applied retroactively for a time not to exceed two pay periods.

A Judicial Branch employee is no longer eligible to receive shared leave for a particular occurrence if:

1. the medical condition improves so it is no longer serious and the employee is no longer prevented from performing regular work duties; or
2. the recipient terminates employment, retires or is approved for KPERS long-term disability.

The employee shall be determined to no longer be prevented from performing regular work duties when the physician states the employee is able to return to work or when the employee has returned to work for 20 continuous working days.

An employee who has twice received shared leave shall not be eligible to receive any further shared leave benefits.

Any unused portion of the shared leave donated to an individual shall be prorated among the donating employees based on the original amount and type of donated leave. Shared leave shall not be returned to donating employees in increments of less than one full hour or to any person who has left Judicial Branch service.

Shared leave shall be paid according to the receiving employee's regular rate of pay. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

An employee shall be eligible to donate vacation and sick leave to another employee when:

1. the donation of vacation leave does not cause the accumulated vacation leave balance of the donating employee to be less than 80 hours; and
2. the donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours; and
3. the donation of vacation leave and/or sick leave must be in full eight hour increments;
4. a statement is signed acknowledging the donation is voluntary and confidential and that the donation may affect the payout of sick leave upon retirement or the payout of vacation leave upon any termination; and
5. the employee is not receiving workers' compensation.

An employee requesting shared leave shall provide the administrative authority with a physician's statement that establishes the medical condition of the employee as serious and keeps the employee from performing regular work duties. Documentation shall also be provided to the administrative authority reflecting that the employee has applied for KPERS long-term disability. If the employee fails to provide the required evidence, the request for shared leave will be denied by the administrative authority.

At any time during the use of shared leave, an employee may be required by the administrative authority to provide additional physicians' statements. If the employee fails to provide the required evidence, the use of shared leave will be terminated by the administrative authority.

Any employee receiving workers' compensation or long-term disability payments shall not be eligible to receive or donate shared leave.

The administrative authority shall determine whether the employee meets the eligibility requirements and if the medical conditions meet the requirements of the shared leave policy. The administrative authority may deny the request for shared leave, or may grant all or a portion of the leave requested. The decision by the administrative authority to approve or deny the request shall be final and not subject to appeal.

All requests for shared leave shall be on the Shared Leave Request Form supplied by the Office of Judicial Administration. All shared leave donations shall be on the Shared Leave Donation Form supplied by the Office of Judicial Administration.

All original request forms, whether approved or denied, physicians' statements and donation forms shall be forwarded to the director of personnel.

The Office of Judicial Administration will be responsible for statewide notification to Judicial Branch employees of the approved shared leave request, calculating appropriate leave balance adjustments and the prorating and crediting of any unused shared leave back to donors.

The Judicial Branch shared leave policy allows transfer of leave only between Judicial Branch employees. When it is found to be in the best interest of the Judicial Branch, the chief justice may suspend the policy. An employee who is granted shared leave prior to the suspension of the policy may exhaust any unused donated leave for which the employee remains eligible.