

State of Kansas



Department of Administration

**D** I V I S I O N O F  
**P** E R S O N N E L  
**S** E R V I C E S



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**BULLETIN NO. 09-05**

**1.0 SUBJECT:** State of Kansas Leave Advancement Policy

**2.0 EFFECTIVE DATE:** October 18, 2009

**3.0 DISTRIBUTION:** State HR Directors

**4.0 FROM:** \_\_\_\_\_  
George Vega, Director Date

**5.0 PURPOSE:** To clarify the specifics and procedures of the Leave Advancement policy authorized by Executive Order 09-08.

**6.0 BACKGROUND:** As part of preparing for a possible outbreak of the H1N1 flu virus, the Governor requested that a small group of HR staff and agency managers come together to resolve several issues with respect to policies during a pandemic situation. As part of that process, the group expressed concern that some employees who had exhausted their own accrued leave balances may be hesitant to comply with the policy that employees exhibiting flu-like symptoms should not report to work since that would result in the employee having to use leave without pay for the absence. As a result, the group recommended to the Governor that the State of Kansas adopt a policy whereby employees could borrow against future leave accrual in order to remain in pay status for situations where they needed to be away from work, but did not have sufficient amounts of accrued leave to do so. The Governor agreed with the recommendation and formally authorized the policy in Executive Order 09-08.

**NOTE** – This policy has no relation to the policy set out in Executive Order 2004-06 by which agencies may provide certain executive level unclassified employees with up to 30 days of sick leave and/or 12 days of vacation leave at the time of hire.

**7.0 IMPLEMENTATION GUIDELINES:**

**7.1 Eligibility for Leave Advancement**

Any employee in a classified, regular position in the Executive Branch (including probationary employees) and any employee in an unclassified benefits-eligible

position in the Executive Branch whose salary is approved by the Governor may receive leave under this policy if all of the following conditions are met:

- a) The employee has exhausted all paid leave available for use, including vacation leave, sick leave, compensatory time, holiday compensatory time and the employee's discretionary holiday and is not currently receiving shared leave in accordance with K.A.R. 1-9-23.
- b) The reason underlying the request for advanced leave is one of those set out in K.A.R. 1-9-5 (e), or is determined by the agency appointing authority to be in the best interests of the State.
- c) The request for the use of advanced leave is submitted in accordance with the provisions of K.A.R. 1-9-3 (a).
- d) The employee completes and signs the "Use of Advanced Leave" form (provided as an Attachment to this Bulletin).
- e) The employing agency determines that the employee does not have a history of leave abuse.
- f) The employee receives approval for the use of advanced leave in accordance with the provisions of K.A.R. 1-9-3 (a).

## **7.2 Amount of Advanced Leave**

Each employee who is determined to be eligible may be approved for advanced leave in the amount of hours the employee is regularly scheduled to work in a bi-weekly pay period, to be used in accordance with the employee's regularly scheduled hours of work. Advanced leave does not count as time worked for FLSA purposes and all advanced leave will be paid at the employee's regular rate of pay. Advanced Leave does count as hours in pay status in accordance with the provisions of K.A.R. 1-2-44.

## **7.3 Recording of Advanced Leave**

Agencies shall use the following leave codes to record the use of advanced leave into the SHARP system:

**AVD – Leave-Advancement Non-exempt** – for non-exempt employees

**AVE – Leave-Advancement Exempt**– for exempt employees

There is no SHARP leave balance associated with these leave codes. The usage of advanced leave will display as "**Other Leave Taken**" in the employee's Total Compensation Statement.

Advanced leave for non-exempt employees shall be used in .25 hour increments. Advanced leave for exempt employees shall only be used in half or full-day increments in accordance with the provisions regarding the use of sick and vacation leave set out in K.A.R. 1-9-20.

#### **7.4 Deduction of Advanced Leave from Employee's Leave Accrual**

Agencies are responsible for keeping track of the usage of Advanced Leave by recording the AVD or AVE earnings code and hours in SHARP timesheets. As soon as appropriate leave is available in the employee's leave balances, agencies should perform non-pay affecting adjustments to replace the Advanced Leave with appropriate leave that has since been accrued until all the Advanced Leave has been replaced with appropriate leave. Appropriate leave is sick and vacation leave. In addition, if, at the time a discretionary day is awarded, an advance leave balance exists which is greater than the hours scheduled for the employee's discretionary day, the full amount of the discretionary day will be used to decrease the outstanding advance leave balance.

Agencies are responsible for documenting and keeping track of the usage of advanced leave. The SHARP system does not keep a running total of the usage of advanced leave.

#### **7.5 Separation from State Service Prior to Full Deduction**

If an employee separates from State service before the number of hours deducted from the employee's sick and vacation leave accrual equals the number of hours used as advanced leave, the remaining balance of hours that were not deducted shall be multiplied by the employee's regular rate of pay and that amount shall be deducted from the employee's final paycheck by recording code PRA (Pay Rate Adjustment) and the negative dollar amount on the employee's timesheet. Agencies are responsible for the calculation of the amount of reduction.

In the event that the number of hours used as advanced leave exceeds the amount of the employee's final paycheck upon separation from State service, the employee will be required to pay to the State of Kansas as liquidated damages, an amount equal to the dollar value of the advanced leave that was received by the employee and was not recovered prior to the employee's separation from employment with the State of Kansas.

#### **8.0 REFERENCES: K.A.R. 1-9-3, K.A.R. 1-9-5, K.A.R. 1-9-20, K.A.R. 1-9-23 and Executive Order 09-08.**

## **9.0 CONTACT PERSONS:**

For program guidelines and general questions regarding the State's Leave Advancement policy, contact Kraig Knowlton at [Kraig.Knowlton@da.ks.gov](mailto:Kraig.Knowlton@da.ks.gov) or at (785) 296-1082.

For questions regarding the recording of advanced leave or the deduction of hours from an employee's sick or vacation leave accrual, contact Brent Smith at [Brent.Smith@da.ks.gov](mailto:Brent.Smith@da.ks.gov) or (785) 296-1432.

For questions regarding the process of deducting an amount from an employee's final paycheck or personal reimbursement, contact Joyce Dickerson at [Joyce.Dickerson@da.ks.gov](mailto:Joyce.Dickerson@da.ks.gov) or (785) 296-3979.