

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

August 4, 2021

2021-PR-112

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Re: Amendment of the Rules Relating to Kansas Court Personnel

Effective the date of this order, Rule 8.16 (paid parental leave) of the Rules Relating to the Kansas Court Personnel System is hereby rescinded and replaced by the attached page. An employee on authorized paid parental leave on or after July 6, 2021, under the previous version of Rule 8.16 may receive paid parental leave as specified in the attached rule; however, the paid parental leave may not exceed eight weeks.

Dated this 4th day of August 2021.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Attachment

8.16 Paid Parental Leave

The Kansas Judicial Branch will provide paid parental leave to eligible employees for the purpose of giving a parent time to bond with the parent's new child under the following terms and conditions:

- a. A regular employee is eligible to receive up to eight weeks of paid parental leave following the birth of the employee's child or the placement of a child who is 17 years old or younger with the employee in connection with adoption. The fact that a multiple birth or adoption placement occurs does not increase the eight-week total amount of paid parental leave granted for that event. An employee will not receive more than eight weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption placement event occurs within the 12-month time frame. For the purpose of this rule, a "week" of leave is equal to the number of hours an employee is regularly scheduled to work in a week. A temporary employee is not eligible to receive parental leave under this rule.
- b. An employee must provide a written request for parental leave to the employee's appointing authority at least 30 days in advance of the need for parental leave, where practical, for approval. The appointing authority will determine whether the employee meets the eligibility requirements of the parental leave policy, and may deny the request. The appointing authority's decision is final and not subject to appeal. At any time during the use of parental leave, the appointing authority may require additional documentation. If the employee fails to provide the documentation, the use of parental leave may be terminated.
- c. Approved parental leave must be taken within the 12 weeks immediately following the birth or placement of the child. Intermittent leave or leave on a reduced work schedule may be given for parental leave only if the appointing authority finds it to be in the best interest of the judicial branch and documents that finding in writing. An employee is not eligible for payment of any unused paid parental leave at the end of the 12-week time frame or upon termination.
- d. Parental leave is compensated at 100 percent of the employee's regular, straight-time pay. Parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- e. Parental leave must run concurrently with FMLA leave if the employee is eligible for FMLA leave under KCPR 8.13. An employee who takes parental leave and who does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

RULES RELATING
to
THE KANSAS COURT PERSONNEL SYSTEM

**KANSAS SUPREME COURT
Topeka, Kansas**

Revised
December 1980
February 1985
May 1987
December 1987
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Adopted December 19, 1978

KANSAS COURT PERSONNEL RULES

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1.0 PERSONNEL SYSTEM PURPOSE AND SCOPE

1.1 System Purpose

The purpose of the Kansas court personnel system is to establish and maintain equitable and uniform policies, procedures, job classifications, and compensation plans to effectively:

- a. Provide equal employment opportunities to all applicants on the basis of merit regardless of race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job.
- b. Ensure that all employees are properly compensated and that such compensation bears a direct relationship to the position occupied.
- c. Provide regular employee performance reviews so meritorious performance may be rewarded and unsatisfactory performance may be remedied.

The ultimate goal of the Kansas court personnel system is to attract and retain qualified, dedicated employees for the mutual benefit of the employees and the public they serve.

1.2 System Scope

These rules apply to the following employees of the Judicial Branch:

- a. Supreme Court employees
- b. Court of Appeals employees
- c. District court employees, except those excluded by K.S.A. 20-162
- d. District court trustees and employees of the trustees' office, as per K.S.A. 23-4,117

1.3 Citation

These rules shall be known and may be cited as the Kansas Court Personnel Rules or KCPR.

1.4 Definitions

- a. Administrative Authority. Officials with primary administrative responsibility including the following or their designees: the Chief Justice, the Chief Judge of the Court of Appeals, and the chief judges of the district court.
- b. Appointing Authority. The person or persons authorized by statute or by these rules to make human resources decisions as assigned by the appropriate administrative authority.
- c. Appointment. The act of filling a position.
- d. Classification. One or more positions sufficiently similar in duties and responsibilities that the same descriptive title is used, the same qualifications for entrance are needed, and the same pay grade may be applied with equity. E.g., Trial Court Clerk II is an example of an employment classification.
- e. Class Series. A sequence of classifications, alike in kind but not in level, starting with an entry level position and advancing upward in duties, complexity, authority, and responsibility. E.g., Trial Court Clerk II, III, and IV constitute a class series.
- f. Confidential Employee. An employee who serves at the will of the employer. The employment of confidential employees may be terminated at any time. They have no right to appeal performance evaluations, discipline or termination.
- g. Demotion. Movement of an employee from a position in one classification to a position in another classification having a pay grade lower than that of the employee's original position.
- h. Discrimination. Discrimination in the workplace occurs when an unlawful adverse employment action is taken or threatened because of a person's, race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job.
- i. Employee's Family Member. An employee's spouse, child, sibling, parent, grandparent, grandchild, mother-in-law, or father-in-law, whether by blood, marriage, adoption, or foster care. As used in these rules, foster care means placement of a minor in an employee's home by court order or authority.
- j. Equal Employment Opportunity. As used herein, the term includes all relevant federal and state laws prohibiting employment discrimination, including but not limited to Title VII of the 1964 Civil Rights Act, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Kansas Act Against Discrimination, K.S.A. 44-1001, *et seq.*

- k. Exempt Positions. Positions which under the Fair Labor Standards Act are defined as executive, administrative, professional, or professional computer positions. Employees in these positions are ineligible for overtime compensation due to the nature of their positions which involve increased responsibility, the exercise of discretion and independent judgment, supervision of employees, and pay levels exceeding FLSA requirements.
 - l. Fair Labor Standards Act (FLSA). The 1938 enactment by Congress which established various labor standards including minimum wage, overtime compensation requirements, and record keeping requirements for employers and employees in the private sector; the Fair Labor Standard Amendments of 1985 extended FLSA coverage to employees of state and local governments, effective April 15, 1986.
 - m. Furlough. Leave without pay for a specified number of hours during one or more pay periods.
 - n. Grade. A range of pay at which classifications in the Judicial Branch system are paid.
 - o. Grievance. Complaint pertaining to employment conditions filed by an employee in accordance with KCPR 10.0.
 - p. Harassment. Unwelcome conduct based on race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job if:
 - 1. enduring the offensive conduct becomes a condition of continued employment; or
 - 2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- See also, KCPR 1.4(h) (discrimination) and 1.4(gg) (sexual harassment).
- q. Job Specification. A generalized listing of work defining some of the more typical tasks of the classification and identifying the training, education, and experience required for the job.
 - r. Layoff. The involuntary termination of employment due to abolishment of a position due to lack of work, lack of funds, or reorganization.
 - s. Length of Service. An employee's total amount of regular service calculated from the effective hire date adjusted as necessary for leave without pay of 31 or more consecutive days and breaks in service.

- t. Nonexempt Positions. Positions identified under the Fair Labor Standards Act as eligible for overtime which are not executive, administrative, professional, or professional computer positions and which have few if any discretionary, supervisory, or managerial responsibilities. E.g., entry-level clerical positions are nonexempt.
- u. Overtime. Hours worked in excess of a standard 40-hour workweek. Generally, overtime is compensated through compensatory (or “comp”) time.
- v. Pay Period. The two-week period between paychecks.
- w. Pay Plan. The array of pay grades and steps applying to the Judicial Branch classification system. A step is a defined unit of pay as specified on the pay plan.
- x. Position. An individual job within the Judicial Branch.
- y. Position Description. A written description developed and used by an appointing authority summarizing the duties and responsibilities assigned to a particular position and used to evaluate job performance.
- z. Probationary Period. A 12-month period following initial appointment, promotion, demotion, or transfer during which the employee may be fired at will and without appeal rights.
- aa. Promotion. Appointing a qualified and eligible employee from one class to another class with a higher pay grade.
- bb. Reclassification. The reassignment of a position to a classification with a higher or lower pay grade based upon a change in the position description and assigned responsibilities.
- cc. Regular Position. A position scheduled for 1,000 or more work hours per fiscal year. A federally-funded position is considered regular only during the duration of the federal funding, unless subsequently state-funded.
- dd. Rehire. The right of a tenured employee who terminates employment with the Judicial Branch in good standing to retain pay status and sick leave if reemployed within one year from the effective date of separation.
- ee. Reinstatement. The right of a tenured employee, involuntarily terminated because of a layoff, to be considered for reemployment within one year after separation.
- ff. Retaliation. Retaliation occurs when an employer takes a materially adverse employment action because a person asserted the right to be free from discrimination, including harassment.
- gg. Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
 2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
- hh. Step Increase. Movement to the next step on the Judicial Branch pay plan. Step increases are subject to funding and approval of the appointing authority and are based on the time-on-step requirement of the pay plan.
- ii. Supervisor. An employee designated by the appointing authority who directs, evaluates, and coordinates the activities of another employee or employees.
- jj. Temporary Employee. An employee holding a temporary position requiring 999 hours or less of work per fiscal year. Employees assigned to temporary positions are not eligible for any benefits except workers' compensation and unemployment benefits.
- kk. Table of Organization. Documents maintained by appointing authorities showing the number of positions authorized for each location, the grade and title of each position, and other related information as prescribed by these rules.
- ll. Workweek. The seven-day period between 12:01 a.m. on Sunday and 12:00 a.m. the following Sunday.

2.0 RESPONSIBILITIES OF SYSTEM PARTICIPANTS

2.1 Responsibilities of the Supreme Court

The Supreme Court of Kansas is responsible for establishing, maintaining, and operating the Kansas court personnel system through the promulgation of these rules. The rules include, but are not limited to:

- a. an affirmative action plan
- b. job classifications
- c. compensation plans
- d. recruitment and selection of employees
- e. personnel policies and procedures

2.2 Responsibilities of the Chief Justice

The Chief Justice, through designees, is responsible for implementing the Kansas Court Personnel Rules.

2.3 Responsibilities of Appointing Authorities

- a. Each appointing authority has the following responsibilities:
 1. Recruiting and selecting employees to fill job vacancies in accordance with standards defined in the classification plan and submitting statements of their qualifications to the appropriate administrative authority for approval.
 2. Supervising the performance and evaluation of each employee and forwarding a written report on each at least twice annually to the Office of Judicial Administration.
 3. Providing orientation and training to employees as appropriate.
 4. Disciplining employees as necessary and in accordance with established procedures.
 5. Collecting and forwarding all required data regarding personnel transactions such as leave, resignations, and disciplinary actions to the Office of Judicial Administration.
 6. Making the Kansas Court Personnel Rules freely accessible to all Judicial Branch employees.

2.4 Responsibilities of Court Employees

Unless specifically exempted by these rules or other law, all Kansas Judicial Branch employees must adhere to all policies and procedures of these rules.

2.5 Responsibilities of District Court Trustees and Employees of the Court Trustees' Offices

Subject to K.S.A. 20-358 and 20-359, the provisions of the Kansas Court Personnel Rules except for pay and benefits apply to district court trustees and any district court trustee staff employed by the district courts.

3.0 CLASSIFICATION PLAN

3.1 The Classification Plan

- a. After consultation with appointing authorities, the director of personnel shall prepare a classification plan by ascertaining the duties and responsibilities of all positions in the Kansas Court Personnel System.
- b. The classification plan shall establish an appropriate title for each position, describe the typical duties and responsibilities of the positions in each classification, and indicate the minimum qualifications for performance of the duties.
- c. The classification plan shall be developed and maintained so that all positions performing substantially similar work with respect to the kind, difficulty, and responsibility are included in the same classification and that the same pay grade may be applied with equity to all positions in the classification.
- d. The classification plan and any amendments or revisions shall be in effect after approval by the Chief Justice.

3.2 Position Inventory System

- a. Personnel records shall be maintained securely and confidentially under the supervision of the appointing authority or designee and in the Office of Judicial Administration on forms designated by the director of personnel.
- b. Each appointing authority or designee shall submit, upon the director of personnel's request, an updated table of organization showing all positions at each level of the appointing authority's organizational structure and indicating the supervisory responsibility of each position.

3.3 Job Titles

The assigned job titles will be the official title for every position in the Judicial Branch for personnel transactions and budget administration. Working or statutory titles may be used in the day-to-day business of the court. No person shall be appointed to or employed in a position under a title not included in the classification plan.

3.4 Position Reclassification

When the duties of a position are changed, or a position appears to have been classified incorrectly, the director of personnel may investigate the duties of the position, upon the director of personnel's own initiative, or upon the request of the appointing authority or designee. After conferring with the appointing authority or designee and conducting a fiscal analysis, the director of personnel may recommend reclassification of the position to the Judicial Administrator who may order the reclassification. If the salary for the position as reclassified would be more than \$2,000 over the currently budgeted salary or the reclassification is to a classification at grade 23 or above, the director of personnel may recommend reclassification to the Chief Justice who may order the reclassification.

3.5 Effect of Position Reclassification

When a position is reclassified, it shall be considered vacant on the effective date of the reclassification. To fill the vacancy, the appointing authority or designee shall use the following procedure:

- a. In all cases of reclassification, the employee in the position prior to reclassification shall be entitled to continue in the position with the tenured status the employee had before reclassification, provided the employee meets the qualifications for the classification to which the position is reclassified.
- b. If ineligible for appointment to the position as reclassified, the employee shall be transferred, promoted, demoted, or terminated by appropriate action in accordance with other provisions of these rules.

3.6 Assignment of Duties

Assignment of duties to a position, whether the duties are primary or occasional, temporary or regular, incidental or essential, is the responsibility of the appointing authority or designee. The classification plan shall not unduly limit or interfere with the appointing authority's responsibility for assigning duties.

3.7 Position Descriptions

Each employee should have a current position description on file which accurately reflects the employee's job duties. Each employee's position description should be reviewed for accuracy during the annual performance evaluation process. If an updated position description results from this process, it should be submitted to the director of personnel and a copy provided to the employee.

4.0 COMPENSATION

4.1 Preparation of the Pay Plan

The director of personnel, under supervision of the Judicial Administrator, will prepare a pay plan for the Supreme Court's approval which shall provide a minimum and maximum rate of pay for each pay grade.

4.2 Revision of the Pay Plan

After consulting with the fiscal officer, the director of personnel may recommend annual revisions of the pay plan necessitated by changes in living costs, availability of labor supply, prevailing pay rates, and the state's financial condition.

4.3 Establishment of Salaries

- a. Except as provided in subsection b, the director of personnel shall assign each classification to a pay grade and shall prepare schedules showing the pay grade for each classification unless the pay is restricted by statute. Each employee shall be paid within the pay grade adopted for the classification as assigned.
- b. The Supreme Court may create classifications for which the rates of pay are set by court order.

4.4 Position Inventories

- a. The director of personnel, under the supervision of the Judicial Administrator, shall establish a position inventory reflecting the budgeted positions per job classification for each respective judicial district and appellate court office.
 1. Absent authorized changes, no judicial district or appellate court office shall exceed the number of positions budgeted per job classification.
 2. Position inventories should reflect only regular positions.

4.5 Changes in Position Inventories within a Judicial District

a. Deletion of Position

If an appointing authority desires to delete a vacant position, a request shall be submitted in writing to the director of personnel.

b. Addition of Position

If an appointing authority desires to add a position to its position inventory, a request and justification shall be submitted in writing to the director of personnel.

c. Relocation of Positions

Subject to notification to the Judicial Administrator, a position may be transferred by the appointing authority from one judicial location to another within the same district.

d. Approval of Changes

Before final disposition of a request for changes to the position inventory under this rule, the director of personnel, together with the fiscal officer, will determine the fiscal impact of the proposed changes and make recommendations to the Supreme Court, whose approval or disapproval shall be final.

4.6 Pay Increases

Pay increases shall be recommended in writing by the appointing authority on performance evaluation forms prescribed by the director of personnel. The effective date of pay increases for employees will depend on the time-on-step requirement. The director of personnel may approve a retroactive pay increase only if the appointing authority verifies that an error resulted in a recommendation for a pay increase not being made at the time an employee was eligible.

4.7 Beginning Pay

Initial appointment with the Judicial Branch will be paid at Step A of the grade assigned to the position's classification. Upon request of the appointing authority and the director of personnel, the judicial administrator may seek approval from the Chief Justice for compensation up to Step C when the needs of the court system make such action necessary. Requests must be based on: 1) the employee's experience and ability and 2) a critical shortage of qualified applicants.

4.8 Pay Upon Rehire

- a. After a separation from the Judicial Branch of not more than one year, an individual rehired to a position at the same pay grade as the individual's former position shall be placed on the same step as the employee was at the time of separation.
- b. After a separation from the Judicial Branch of not more than one year, an individual rehired to a position at a higher or lower pay grade than the

individual's former position, at the request of the appointing authority and approval of the director of personnel and Judicial Administrator, may be employed at a grade and step commensurate with a promotion or demotion respectively.

- c. The step increase date for any rehired person shall be governed by the time-on-step requirement of the step assigned to the employee's new position. The length of time a person spent on a particular step while in the former position shall not count toward the time-on-step requirements of the new position.

4.9 Pay Upon Transfer

- a. Whenever an employee transfers to a position in the same classification, or a similar classification in the same grade, and such change is not in the nature of a promotion or demotion, the employee shall be paid at the same step as previously paid before the transfer.
- b. The length of time the incumbent has spent on the previous position shall count toward the time-on-step requirement for the position to which the employee has transferred.
- c. If an employee who has a compensatory time balance transfers from one judicial district to another, the compensatory time balance shall be paid out prior to the transfer to the other district.

4.10 Pay Upon Promotion or Upgrade

- a. An employee who is promoted will be paid at the lowest pay step of the employee's new grade that will result in no less than an 8% increase in salary.
- b. The length of time the employee has spent in the previous position will count toward the time-on-step requirement for the pay step to which the employee has been promoted.
- c. When a classification is upgraded, the new pay of the employees in that classification will be as specified in the order implementing the upgrade.
- d. If an employee who is promoted or whose position is upgraded has a compensatory time balance, the employee will be paid for the compensatory time before the promotion or upgrade.

4.11 Pay Upon Demotion or Reclassification to a Lower Grade

- a. An employee demoted for disciplinary reasons shall be paid at the grade and step specified in the order of discipline. If no rate is specified, the employee shall be paid at the step immediately below the employee's current pay wherever that step falls within the lower grade. The date of such an assignment shall become the date used to calculate the employee's time-on-step requirement and step increase eligibility date in accordance with KCPR 7.4(d)(3).
- b. An employee taking a voluntary demotion or whose position is reclassified at a lower grade shall be paid at the grade assigned to the classification to which the employee is assigned. The employee will be paid at the step immediately below the employee's current pay wherever the step falls within the lower grade. The assignment shall not affect the employee's time-on-step requirements and step increase eligibility date.
- c. The provisions of K.C.P.R. 4.9(c) apply.

4.12 Individual Pay Increases

- a. Recommendations for step increases shall be made by the appointing authority in writing on forms provided by the director of personnel and shall be based upon performance evaluation standards and other pertinent data. An overall performance evaluation rating of at least "successful" is required before an employee may receive a step increase.
- b. The amount of each step increase shall be one step in the grade assigned except as otherwise provided in these rules.
- c. An employee shall be eligible to move from Step A to Step B after six months of service and an overall rating of at least "successful" on the six-month performance evaluation.
- d. An employee on Step A who does not receive a Step B increase is eligible to move to Step C after 12 months of service and receipt of an overall rating of at least "successful" on the 12-month performance evaluation. If such an employee on Step A receives an overall rating of "unacceptable" on the 12-month performance evaluation, the employee should be terminated. Such termination of employment cannot be appealed.
- e. An employee is eligible to move from Step B to Step C after six months of service on Step B and an overall rating of at least "successful" on a performance evaluation. The employment of an employee on Step B who receives an overall rating of "unacceptable" on a performance evaluation should be terminated. Such termination of employment cannot be appealed.

- f. An employee is eligible to move from Step C to Step D after serving at least three years on Step C, receiving three annual performance evaluations with an overall rating of at least “successful” and achieving full performance for the employee’s classification.
 - 1. Full performance is achieved when an employee possesses and applies knowledge, skills, abilities, and personal attributes to perform independently the functions of the employee’s position.
 - 2. An employee who has not achieved full performance at the end of the third year on Step C shall be given specific reasons that the employee was not found to have achieved full performance. The employee may be reassessed for full performance six months after the date of the performance evaluation finding full performance was not achieved. If the employee meets the requirements for full performance, the employee may move to Step D.
- g. An employee shall be eligible to move from Step D to Step E after at least four years of service on Step D and receiving four annual performance evaluations with an overall rating of at least “successful.”

4.13 Individual Pay Decreases

- a. Upon recommendation of the appointing authority and approval by the director of personnel, and upon notice to the employee and opportunity to be heard, the pay of any employee may be reduced one step for two overall annual performance evaluation ratings of “unacceptable.” However, no reduction shall result in a pay rate below Step A of the grade for the position. A reduction in pay pursuant to this provision is final and may not be appealed.
- b. The pay reduction date shall become the date used to calculate the employee’s time-on-step requirements and step increase eligibility date. An employee’s appointing authority may, at any time following a pay decrease, review the employee’s performance. At the appointing authority’s direction, the employee’s pay may be increased to the step from which it was reduced on the first day of any subsequent pay period. The date of the pay increase shall become the date used to calculate the employee’s time-on-step requirements and step increase eligibility date. Approval of the Chief Justice is required for more than one such reduction in any 12-month period. See KCPR 7.4(b) and 7.4(d)(3).

4.14 Termination Compensation

- a. A terminating employee, except one terminated during the first six months of initial probation with the Judicial Branch, who gives at least five working days notice of resignation, will be paid for vacation leave accrued to the date of termination. The director of personnel may waive notice in writing.

Compensation will be made at the employee's rate of pay at the time of termination. See KCPR 7.6(a) (notice requirements for rehire eligibility).

- b. Any accumulated compensatory time at the termination of employment will be paid at the employee's rate of pay at the time of termination.
- c. Each employee retiring from the Kansas Judicial Branch with a length of service of at least 8 or more years and who has accumulated at least 800 hours or more of sick leave shall receive at the time of retirement, compensation for accumulated sick leave as follows:
 - 1. Compensation for 240 hours, if the employee has completed 8 or more years of such service and has accumulated at least 800 hours of sick leave.
 - 2. Compensation for 360 hours, if the employee has completed 15 or more years of such service and has accumulated at least 1,000 hours of sick leave.
 - 3. Compensation for 480 hours, if the employee has completed 25 or more years of such service and has accumulated 1,200 hours of sick leave or more.

For purposes of computing total length of service for this benefit, provisions of KCPR 1.4(q) will apply.

4.15 Additional Compensation

Except as otherwise provided by law, no employee shall receive additional compensation from any source for work performed in fulfillment of an employee's duties. See Supreme Court Rule 356.

4.16 Overtime Compensation

Nonexempt employees who work in excess of 40 hours in one workweek will be compensated at the rate of one and one-half times the hourly rate for each hour over 40 worked.

- a. The director of personnel must authorize all overtime.
- b. Unless otherwise authorized by the director of personnel, employees shall receive compensatory time in lieu of overtime compensation. See also, KCPR 8.10.
- c. Holidays, paid leave, or other hours in pay status but not actually worked do not count as "hours worked."

4.17 Longevity Bonuses

Longevity bonuses may be paid to regular employees in positions with an assigned pay grade with lengths of service of at least 10 full years. K.S.A. 75-5541. The amount will be computed by multiplying \$40 by the employee's number of full years of service, not to exceed 25 years. Longevity bonuses are subject to the following provisions:

- a. The employee's most recent performance evaluation in the preceding 12 months must have at least a "successful" rating for the employee to be eligible for longevity bonus pay.
- b. The provisions of this section do not apply to any state officer or employee who was employed or re-employed as a state officer or employee on or after June 15, 2008.
- c. In calculating length of service, adjustments will be made for leave without pay of 31 or more consecutive days and breaks in service.
- d. Leave resulting from military service pursuant to KCPR 8.6, FMLA, or workers' compensation after May 1, 1983, will be counted as time worked for an employee's length of service if the employee remains in official pay status.

5.0 EMPLOYMENT POLICIES

5.1 Equal Employment Opportunity Policy

All employment decisions regarding recruitment, selection, hiring, promotions, training, transfers, demotions, dismissal, and other terms and conditions of employment shall be made without discrimination on the grounds of race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job. Violations of this policy are punishable as serious or grievous offenses pursuant to KCPR 7.3 and 7.4.

5.2 Appointing Authorities

- a. Where not otherwise designated by the Constitution, statute, or other authority, appointing authorities for purposes of these rules are as follows:
- b. The Executive Assistant and Counsel to the Chief Justice shall be appointed by the Chief Justice.
- c. Each justice shall appoint the members of the justice's chambers. Each judge of the Court of Appeals shall appoint the members of the judge's chambers.
- d. Employees of the Judicial Administrator's office shall be appointed by the Judicial Administrator, subject to the approval of the Chief Justice.
- e. Employees of the Disciplinary Administrator's office shall be appointed by the Disciplinary Administrator, subject to the approval of the Chief Justice.
- f. Employees of the Kansas Lawyers Assistance Program are appointed by the Executive Director of the program, subject to the approval of the Chief Justice.
- g. Supreme Court staff attorneys shall be appointed by the General Counsel to the Chief Justice, subject to the approval of the Chief Justice.
- h. District court employees shall be appointed by the chief judge of the district. Whenever any person is employed to work under the direct supervision of a particular judge, the employment of such person shall be subject to the approval of the judge. For purposes of these rules, the appointing authority for a confidential employee of a particular judge is that judge.
- i. District court trustees are appointed by the chief judge of the judicial district in which the trustee will serve. Employees of the court trustee's office are appointed by the trustee, subject to the approval of the chief judge.
- j. See KCPR 2.3 for responsibilities of the appointing authority.

5.3 Confidential Employees

- a. Confidential employees of the justices of the Supreme Court and judges of the Court of Appeals include judicial executive assistants and research attorneys appointed by the respective justices or judges and attorneys directly serving the Court of Appeals or Supreme Court. The Judicial Administrator, General Counsel to the Chief Justice, and the Special Counsel to the Chief Justice are the confidential employees of the Chief Justice.
- b. Administrative secretaries who serve the Judicial Administrator, Disciplinary Administrator, and Clerk of the Appellate Courts are confidential employees appointed by the respective officer. Attorneys who serve as deputies to the Disciplinary Administrator are confidential employees of the Disciplinary Administrator.
- c. The Budget and Fiscal Officer and the Director of Information Systems are confidential employees of the Judicial Administrator.
- d. Confidential employees of district court judges include district court trustees, hearing officers, research staff employees, and administrative assistants and secretaries who serve individual judges.
- e. Selection of confidential employees shall be guided by the principle of providing equal employment opportunities to all applicants as set forth in KCPR 5.1.
- f. Confidential employees serve at the will of their respective appointing authorities and do not have the right to appeal performance evaluations or discipline, including termination.

5.4 Determination of Qualifications

- a. For each job classification, the director of personnel shall establish reasonable and necessary standards and requirements concerning education, experience, physical capabilities, and other factors related to the duties and essential functions of the position.
- b. The appointing authority, after verifying an applicant's academic credentials, work experience, examination results, if required, and any other pertinent information, shall determine the applicant's qualifications for a position.
- c. If at any time a regular employee either does not receive or loses a certification, license or qualification that is necessary to the employee's position as determined by the director of personnel, the employee may be terminated from the position after notice to the employee and opportunity to be heard.

- d. To increase promotional opportunities for Judicial Branch employees, employment with the Judicial Branch may be substituted on a year-for-year basis for formal education requirements with the written approval of the director of personnel and the Chief Justice.

5.5 Recruitment

- a. The appointing authority will determine the process used for recruiting applicants. All recruitment processes will comply with equal employment opportunity policies as per KCPR 5.1.
- b. The appointing authority will prescribe the recruiting period during which applications for a position will be accepted.
- c. All vacancies should be publicly posted for at least five working days in the court or office in which they occur.

5.6 Application for Employment

All applicants for employment should complete the Kansas Judicial Branch Application for Employment as prescribed by the director of personnel. All persons interviewed for employment with the Judicial Branch must complete and sign an application for employment.

5.7 Selection of Employees

All selection procedures will comply with equal employment opportunity guidelines set forth in these rules. Whenever it is determined that a uniform selection procedure for any job classification is in the best interest of the Kansas Judicial Branch, the director of personnel, with approval of the Chief Justice, shall develop a procedure for statewide use.

5.8 Record Keeping

- a. Each appointing authority shall, for three years, maintain records of procedures used in recruiting, interviewing, and training as required by equal employment opportunity guidelines and the director of personnel. Personnel files must be retained for four years after an employee's termination, retirement, or resignation. Paper timesheets must be retained for five years.
- b. The official personnel file for each Judicial Branch employee is kept in the Office of Judicial Administration.

5.9 Overlapping Appointments

When filling a position not yet vacated by the incumbent, the director of personnel may authorize the incumbent and the new appointee to occupy the position concurrently, subject to funding.

5.10 Nepotism

- a. No appointing authority or employee shall advocate, participate in, or cause the appointment, promotion, transfer, demotion or discipline of a member of the appointing authority's or employee's family or household. See K.S.A. 46-246a. No member of an employee's family or household may directly supervise the employee.
- b. A household member is a person having legal residence in and living in the employee's residence.

5.11 Outside Employment

Before an employee accepts or engages in employment outside of the Kansas Judicial Branch, the employee will provide the appointing authority with a written request. The appointing authority shall provide the employee with a written determination whether the outside employment conflicts or appears to conflict with the interests of the Kansas Judicial Branch. No employee may engage in outside employment during the employee's regular hours of employment, except while on annual leave or discretionary leave. See KCPR 8.1.

5.12 Conflicts of Interest

No employee shall, in the capacity of such employee, make, participate in the making of, or be substantially involved in the preparation of a contract with any person or business by which the employee is employed or in whose business the employee or any member of the employee's family or household has a substantial interest. For purposes of this rule, "family" is defined as per KCPR 1.4(h) and "substantial interest" is defined in accordance with K.S.A. 46-229. This rule does not apply to contracts let after competitive bidding has been advertised for by published notice and contracts for property or services for which the price or rate is fixed by law. Violation of this rule may result in discipline pursuant to KCPR 7.0.

5.13 Referrals

Employees shall not accept compensation for referring legal or other court-related business to any person in private practice or business. Violation of this rule may result in discipline pursuant to KCPR 7.0.

5.14 Practice of Law

No employees except district court trustees and attorney members of their staff may engage in the private practice of law. Assisting litigants in understanding and filling out forms as required by Supreme Court Rule or statute is not a violation of this rule.

5.15 Transfers

- a. At the request of the appointing authority, a vacant position may be filled by transfer of an employee with permanent status. No permanent employee will be transferred to another judicial location without the approval of the director of personnel, unless the employee being transferred has consented in writing to such transfer.
- b. If the needs of the Judicial Branch require, the Supreme Court may transfer any employee from one judicial location to any other judicial location in the state. Before a transfer is made pursuant to this section, the Judicial Administrator may direct the director of personnel to investigate the proposed transfer and report all findings to the Supreme Court. Upon determining the transfer is in the best interests of the Judicial Branch, the Supreme Court may order the transfer.

5.16 Political Activity

- a. Employees shall not directly or indirectly use their authority or official position or an express or implied offer of special favor to compel or persuade any person to apply for membership in or become a member of any organization, to pay or promise to pay any assessment, subscription or contribution, or to take part in any political activity.
- b. An employee may not use the employee's official position, Judicial Branch work time, state or county property, communication or information systems or other resources or facilities in connection with any political activity unless such activity is authorized by the Supreme Court or reasonably related to the employee's official duties.
- c. No solicitations for political contributions should occur on state or county premises used by the Judicial Branch. Literature advocating political activity or other political activity paraphernalia shall not be brought into Judicial Branch offices.
- d. Employees may not hold an elective office while employed with the Judicial Branch except precinct committee person or a nonpartisan elective office. Employees are deemed to have resigned from employment with the Judicial Branch upon filing as a candidate for holding an elective office, unless the elected office filed for is nonpartisan or is that of precinct committee person. In addition,

an elective office is deemed outside employment and subject to provisions of KCPR 5.11.

- e. For purposes of this subsection, “political activity” means contacting, or urging another person or persons to contact, members of a legislative body for the purpose of proposing, supporting or opposing legislation; advocating the adoption or rejection of legislation; or recruiting, supporting, or hindering political candidates. “Legislative body” includes any federal, state and local government entity with statute, rule or policy making authority. “Legislation” includes any action by Congress, by any state legislature, by any local council or governing body, by any executive agency, by the public in a referendum, initiative, constitutional amendment, or similar procedure.
- f. Subject to the above restrictions, employees may exercise all rights of citizenship while not on duty and while clearly acting as an individual and not an employee or representative of the Judicial Branch.

5.17 Types of Positions

Employees shall be assigned one of the following types of positions:

- a. Regular. A position is considered regular if it requires 1,000 or more work-hours per fiscal year. Regular employees are entitled to employee benefits and privileges in accordance with Kansas court personnel policy.
- b. Temporary. A temporary position cannot exceed 999 hours per fiscal year. The period of time served by a temporary employee shall not be counted as part of probation or time-on-step in case of subsequent appointment to a regular position. Temporary employees are not entitled to employment benefits except workers’ compensation coverage and unemployment insurance. The salary of a temporary employee shall remain at Step A of the grade to which the position is assigned.

5.18 Appointment Policies

- a. Promotional Appointments. If the needs of the Judicial Branch as determined by the appointing authority can be met, vacancies should be filled by promotion or transfer of qualified and eligible employees. See KCPR 5.4(d).
- b. Acting Appointments. When a regular position requires the short-term assignment of an employee who has regular status in another position, the appointing authority, with the approval of the director of personnel, may proceed based on the following principles:
 - 1. The appointing authority may take action to fill a position on a regular basis if the incumbent has permanently vacated the position.

2. The temporarily appointed employee should meet the minimum qualifications of the classification of the position.
 3. An acting appointment should not be for less than thirty calendar days in length.
 4. Documentation of the acting appointment will be placed in the acting employee's permanent record.
 5. An employee acting in a position appointed to a pay grade higher than the employee's normal position may be paid pursuant to KCPR 4.10 if approved by the director of personnel.
 6. The pay of an employee acting in a position appointed to a pay grade lower than that of the employee's normal position shall not be reduced.
 7. Filling an acting appointment shall not affect the acting employee's compensation review date or status in the acting employee's normal position.
 8. Time spent by an employee fulfilling an acting appointment shall be applied toward any probation and time-on-step requirements if the employee is permanently appointed to the position.
- c. Extended Temporary Appointment. The director of personnel may authorize filling a regular position with a temporary employee subject to the following conditions:
1. The appointing authority will notify the appointee in writing at the time of selection that the appointee shall not be permitted to remain in the position longer than the period specified.
 2. If an employee serves on an extended temporary position and is later appointed to a regular position, the period served during the extended temporary appointment shall not be applied toward the initial probation or time-on-step requirements for the regular position.
 3. Extended temporary employees are not entitled to employment rights or benefits provided to regular employees except workers' compensation coverage and unemployment insurance.
 4. Extended temporary appointments shall be subject to availability of funding.

5.19 Probation

Probation is a working test of an appointee's ability to succeed in the position in which employed. Supervisors shall instruct and train on matters pertaining to the position, as well as monitor job performance. During probation, employees shall not be entitled to the rights granted under KCPR 10.0 and 12.0. Probationary employees accrue sick and vacation leave and length of service for longevity purposes.

The following rules apply to all types of probation:

- a. All appointments are conditional and subject to 12 months of probation.
- b. An employee shall be granted permanent status upon successful completion of the employee's probation and upon the affirmative recommendation of the appropriate appointing authority. Confidential employees are never granted permanent status.
- c. Except as provided in KCPR 5.20(c), if, at any time during probation, the appointing authority determines the probationary employee's overall performance has been "unacceptable," the employee may be dismissed without the right of appeal or hearing. The "unacceptable" performance shall be documented and submitted to the director of personnel and employee.
- d. Except as required by law or as approved by the director of personnel, periods of leave with or without pay for more than 30 consecutive calendar days shall not be counted toward fulfillment of an employee's probation. The duration of an employee's probation must be completed upon returning to work.

5.20 Types of Probation Periods

- a. Probation upon Initial Appointment or Rehire. The 12-month period immediately following an employee's first appointment to a position or an employee's return to employment with the Judicial Branch.
- b. Probation upon Promotion or Demotion. The 12-month period following an appointment to a position in a classification assigned to a higher or lower pay grade. See KCPR 4.10.
- c. Probation upon Transfer to another Position. The 12-month period immediately following an employee's transfer to another position within the same classification or similar classification occupying the same pay grade. The probationary period shall not apply to employees with tenured status who transfer within judicial districts or appellate court offices as long as the duties of the old and new positions are substantially the same.

5.21 Dismissal during Promotional Probation

If an employee's work performance during promotional probation is "unacceptable," the appointing authority may reassign the employee if a position is available in the same classification in which the employee previously served in tenured status. If there is no reassignment, the employee may be terminated without an appeal.

5.22 Appointing Authority's Responsibility upon Employee's Completion of Probation

Four weeks prior to the expiration of an employee's initial or any other probation, the appointing authority shall file with the director of personnel a performance evaluation either granting tenured status, returning the promoted, demoted or transferred employee to his or her original position, if applicable, or terminating employment. The appointing authority shall provide the employee with a copy of the performance evaluation. The employee's employment shall be continued after the expiration of probation only if the appointing authority notifies the director of personnel that the employee will be granted tenured status. An employee must have an overall performance evaluation rating of "successful" or "beyond expectations" to receive tenured status in the new position.

5.23 Employee Performance Evaluations

Employee performance evaluations will be considered in determining pay increases and decreases, order of layoff, promotions, demotions, suspensions and dismissals, and the granting of longevity bonus payments.

- a. All appointing authorities are responsible for conducting timely performance evaluations for the employees under their authority.
- b. After initial hire, promotion or transfer, employees should receive a three-month progress report, a six-month performance evaluation, a nine-month progress report, and a 12-month performance evaluation. An overall performance evaluation rating of "successful" or "beyond expectations" is necessary before an employee receives a step increase.
- c. Regular employees will receive yearly midterm progress reports and annual performance evaluations.
- d. All employee performance evaluations shall be submitted to the director of personnel at least four weeks preceding their effective dates. All evaluations and reports shall be on forms prescribed by the director of personnel.
 1. An employee's initial performance evaluation will be completed by the employee's immediate supervisor or by another qualified person designated by the appointing authority. A qualified person is one who is familiar with the employee's position and job performance.

2. All employee performance evaluations should be substantiated by pertinent statements and signed by the person completing the evaluation or the appointing authority. If the person completing the evaluation is not the appointing authority, the rating is subject to review, approval or modification by the appointing authority before the rating is final.
 3. The employee should be informed in writing at the beginning of the rating period as to the duties on which the employee's job performance will be rated and shall be informed of the rating at the end of the period.
 4. The employee shall sign the performance evaluation as evidence that the employee has been informed of the overall rating, but such signature shall not affect the tenured employee's right of appeal if the employee disagrees with the overall rating assigned.
 5. The appointing authority shall sign and send the employee performance evaluation to the director of personnel.
- e. When recommending a step increase for an employee as provided in KCPR 4.12, the appointing authority shall consider the performance evaluation record of the employee.
 - f. A current overall performance evaluation rating of "unacceptable" may be considered by the appointing authority in pursuing a disciplinary action under KCPR 7.1 and 7.4.

5.24 Employee Performance Evaluation Appeal

- a. All employees, except confidential employees and probationary employees, have the right to appeal an overall performance rating of "unacceptable."
- b. The appeal shall be in writing, shall state the grounds or reasons for appeal and shall be filed with the appointing authority within five working days after the employee is informed of the overall rating. The appointing authority will inform the director of personnel and forward all documentation to the director of personnel within five working days after receiving notice of the appeal.
- c. The appeal committee will consist of one employee designated by the appointing authority, one employee designated by the affected employee, and one employee mutually agreed upon by the designees of the appointing authority and the affected employee. If the two designees cannot agree on a third committee member, the director of personnel will designate the third member. The director of personnel will designate one committee member as chairperson of the appeal committee.
- d. Employees appointed to an appeal committee should not be supervised by the performance evaluation rater or raters. Committee members are to be fair and

impartial in discharging their responsibilities. Committee members should be selected from the judicial district or appellate court office in which the pending appeal originated, unless the appointing authority and the affected employee mutually agree the objective of a fair and impartial hearing can best be served by selecting members of the appeal committee from another judicial district or appellate court office.

- e. The affected employee is entitled to a hearing on the appeal. Unless the employee waives the hearing, the committee should convene the hearing within 10 working days of being appointed. The committee may consider oral and written submissions as may be offered by the affected employee and the performance evaluation rater or raters. If the employee waives the right to a hearing, the committee may consider the appeal based upon the written appeal and other written submissions. The affected employee may retain counsel at the employee's own expense. No verbatim record of the hearing shall be required, nor shall the rules of evidence be strictly applied.
- f. Within 10 working days of the appeal hearing, or within 20 working days of being appointed if no hearing is conducted, the appeal committee shall affirm the original rating or determine the appropriate overall performance evaluation rating. The appeal committee is not entitled to substitute its judgment for that of the original rater, but should affirm the original rating if it was reasonable under the circumstances or supported by evidence in the record. The committee's overall rating shall be a majority determination. The overall performance evaluation rating shall be in writing and a copy will be forwarded to the administrative authority, appointing authority, and affected employee. All original documents and decisions of the committee shall be filed with the director of personnel.
- g. An overall rating assigned to the affected employee by the appeal committee shall be final and not subject to further appeal or review. The appeal process does not apply to a second special performance evaluation pursuant to KCPR 7.1.

5.25 Regular Business Hours

Regular business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. The Chief Justice must approve deviations from regular business hours, except that the appointing authority may schedule lunch periods in accordance with local conditions. Appointing authorities may authorize alternate work hours that do not interfere with the ability to provide full service during regular business hours.

5.26 Length of Service

- a. Previous regular service with state agencies and the Judicial Branch or documented service with a court trustee's office shall be considered when computing length of service for vacation leave accrual purposes.

- b. Persons hired directly from State of Kansas agencies shall have length of service for leave accrual purposes computed based on the years of documented service in the personnel records of their former employer and may transfer accrued sick and vacation leave documented by the former employer, subject to the limits of KCPR 8.2(c).
- c. In calculating length of service, adjustments will be made for leave without pay of more than 30 calendar days and breaks in service, as allowed by law.
- d. Leave resulting from military service pursuant to KCPR 8.6., or workers' compensation benefits after May 1, 1983, shall be counted as time worked for an employee's length of service if the employee remains in official pay status.

6.0 LAYOFFS AND FURLOUGHS

6.1 Layoffs and Reduction in Force

- a. If the Supreme Court is required to layoff an employee or employees due to abolition of a position or positions because of lack of work, lack of funds, or reorganization, the director of personnel, after consultation with the appropriate appointing authority, will submit a procedure for the layoff in a manner prescribed or approved by the Chief Justice.
- b. The operational needs of the Judicial Branch, seniority, job performance evaluation, job classification, or employment status will be considered in determining the order of layoffs. For the purpose of determining layoffs, computations of seniority shall include all periods of employment by the Judicial Branch after January 10, 1977, and all periods of employment by the district court, Supreme Court, or one of the courts identified in K.S.A. 20-335 as abolished by the court unification act, for periods of employment prior to January 10, 1977. The director of personnel will submit to the Chief Justice a layoff plan specifying:
 1. The purpose of the layoffs;
 2. The job classifications, seniority, job performance evaluation, and employment status of affected employees;
 3. The criteria used to determine the employee to be laid off;
 4. The affected geographic locations;
 5. The impact on each employee's benefit package;
 6. Each affected employee's rights to reinstatement, if any; and
 7. Any other pertinent information requested.
- c. After approval by the Chief Justice of the layoff plan, the director of personnel will cause written notice and reason for the layoff to be given to appropriate appointing authorities and affected employees at least fourteen calendar days prior to the effective date of the layoff.
- d. Employees who are laid off will receive compensation as under KCPR 4.14(a) and (b).
- e. Employees laid off in accordance with KCPR 6.1 are entitled to reinstatement to the same classification or class series as they held at the time they were laid off, subject to the following limitations:

1. Such right will not exceed one year from the effective date of the layoff.
2. The employee may waive such right. The waiver should be in writing and should be submitted to the director of personnel.
3. The director of personnel will maintain a recall list of all laid-off employees within a geographic location having reinstatement rights in reverse order of layoff.
4. An appointing authority or designee may not fill positions within a job classification vacated due to layoffs with other applicants until all employees with reinstatement rights who qualify for the position have been reemployed or have waived their rights.

6.2 Furlough

- a. Furlough is involuntary leave without pay for a specified number of hours during one or more pay periods. Employees shall not take paid leave during a furlough.
- b. If the Supreme Court deems it necessary to deviate from the standard workday or standard workweek due to shortage of funds, the director of personnel, after consultation with the appropriate appointing authority or designee, will submit a proposed furlough plan in conjunction with the budget and fiscal officer in a manner prescribed or approved by the Chief Justice.
- c. The furlough plan to be submitted to the Chief Justice will specify:
 1. The purpose of the furlough;
 2. The job classifications, specific courts, funding sources, or any combination thereof affected by the proposed plan;
 3. The criteria used to select the classification, specific courts, funding sources, or any combination thereof included in the furlough;
 4. The approximate duration of the proposed furlough;
 5. The number of hours during one or more pay periods that will be reduced;
 6. The estimated cost savings generated by the proposed furlough; and
 7. Any other information requested by the Chief Justice.
- d. Furloughs will begin and end in the same fiscal year, except as otherwise approved by the Chief Justice.

- e. After the Chief Justice approves a furlough plan, the director of personnel will notify the appropriate appointing authorities. The appointing authority will notify employees affected by the furlough plan.
- f. An employee's accrual of vacation and sick leave will continue during furlough periods at otherwise authorized rates notwithstanding other rules to the contrary. Social Security and retirement contributions will be reduced in proportion to the reduction in the employee's gross pay except as provided by law. Such furloughs will not affect an employee's health insurance, length of service, step pay increase date, or eligibility for authorized holiday compensation.

7.0 DISCIPLINARY PROCEDURES

7.1 Disciplinary Actions for Deficiencies in Work Performance

- a. If an employee's work performance is deficient, the employee may be given an overall performance evaluation rating of "unacceptable" on an annual performance evaluation or on a special evaluation. A tenured employee will be informed of the right to appeal the rating pursuant to KCPR 5.24. The employee will further be informed that a second special evaluation will take place on a specified date not less than 30 calendar days after the date of the "unacceptable" evaluation, and that a second rating of "unacceptable" may result in discipline pursuant to KCPR 7.4.
- b. If a second performance evaluation also results in an overall rating of "unacceptable," the employee may be disciplined pursuant to KCPR 7.4. Any discipline will be coordinated with the director of personnel. The appointing authority or designee will give notice of the proposed discipline to the employee.
- c. The rating of any second evaluation under KCPR 7.1(a)-(b) cannot be appealed pursuant to KCPR 5.24. However, if the tenured employee appeals any disciplinary action taken because of the two "unacceptable" evaluations, the tenured employee may include the rating of the second evaluation as an issue in the appeal.

7.2 Disciplinary Actions for Personal Misconduct

- a. An employee may be disciplined for personal misconduct by reprimand. All reprimands should be in writing and coordinated with the director of personnel.
- b. Reasons for which a reprimand may be issued include but are not limited to the following:
 1. Violation of or failure to comply with a policy or procedure set forth by the Supreme Court or local court rule.
 2. Action unbecoming an employee of a court or agency which could reflect adversely on the court or agency.
 3. Carelessness, negligence or improper use of funds, equipment or other resources of a court or agency.
 4. Engaging in outside business activities on court time or using court resources for such activity.
 5. Failure to maintain a satisfactory and harmonious working relationship with the public or fellow employees.

- 6. Failure to fully engage in work tasks during scheduled work hours.
- c. A reprimand should cite specific details of incident(s) involving misconduct.
- d. A reprimand should be signed by the appointing authority or designee and should be considered a first warning.
- e. A reprimand cannot be appealed. The employee may reply in writing to a reprimand within five working days of receiving the reprimand.
- f. An employee cannot be promoted following a reprimand for six months unless the reprimand has been withdrawn in writing by the appointing authority or designee.
- g. All reprimands, replies, and withdrawals, if any, shall be submitted to the director of personnel, and placed in the employee's personnel file.
- h. If an employee receives a second reprimand within six months after delivery of a prior written reprimand, the appointing authority or designee may take further disciplinary action in accordance with KCPR 7.4.

7.3 Disciplinary Actions for Serious or Grievous Offenses

Employees may be disciplined pursuant to KCPR 7.4 for committing serious or grievous offenses. Appointing authorities should coordinate discipline with the director of personnel. Just causes for discipline under this section include but are not limited to:

- a. Commission of any action which could cast serious doubt on the employee's ability to serve in a position of trust, including but not limited to abuse of remote work agreement, being convicted or being on diversion for any crime involving theft, violence, dishonesty, or possession or sale of illicit drugs.
- b. Abuse or misrepresentation of one's powers or authority as an employee of the Judicial Branch.
- c. Brutality or cruelty toward a resident of an institution, a person in custody or other persons, provided the act was not done in self-defense, to protect the lives of others or to prevent the escape of a person lawfully in custody.
- d. Being under the influence of alcohol or illicit drugs while on the job, being a current user of illicit drugs, or possessing illicit drugs at work.
- e. Accepting or requesting any fee, gift, service, or other valuable thing from any person for the personal benefit of the employee or a member of the employee's family or household when it reasonably appears the person believes the employee will, in the course of or in connection with the employee's work, perform some favor or give the person better treatment than other persons receive.

- f. Stealing, diverting or converting money or property belonging to or in the custody of any court or Judicial Branch department, or using Judicial Branch property or resources to conduct outside business activities.
- g. Acts of workplace violence, including threatening, disruptive or intimidating behavior, verbal abuse and physical assaults.
- h. Political activity in violation of the KCPR.
- i. Sexual or other workplace harassment. See KCPR 9.0, et seq.
- j. Knowingly releasing confidential information from court records.
- k. Failing or refusing to comply with a direct order or the proper direction of the appointing authority or designee.
- l. Engaging in conflicts of interest in violation of the KCPR.
- m. Abuse of remote work agreement or misrepresentation of work done while under a remote work agreement.

7.4 Discipline of Employees

- a. No tenured employee may be disciplined pursuant to KCPR 7.4(d), without first receiving notice and the opportunity to respond in person or in writing to the appointing authority or designee. The notice should inform the employee of:
 - 1. The reasons, alleged facts and supporting evidence causing the notice to be issued, and the discipline the appointing authority or designee is considering.
 - 2. A time and place for the tenured employee to provide information refuting the alleged facts, or other information relevant to the issues to the appointing authority or designee.
 - 3. The opportunity to respond should be set for no less than 3 working days after the day on which the employee is issued notice. The appointing authority or designee should consider information provided by the employee before discipline is imposed. If the appointing authority or designee decides to impose discipline, the appointing authority or designee shall deliver to the employee a notice of imposition of discipline, stating the discipline imposed, the effective date, and the tenured employee's appeal rights pursuant to KCPR 12.0.
- b. The appointing authority or designee should coordinate any disciplinary action taken against an employee with the director of personnel. Documentation of

disciplinary actions shall be forwarded to the director of personnel who will cause the documents to be filed in the employee's personnel file.

- c. A temporary, confidential or probationary employee may be disciplined without following the procedures of KCPR 7.4(a). A temporary, confidential, or probationary employee has no right to appeal discipline under KCPR 12.0.
- d. Employees may be disciplined pursuant to KCPR 7.1(b), 7.2, and 7.3, by suspension without pay, a one-step pay decrease, demotion, or termination of employment.
 - 1. Suspension without pay: An employee may be disciplined by being suspended without pay. The period of suspension must be at least 8 hours, must be in eight-hour increments, and must not exceed 240 hours, unless approved by the Judicial Administrator. The period of suspension does not count toward the employee's time-on-step requirements, and the employee's merit increase eligibility date will be adjusted accordingly.
 - 2. One-step pay decrease: An employee may be disciplined by reducing the employee's pay to the step on the same grade immediately below the step at which the employee is currently paid. The effective date of the pay decrease will become the employee's merit eligibility date.
 - 3. Demotion: An employee may be disciplined by being assigned to a position in a classification with a lower grade than that of the employee's current position. The employee will be paid as specified in KCPR 4.11. The effective date of the demotion will be the date used to calculate the employee's time-on-step requirements and merit increase eligibility date.
 - 4. Termination of Employment: An employee may be disciplined by terminating the employee's employment with the Judicial Branch.

7.5 Suspension with Pay

An appointing authority or designee may suspend a regular or confidential employee with pay to avoid disruption of work or to facilitate a pending investigation. A suspension with pay cannot be appealed or grieved.

7.6 Resignations and Presumed Resignations

- a. An employee desiring to terminate employment with the Kansas Judicial Branch shall submit to the appropriate appointing authority or designee a written resignation specifying the last full day to be worked. The resignation will be attached to the employee's final data sheet and be filed with the director of personnel.

An employee who fails to give at least 10 working days notice will lose the privilege of rehire in the Judicial Branch. The period of notice may be reduced or waived in writing by the director of personnel at the request of the appointing authority or designee. See also, KCPR 4.14(a) (Notice required to receive payment for accrued vacation leave).

- b. An appointing authority or designee may withdraw an employee's resignation at the employee's request.
- c. An unauthorized absence from work for a period of three consecutive working days, during which time the employee does not provide an explanation for the absence, may be considered by the appointing authority or designee as abandonment of the job and a presumed resignation. Before terminating an employee based upon a presumed resignation, the appointing authority will make a reasonable effort to contact the employee. A summary of the attempts made to contact the employee shall be submitted to the director of personnel. An employee abandoning employment in this manner forfeits all accrued leave and shall be afforded no appeal rights.
- d. An employee must report to work on the first day after the expiration of approved leave, including shared leave. Failure to report for three consecutive working days may be considered by the appointing authority or designee as abandonment of the job and a presumed resignation. Before terminating an employee based upon a presumed resignation, the appointing authority will make a reasonable effort to contact the employee and will coordinate any termination with the director of personnel. A summary of the attempts made to contact the employee shall be submitted to the director of personnel. An employee abandoning employment in this manner forfeits all accrued leave and shall be afforded no appeal rights.

8.0 HOURS OF WORK, LEAVE, AND HOLIDAYS

8.1 Regular Hours of Work

- a. The standard workweek for each full-time employee shall be 40 hours during a seven-day workweek. The workweek shall begin at 12:01 a.m. on Sunday and shall end at 12:00 a.m. the following Sunday.
- b. It shall be a condition of employment with the Judicial Branch that an employee works the number of hours per day and number of days per week specified for the employee's position.
- c. No paid leave may be granted when the hours worked during a workweek equal or exceed the hours specified for the position.

8.2 Vacation Leave

- a. Nonexempt employees: Vacation leave for regular nonexempt employees accrues as follows:

Hours Earned per Pay Period Based on Length of Service					
Hours in Pay Status Per Pay Period	Less than 5 Years	More than 5, but Less than 10 Years	More than 10, but less than 15 Years	More than 15, but less than 20 Years	More than 20 Years
8-15	.4 hrs.	.5 hrs.	.6 hrs.	.7 hrs.	.8 hrs.
16-23	.8 hrs.	1.0 hrs.	1.2 hrs.	1.4 hrs.	1.6 hrs.
24-31	1.2 hrs.	1.5 hrs.	1.8 hrs.	2.1 hrs.	2.4 hrs.
32-39	1.6 hrs.	2.0 hrs.	2.4 hrs.	2.8 hrs.	3.2 hrs.
40-47	2.0 hrs.	2.5 hrs.	3.0 hrs.	3.5 hrs.	4.0 hrs.
48-55	2.4 hrs.	3.0 hrs.	3.6 hrs.	4.2 hrs.	4.8 hrs.
56-63	2.8 hrs.	3.5 hrs.	4.2 hrs.	4.9 hrs.	5.6 hrs.
64-71	3.2 hrs.	4.0 hrs.	4.8 hrs.	5.6 hrs.	6.4 hrs.
72-79	3.6 hrs.	4.5 hrs.	5.4 hrs.	6.3 hrs.	7.2 hrs.
80 plus	3.7 hrs.	4.7 hrs.	5.6 hrs.	6.5 hrs.	7.4 hrs.

Nonexempt employees shall report actual hours worked each day. Nonexempt employees shall report vacation leave taken in quarter hour increments.

- b. Exempt employees: Vacation leave for regular exempt employees in pay status during a pay period accrues as follows:

Hours Earned per Pay Period Based on Length of Service				
Less Than 5	More than 5, but Less than 10 Years	More than 10, but Less than 15 Years	More than 15, but less than 20 Years	More than 20 Years
3.7 hrs.	4.7 hrs.	5.6 hrs.	6.5 hrs.	7.4 hrs.

Regular exempt employees, including part-time exempt employees, shall report vacation leave taken in half or whole day increments.

An exempt employee earns leave if the employee works or is on paid leave for any part of the pay period. Part-time employees who are exempt receive a proportionate amount of leave.

- c. Hours used in a pay period will be deducted from the balance prior to the accrual. An employee may not accrue more than 240 hours of vacation leave.

Employees must request authorization from their immediate supervisor to use vacation leave. Vacation of more than one day and less than five should be requested with five full working days notice. Vacation of more than five working days should be requested with ten full working days notice. Vacation may be denied if there is not a timely request. See also KCPR 8.8 Leave Responsibility and Scheduling.

- e. Vacation leave should not be taken during the first three months of employment with the Judicial Branch. Employees terminated during the first six months of employment shall not be entitled to payment for vacation leave accrued during their probation. See also, KCPR 8.4 and KCPR 4.14.

- f. If an employee is on a scheduled vacation and the employee becomes ill, the appointing authority may approve changing the requested vacation leave to sick leave, upon request.

8.3 Sick Leave

- a. Nonexempt employees: Sick leave is earned by all regular nonexempt employees at the rate shown in the “Less than 5 years” column on the above table from the initial date of employment. Nonexempt employees report sick leave taken in quarter hour increments.
- b. Exempt employees: A regular exempt employee receives 3.7 hours of sick leave per pay period if the employee works or is on paid leave for any part of the pay period. Half-time exempt employees receive 1.85 hours of sick leave per pay

period if the employee works or is on paid leave for any part of the pay period. Exempt employees report leave in half or whole day increments.

- c. Sick leave may be accrued without limit.
- d. Accrued sick leave may be authorized and used for:
 - 1. Illness or disability of the employee including pregnancy, childbirth, miscarriage, abortion, or recovery or complications therefrom, of an employee or a member of the employee's family when the illness or disability reasonably requires the employee to be absent from work;
 - 2. Adoption of a child or initial placement of a foster child in the employee's home if the same reasonably requires the employee be absent from work;
 - 3. Personal appointments by the employee or an employee's family member with a physician, dentist or other recognized health care provider. See KCPR 1.4.
- e. A supervisor may require a doctor's statement be submitted with any request for sick leave for a period longer than three working days. Upon consultation with the director of personnel, a supervisor may require a doctor's statement for any leave or absence from work in circumstances indicating an employee has been or may be abusing sick leave or where the employee has excessive absences from work. When sick leave is requested for a period of more than 30 calendar days, a doctor's statement or statements are required and shall be filed with the director of personnel.
- f. Upon consultation with the director of personnel, a supervisor may require an employee to submit a doctor's release prior to the employee's return to work.
- g. After sick leave is exhausted, any paid leave may be granted at the discretion of the appointing authority. After exhaustion of paid leave, the appointing authority may grant leave without pay.
- h. See also, KCPR 4.14 and 8.15.

8.4 Discretionary Leave

Full-time regular employees are granted eight hours of discretionary leave per calendar year. All hours of discretionary leave shall be taken on the same day. A regular employee must work for the Judicial Branch or the State of Kansas for at least six months before being eligible to use discretionary leave. Discretionary leave is not accrued from year to year and will be forfeited upon retirement, resignation, or on the last day of the last full pay period of the calendar year.

8.5 Leave Without Pay

- a. Upon written request of an employee, except an employee in a temporary or an extended temporary position, and written recommendation of the immediate supervisor and department head (if any), an appointing authority may authorize leave without pay when it is determined to be in the best interest of the Judicial Branch. When the leave granted exceeds 30 calendar days, authorization shall be in writing and copies of the request, recommendations and authorization shall be sent to the director of personnel. Unless approved by the director of personnel, the appointing authority shall require an employee to use available paid leave prior to taking leave without pay; however, employees in their first three months of employment may not use paid leave, unless authorized by their supervisor.
- b. Regular employees may utilize leave without pay for up to six months for the reasons provided in KCPR 8.3(d) or other good and sufficient reason upon approval of the appointing authority. [All] requests and authorizations shall be in writing as prescribed in subsection (a) of this rule.
- c. A regular employee's leave without pay may be extended by the appointing authority for up to a total of one year when it is in the best interest of the Judicial Branch. All requests and authorizations for extensions shall be in writing as prescribed in subsection (a) of this rule.
- d. Probationary employees may utilize leave without pay for up to eight weeks for reasons provided in KCPR 8.3(d), or other good and sufficient reason. The director of personnel, upon an appointing authority's written request, may approve an extension of such leave, provided the total duration of the leave does not exceed 6 months. Except in the case of military leave in accordance with KCPR 8.6, the employee's probation period shall be continued effective when the employee returns from leave until the total probation time actually served equals the time required under KCPR 5.19.
- e. An employee on leave without pay who accepts other employment shall be deemed conclusively to have resigned employment from the employee's position. Exceptions to this subsection for bona fide reasons shall be in writing and approved by the Judicial Administrator.
- f. Employees on leave without pay do not earn vacation and sick leave for hours in leave without pay status. Leave without pay for more than 30 calendar days is not counted towards length of service for vacation leave accrual and length of service for longevity bonuses.
- g. Upon return from leave without pay, the employee is ordinarily entitled to return to a position in the same classification as the employee left.
- h. Failure to report to work at the expiration of authorized leave without pay may be considered a resignation.

- i. Previously granted leave without pay may be changed only by mutual agreement of the employee and the appointing authority.
- j. Exempt employees must use leave without pay in eight hour increments.

8.6 Military Leave

- a. All employees, except temporary, are eligible for military leave. Two types of military leave will be allowed: active service for 30 days or less and active service in excess of 30 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 30 working days within any federal fiscal year (October 1 through September 30) 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 director of personnel prior to the effective date of leave.
 - 2. Military service in excess of 30 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 during this period. A copy of the military order(s) placing the employee on active duty must be submitted to the appointing authority and the director of personnel 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 KCPR 8.6(c), all employees, except temporary, who return to work from military service with proof of release pursuant to the following schedule are granted the protections of subsection (d) below.
 - 1. An employee who serves 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 employee returned home.

2. An employee who serves 31 to 180 days must request reemployment no later than 14 days after completion of the employee's service or the first business day thereafter.
 3. An employee who serves 181 or more days must request reemployment no later than 90 days after completion of the employee's military service or the first business day thereafter.
 4. The return to work deadlines will be extended for up to two years for employees who are hospitalized or convalescing because of disability incurred or aggravated during the period of military service.
 5. If, due to no fault of the employee, reporting to work or requesting 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 KCPR 8.6(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 KCPR 8.6(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 KCPR 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 KCPR 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 probation, 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.

8.7 Funeral Leave

Regular employees may receive up to six working days per fiscal year for funeral or death. Appointing authorities may consider the employee's relationship to the deceased and necessary travel time in determining whether to grant leave and the amount of leave granted. This leave does not accumulate from year to year.

8.8 Leave Responsibility and Scheduling

- a. Scheduling of all leave is subject to the approval of the appointing authority or the appointing authority's designee.
- b. All disaster service leave, extended sick leave and extended leave without pay must be requested in writing and approved by the appropriate appointing authority.

8.9 Holidays

- a. Holidays for Judicial Branch employees shall be those days declared by the Chief Justice who may authorize variances to meet local conditions.
- b. If a court facility is closed for a local holiday declared by a county commission, the chief judge shall coordinate with the commission to allow judicial employees access to the court facility if the court is presented with judicial business which cannot be delayed.
- c. All regular nonexempt employees will receive the same pay for a holiday as the employee would receive for a non-holiday, with the following exceptions:
 1. A regular part-time employee who works a regular schedule will be paid for a holiday if the employee's regular schedule includes the holiday as a regular working day.
 2. A regular part-time employee who does not work a regular schedule will be paid on a proportionate basis for holidays.
 3. Temporary employees are not paid for holidays.
 4. In order to receive compensation for a holiday, a regular employee must be in pay status the day before and the day after the holiday.

8.10 Compensatory Time

The standard workweek for a full-time employee is 40 hours. Compensatory time is leave nonexempt employees earn for hours actually worked exceeding 40 hours in one workweek. Nonexempt employees earn one and a half hours of compensatory time for each hour actually worked over 40 hours in a workweek.

- a. Subject to the approval of the appropriate appointing authority, supervisors shall award compensatory time to nonexempt employees required to work in excess of 40 hours in any workweek. The employee's supervisor shall schedule compensatory time off within a reasonable period after the employee makes the request if the use of the compensatory time will not unduly disrupt court operations. Nonexempt employees may accumulate up to 240 compensatory hours (160 hours x 1.5). See also, KCPR 4.16.
- b. Supervisors shall ensure that compensatory time granted is taken before accumulation becomes excessive. The compensatory time of an employee transferring from one judicial district to another shall be paid out prior to the transfer. See also, KCPR 4.9 and 4.16.
- c. The appointing authority or designee shall notify the budget and fiscal officer when a nonexempt employee reaches 240 compensatory hours. Compensatory time accumulated by employees in excess of 240 hours shall be paid as overtime. See also, KCPR 4.16. Any compensatory time exceeding 240 hours must be approved in advance by the director of personnel.
- d. Exempt employees are not eligible for compensatory time or overtime.
- e. Compensatory time should be used prior to using vacation leave.

8.11 Jury and Civic Duty

- a. All regular employees shall receive leave with pay for required jury duty. Employees may retain all payments for jury service.
- b. An employee does not need to take leave when called as a witness when the case is work-related, but shall not accept the witness fees.
- c. An employee shall use leave or leave without pay to serve as a witness in a case not related to the employee's work, and may accept witness fees.

8.12 Disaster Volunteer Service Leave

An appointing authority may authorize leave with pay to any employee who is a certified American Red Cross disaster service volunteer.

- a. Such leave may be granted only: 1) when the employee's service is requested by the American Red Cross; 2) the disaster is rated at Level II by the American Red Cross; and 3) the disaster occurs in Kansas or a state contiguous to Kansas.
- b. Requests for leave shall be submitted in writing to the appointing authority and shall include written verification from the American Red Cross. Disaster service leave shall not exceed 20 working days in any 12-month period beginning the first day the leave is used.
- c. Employees are not considered employees of the state for purposes of workers compensation or the Kansas Tort Claims Act while on disaster service leave.

8.13 Family and Medical Leave Act

An employee is eligible for leave under the federal Family Medical Leave Act ("FMLA") if:

- a. The employee has been employed by the Judicial Branch for at least 12 months.
- b. The employee has worked for the Judicial Branch for at least 1,250 hours in the 12-month period immediately preceding the beginning of the requested leave.
- c. Eligible employees are entitled to use 12 workweeks of leave for FMLA qualifying purposes during any 12-month period from the first day leave was taken.
- d. An appointing authority shall require the use of accumulated vacation or sick leave or a combination thereof before authorizing leave without pay for FMLA purposes. Workers Compensation, disability and shared leave count against an employee's FMLA entitlement, provided the leave is for an FMLA-qualifying event.
- e. Any leave with or without pay taken for FMLA purposes shall be designated as leave under FMLA and will count against the employee's FMLA entitlement. An employee does not need to specifically request FMLA leave. An employee need not agree to the FMLA designation for leave to be designated as FMLA leave.
- f. Whenever an employee requests medical leave for any reason, the appointing authority, in consultation with the director of personnel if necessary, should determine whether FMLA applies. If the appointing authority believes FMLA applies, an FMLA notice should be given to the employee. The notice should state that the leave qualifies as FMLA leave and is to be applied against the employee's FMLA entitlement.
- g. Eligible employees must use leave under FMLA when taken:

1. for the birth of an employee's child, to care for the newborn child or placement of a child with the employee for adoption or foster care and care of the child upon birth or placement in the employee's home (must be taken within 12 months following birth or placement); or
 2. to care for an employee's spouse, son, daughter, or parent with a serious health condition; or
 3. for the serious health condition of an employee that makes the employee unable to perform the functions of the employee's position.
- h. Intermittent leave or leave on a reduced work schedule must be given when medically necessary to care for the employee's own serious health condition or medically necessary to care for a family member with a serious health condition. Intermittent leave or leave on a reduced work schedule may be given at the discretion of the appointing authority when taken for the birth of an employee's child or placement of a child with an employee for adoption or foster care. See KCPR 1.4.
- i. Requests for leave shall be in writing and employees are required to give 30 days notice or as much notice as feasible.
- j. Employees must provide medical certification for leave under FMLA when the leave is requested for the serious health condition of an employee or the employee's spouse, son, daughter, or parent.
- k. Request for leave under FMLA may be denied when:
1. the employee does not meet the eligibility requirements as previously stated; or
 2. the employee's or the employee's family member's condition does not qualify as a "serious condition" as defined by the FMLA; or
 3. the employee has failed to provide timely advance notice; or
 4. medical certification has not been provided.
- l. For employees on leave without pay under FMLA, the Judicial Branch will maintain the employee's group health insurance coverage on the same conditions and contributions as would have been provided if the employee had been continuously employed.
- m. Employees not returning from leave under the Family Medical Leave Act for a reason other than the serious health condition of the employee or the employee's family member or another reason beyond the employee's control are responsible for and must reimburse the Judicial Branch for group health insurance premiums paid during the employee's leave.

- n. Upon return from leave without pay qualified under FMLA, the employee should be returned to the same or an equivalent position, including the same work schedule, as with any other authorized leave without pay.

8.14 Administrative Leave

The appointing authority may authorize paid leave in cases of inclement weather, in situations which may cause dangerous or unsafe working conditions, in cases in which the workplace is inaccessible to judicial employees, or in other cases deemed necessary.

Employees who are not scheduled to work or who are on leave are not eligible for administrative leave.

8.15 Judicial Branch Shared Leave

- a. Shared leave may be granted to a regular Judicial Branch employee if the employee:
 - 1. has six months of continuous service with the Judicial Branch;
 - 2. suffers from a serious medical condition, substantiated by a physician's written statement, which would require the employee to take leave without pay or terminate employment;
 - 3. is unable to perform regular work duties due to the serious medical condition and this inability is likely to persist for at least 180 days;
 - 4. has exhausted all paid leave available for use, including vacation leave, sick leave, discretionary day and compensatory time credits;
 - 5. is not receiving workers compensation or long-term disability payments; and
 - 6. has applied for KPERS long-term disability benefits.
- b. All requests for shared leave will be on the Shared Leave Request Form supplied by the Office of Judicial Administration.
- c. The administrative authority will determine whether the employee meets the eligibility requirements of the shared leave policy, and may deny the request for shared leave, or grant all or a portion of the leave requested. The decision by the administrative authority is final and not subject to appeal. At any time during the use of shared leave, the administrative authority may require an additional physician's statement. If the employee fails to provide the statement, the use of shared leave may be terminated.

- d. 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. Shared leave cannot be transferred to any employee other than the original recipient. Shared leave is paid at the receiving employee's regular rate of pay.
- e. The maximum duration of the shared leave is six months from the date the employee became unable to perform regular work duties. Shared leave may be applied retroactively for up to two pay periods. Failure to report to work immediately after expiration of approved leave may be treated as a presumed resignation under KCPR 7.6.
- f. An employee is no longer eligible to receive shared leave for a particular occurrence if:
 - 1. a physician releases the employee to work;
 - 2. the employee returns to work for 20 continuous working days; or
 - 3. the recipient terminates employment, retires, or is approved for KPERS long-term disability.
- g. No employee will be coerced, threatened, intimidated or financially induced into donating leave. Violation of this policy is grounds for disciplinary action for personal misconduct.
- h. An employee who has twice received shared leave may not receive further shared leave benefits.
- i. Any unused portion of shared leave will be prorated among the donating employees based on their donations. Shared leave will not be returned to donating employees in increments of less than one full hour or to any person who has left Judicial Branch service.
- j. A Judicial Branch employee is eligible to donate vacation and sick leave to another Judicial Branch 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 is 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 donating employee is not receiving workers' compensation or long-term disability payments.
- k. All shared leave donations will be on the Shared Leave Donation Form supplied by the Office of Judicial Administration.
 - l. The Office of Judicial Administration will notify Judicial Branch employees of the approved shared leave request, and calculate appropriate leave balance adjustments.
 - m. The Judicial Branch shared leave policy allows transfer of leave only between Judicial Branch employees.
 - n. When it is found to be in the best interest of the Judicial Branch, the Chief Justice may suspend the shared leave 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.

8.16 Paid Parental Leave

The Kansas Judicial Branch will provide paid parental leave to eligible employees for the purpose of giving a parent time to bond with the parent's new child under the following terms and conditions:

- a. A regular employee is eligible to receive up to eight weeks of paid parental leave following the birth of the employee's child or the placement of a child who is 17 years old or younger with the employee in connection with adoption. The fact that a multiple birth or adoption placement occurs does not increase the eight-week total amount of paid parental leave granted for that event. An employee will not receive more than eight weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption placement event occurs within the 12-month time frame. For the purpose of this rule, a "week" of leave is equal to the number of hours an employee is regularly scheduled to work in a week. A temporary employee is not eligible to receive parental leave under this rule.
- b. An employee must provide a written request for parental leave to the employee's appointing authority at least 30 days in advance of the need for parental leave, where practical, for approval. The appointing authority will determine whether the employee meets the eligibility requirements of the parental leave policy, and may deny the request. The appointing authority's decision is final and not subject to appeal. At any time during the use of parental leave, the appointing authority may

require additional documentation. If the employee fails to provide the documentation, the use of parental leave may be terminated.

- c. Approved parental leave must be taken within the 12 weeks immediately following the birth or placement of the child. Intermittent leave or leave on a reduced work schedule may be given for parental leave only if the appointing authority finds it to be in the best interest of the judicial branch and documents that finding in writing. An employee is not eligible for payment of any unused paid parental leave at the end of the 12-week time frame or upon termination.
- d. Parental leave is compensated at 100 percent of the employee's regular, straight-time pay. Parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- e. Parental leave must run concurrently with FMLA leave if the employee is eligible for FMLA leave under KCPR 8.13. An employee who takes parental leave and who does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

9.0 POLICY PROHIBITING SEXUAL AND OTHER WORKPLACE HARASSMENT

9.1 Scope and Policy Statement

- a. The Kansas Judicial Branch prohibits discrimination against and harassment of any employee because of race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic. Discrimination, harassment (including sexual harassment), and retaliation, as defined in KCPR 1.4, are considered conduct detrimental to court service. The policy described in KCPR 9.0 applies to recruitment, hiring, compensation, promotions, transfers, discipline, demotions, terminations, layoffs, access to benefits, and all other workplace conditions. See also KCPR 5.1 (Equal Employment Opportunity Policy).
- b. All officers and employees, including supervisors and other management personnel, are required to abide by KCPR 9.0. If the accused is an administrative hearing officer, a judge, or justice, a complaint made under KCPR 9.0 will be immediately transmitted to the Commission on Judicial Conduct and all further proceedings will be conducted pursuant to the Rules Relating to Judicial Conduct, Supreme Court Rule 602, et seq.
- c. Violation of KCPR 9.0 may result in discipline pursuant to KCPR 7.0.
- d. All complaints submitted under KCPR 9.0 will be taken seriously and dealt with promptly.
- e. Discrimination, harassment, and retaliation are also prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Kansas act against discrimination, K.S.A. 44-1001, et seq. KCPR 9.0 is intended to comply with the prohibitions stated in these anti-discrimination laws.
- f. For purposes of KCPR 9.0, "manager" includes any supervisor, appointing authority, administrative authority, the director of personnel, and their designees.

9.2 Complaint Procedure

The Kansas Judicial Branch encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offending person's identity or position.

- a. An employee who believes the employee or another employee has been the target of discrimination, harassment, or retaliation should inform the employee's manager of the alleged discrimination or harassment. The employee is also

encouraged to inform the offending person that the offending person's behavior is unwelcome and to request that it be discontinued.

- b. A manager who observes, is informed of, or reasonably suspects a violation of KCPR 9.0 must provide a copy of KCPR 9.0 to any affected employee and take steps to prevent future harassment or retaliation. Documentation of these actions must be forwarded to the director of personnel who will cause it to be filed in the affected employee's official personnel file.
- c. A manager who reasonably suspects a violation of KCPR 9.0 has occurred must report the incident to the director of personnel whether or not the affected employee makes a complaint.
- d. A complaint must be put into writing either by the person making the complaint or the manager receiving it. The complaint should state as specifically as possible:
 - 1. the names of the persons involved;
 - 2. the time(s), date(s), and location(s) of the incident(s);
 - 3. a detailed description of the incident(s);
 - 4. the names of any witnesses;
 - 5. any other information necessary to describe the incident; and
 - 6. the time and date when the complainant reported the incident to a manager.
- e. The manager who receives a complaint must:
 - 1. immediately submit the complaint to the director of personnel; and
 - 2. provide a copy of the complaint to the affected employee's administrative authority if the accused is not the employee's administrative authority. See KCPR 1.4(a) (administrative authority).
- f. The director of personnel, and any management personnel who receives or submits a report, must take the necessary steps to protect from retaliation an employee who in good faith reports an incident of discrimination or harassment.

9.3 Initial Review

- a. The director of personnel will review each complaint received. On conclusion of the initial review, the director of personnel will determine whether an investigation is warranted based upon the facts presented in the complaint. The

director of personnel must notify the complainant in writing of the director's determination.

- b. The director of personnel may request the complainant to provide additional information. If the complainant does so, the additional facts will be considered and a subsequent written determination will be provided.
- c. If the accused is an administrative hearing officer, judge, or justice, the director of personnel will notify the complainant that the complaint has been referred to the Commission on Judicial Conduct for further consideration and investigation. No further action by the director of personnel will be taken on these complaints.

9.4 Investigation

If an investigation is determined to be warranted, the director of personnel may personally conduct the investigation or appoint a suitable person or persons to conduct the investigation. Investigations will be conducted in as confidential manner as possible, consistent with the rights of the persons involved.

9.5 Action to be Taken upon Completion of the Investigation

- a. If it is determined that no violation of KCPR 9.0 has occurred, or that the evidence of a violation is inconclusive, the director of personnel must notify the complainant, the accused, and the appropriate administrative authority in writing that:
 - 1. the investigation has been completed and that, upon the facts presented, no violation of 9.0 has been found;
 - 2. discrimination, harassment, and retaliation are prohibited under KCPR 9.0; and
 - 3. the complainant has the opportunity to provide additional information. If the complainant does so, the additional facts will be considered and, if appropriate, an additional investigation will be conducted. A subsequent written determination will be provided.
- b. If it is determined that there has been a violation of KCPR 9.0,
 - 1. the director of personnel must notify the complainant, the accused, and the appropriate administrative authority in writing that:
 - a. the investigation has been completed and that, upon the facts presented, a violation of KCPR 9.0 has been found;
 - b. discrimination, harassment, and retaliation are prohibited under KCPR 9.0; and

- c. remedial action to end or correct the behavior is being taken or has been taken; and
2. with the assistance of the director of personnel, the appropriate administrative authority must take prompt remedial action reasonably calculated to end the discrimination, harassment, or retaliation.

9.6 Confidentiality

- a. To the extent possible, all investigations and hearings under KCPR 9.0 will be conducted to protect the privacy and rights of both the accused and the complainant, and to minimize suspicion pending the outcome of the investigation.
- b. All information, except that provided to the Commission on Judicial Conduct pursuant to this rule, pertaining to a complaint or investigation under KCPR 9.0 will be maintained in secure files within the Office of Judicial Administration. These records are not subject to disclosure under the Kansas Open Records Act, K.S.A. 45-215, et seq.

9.7 Protection from Retaliation

- a. There will be no retaliation against any employee for making a good-faith complaint under KCPR 9.0 or for participating in any investigation conducted pursuant to KCPR 9.0. Violation of this prohibition may result in discipline pursuant to KCPR 7.0.
- b. An adverse employment action against an employee is not deemed a violation of KCPR 9.0 if:
 1. the employee knowingly made a false allegation, provided false or misleading information in the course of an investigation, or otherwise acted in bad faith; or
 2. the employee whose conduct or performance warrants such action for reasons unrelated to the reporting of a concern.

10.0 GRIEVANCE PROCEDURES

10.1 Scope

- a. Any tenured employee who is aggrieved by an action relating to an employee's own working conditions, not appealable under KCPR 5.23, may file a grievance. Grievances may include, but are not limited to, employee/supervisor relationship, extended duty assignments not reasonably associated with the job specification, hours worked, overtime, working facilities and conditions, policies for granting leave, and similar matters.
- b. KCPR 10.0, et seq. does not apply to allegations of sexual harassment which shall be filed in writing directly with any level of supervision or to the director of personnel in accordance with KCPR 9.0, et seq.
- c. KCPR 10.0, et seq. does not apply to disciplinary actions that may be appealed in accordance with KCPR 12.0.

10.2 Grievance Resolution

A grievance shall be filed in writing with the appropriate supervisor who should immediately notify the appointing authority or a person designated by the appointing authority to handle grievances. The appointing authority shall notify the director of personnel of any grievances filed. The grievance shall be filed within five working days of the incident complained of. The appointing authority or designee shall give the affected employee or employees a written decision within 10 working days of the grievance. In resolving the grievance, the appointing authority or designee may conduct a hearing if necessary or use other means reasonably calculated to give the employee and other affected parties an opportunity to present arguments or evidence relating to the grievance. The decision on the grievance is final, and is not subject to appeal pursuant to KCPR 12.0 or further review.

11.0 AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURES

11.1 Scope

- a. An employee with a disability who believes that the employee has been discriminated against in the course of employment in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., may file a grievance under this section. The subject of a grievance may include but is not limited to working facilities and accommodations, employee/supervisor and employee/employee relations and any alleged failure to provide a reasonable accommodation upon an employee's properly supported request for accommodation. An employee may not use this section to appeal a performance evaluation or a disciplinary action. See KCPR 11.4.
- b. An employee is an "employee with a disability" if the employee has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment.

11.2 Grievance Resolution

- a. A grievance shall be filed in writing with the appropriate supervisor who shall immediately notify the appointing authority or a person designated by the appointing authority to handle grievances. If the grievance alleges discrimination by the supervisor, the grievance may be filed directly with the appointing authority. The appointing authority shall notify the director of personnel of any grievance filed.
- b. The grievance shall be filed within five working days of the incident on which it is based.
- c. The appointing authority or designee shall give the affected employee or employees a written decision within 10 working days of the grievance. In resolving the grievance, the appointing authority or designee may conduct a hearing if necessary or use other means reasonably calculated to give the employee and other affected parties an opportunity to present arguments or evidence relating to the grievance.
- d. The decision on the grievance is final, subject only to discretionary review by the director of personnel upon application of either party to the grievance. Any such application must be filed with the director of personnel within three working days of the date of the decision on the grievance. If the director of personnel does not act upon any application for discretionary review within five working days of receipt of such application, the decision of the appointing authority or designee is final and not subject to appeal or further review. Any decision of the director of personnel is final and not subject to further appeal or review.

11.3 Relationship to Other Rules

- a. A tenured employee with a disability who wishes to appeal a performance evaluation shall use the procedures of KCPR 5.24. If the tenured employee believes the performance evaluation arises from or reflects discrimination prohibited by the ADA, the tenured employee should raise such issues in the employee's appeal.
- b. A tenured employee with a disability who wishes to appeal a disciplinary action shall use the procedures of KCPR 12.0. If the tenured employee believes the disciplinary action arises from or reflects discrimination prohibited by the Americans with Disabilities Act, the tenured employee should raise such issues in the employee's appeal.

12.0 APPEAL PROCEDURES

12.1 Right to Appeal

- a. Except as stated in KCPR 12.1(b), a tenured employee may appeal a disciplinary action imposed under KCPR 7.0. A decision reached in an appeal under KCPR 5.24 cannot be appealed under KCPR 12.0. Any appeal shall be in writing, should state the grounds or reasons for appeal, and shall be filed with the employee's administrative authority or designee within 5 working days of the action or decision being appealed. The administrative authority will forward the appeal and the response, if any, to the director of personnel.
- b. A temporary, confidential, or probationary employee cannot appeal any disciplinary proceeding or the imposition of discipline, including termination.
- c. The employee's appointing authority or designee may file an answer or response to the appeal within 5 working days of the filing of the appeal. Any answer or response should be filed with the director of personnel.
- d. Except as provided in KCPR 12.3(c), the filing of an appeal shall not suspend or otherwise affect the action from which the appeal is taken.

12.2 Appeal Panel

The director of personnel shall forward the notice of appeal and answer, if any, to the Chief Justice who shall convene an appeal panel. Panel members shall be selected from judicial districts or appellate court offices other than the one in which the appeal originated. The panel should consist of:

- a. A justice, a judge of the court of appeals, or a district court judge;
- b. A supervisory employee; and
- c. A non-supervisory employee.

12.3 Appeal Process

- a. The employee is entitled to a hearing on the appeal upon request. The panel should convene any hearing timely and expeditiously.
- b. The appeal panel may consider both the written record and any oral testimony in arriving at its decision. If the employee waives an oral hearing, the panel may consider the appeal based on the record.

- c. Upon application, the panel may stay the operation of any appealed action until the appeal is determined. However, a stay will only be granted in extraordinary circumstances upon a verified showing that the employee will suffer irreparable injury if the action is not stayed and the employee demonstrates a substantial likelihood of prevailing on the merits of the appeal.
- d. If an oral hearing is conducted, the employee may be represented by an attorney licensed to practice law in the State of Kansas at the employee's own expense. Strict rules of evidence need not be followed in conducting the hearing. No verbatim record of the hearing shall be required. The employee has the burden of proof.
- e. In determining an appeal, the panel shall not substitute its judgment for the judgment of the appointing authority but rather the panel shall determine whether the action taken by the appointing authority or other supervisory authority was reasonable under the circumstances.
- f. The panel's decision will be in writing and will be forwarded to the director of personnel within 10 working days of the hearing. The director of personnel shall forward a copy of the decision to the administrative authority, the appointing authority or designee and the employee. If no hearing is conducted, the panel shall issue its decision based upon the written record, and its written decision will be forwarded to the director of personnel within 20 working days of appointment to the panel. The original appeal, answer, and decision of the panel shall be part of the employee's personnel record.
- g. Decisions of the appeal panel are final and not subject to further appeal or review of any kind.

APPENDIX A

Judicial Branch Pay Plan

The current Judicial Branch pay plan may be found on the Judicial Branch Intranet at:

http://intranet.kscourts.org:7778/sections/hr/files/FY_2020_Pay_Matrix_060619.pdf

APPENDIX B

**IN THE SUPREME COURT OF THE STATE OF KANSAS
DISTRICT COURT
CLASS TITLES AND PAY GRADES**

<u>Job Code</u>	<u>Class Title</u>	<u>Grade</u>
0580WS	Account Clerk II	12
0898WS	Accounting Technician	16
0115WS	Administrative Assistant	18
0950WS	Administrative Hearing Officer	50
0570WS	Clerk of District Court I	26
0571WS	Clerk of District Court II	30
0572WS	Clerk of District Court III	38
0575WS	Clerk of District Court IV	44
0949WS	Court Management Analyst	46
0579WS	Court Services Administrative Officer	44
0576WS	Court Services Officer I	30
0577WS	Court Services Officer II	33
0578WS	Court Services Officer III	38
0869WS	District Court Administrator I	48
0870WS	District Court Administrator II	53
0871WS	District Court Administrator III	57
0872WS	District Court Staff Attorney	35
0849WS	Law Clerk	22
0A90WS	Lead Operations Technician	37
0951WS	Managing Court Reporter	37
0587WS	Official Court Reporter	33
0A89WS	Operations Technician	33
0581WS	Programmer I	33
0582WS	Programmer II	41
0953WS	Project Manager	48
0592WS	Records Clerk II	05
0593WS	Records Clerk III	12
0836WS	Secretary I	12
0888WS	Secretary II	16
0583WS	Systems Analyst	46
0591WS	Temporary Trial Court Clerk	01
0590WS	Transcriptionist	16
0867WS	Trial Court Clerk II	12
0868WS	Trial Court Clerk III	16

<u>Job Code</u>	<u>Class Title</u>	<u>Grade</u>
0567WS	Trial Court Clerk IV	22
0568WS	Trial Court Clerk V	26
0602WS	Trial Court Coordinator	28
0873WS	Word Processing Technician I	12

APPENDIX C

KANSAS COURT PERSONNEL RULES

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

I. EQUAL EMPLOYMENT OPPORTUNITY:

“Equal employment opportunity” means the right of all persons to work and to advance on the basis of merit and ability without regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job. It is hereby declared to be the policy of the Kansas Judicial Branch to eliminate and prevent discrimination in all judicial branch employment relations and to eliminate and prevent any segregation within the judicial branch.

It is also declared to be the policy of the Kansas Judicial Branch to assure equal opportunity within the judicial branch and encouragement to every citizen regardless of race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic unrelated to the essential functions of the job in securing and holding, without discrimination, employment in any field of work or labor for which they are properly qualified.

II. AFFIRMATIVE ACTION:

The term “Affirmative Action” as used in this plan means a deliberate and sustained effort to identify and eliminate artificial barriers to employment and advancement which may have an adverse impact on any group. This plan, however, does not require preferential treatment for any group.

The ultimate goal of this affirmative action plan is to achieve, at all levels, a work force which is truly representative of the available resident labor force. This goal shall be an

integral part of every aspect of personnel policy, which shall include the principles set forth in the following section.

III. PRINCIPLES OF EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE

ACTION:

- A. Each appointing authority shall take the necessary steps to ensure equal employment opportunity for all court employees and for all applicants seeking employment within their jurisdiction.

All Judicial Branch supervisory employees shall assist the appointing authority and the Personnel Officer in ensuring that the following principles are applied:

1. That all decisions regarding recruiting, hiring, promoting, training, disciplinary actions and other terms and conditions of employment within the Judicial Branch shall be made without discrimination on the grounds of race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic which cannot lawfully be used as a basis for an employment decision.
2. There shall be a continuing effort to identify and eliminate any unlawful discrimination in employment decisions.
3. There shall be a current and ongoing means of monitoring and evaluating employment practices of the Kansas Judicial Branch to assure compliance with state and federal laws and regulations, and to identify and modify if possible, on a timely basis, all employment practices which may have an adverse impact on women or minorities where they are underemployed.
4. The Judicial Administrator shall, with the approval of the Chief Justice, designate an Equal Employment Opportunity Officer who shall have the responsibility of overseeing implementation of the Equal Employment Opportunity and Affirmative Action Plan.

IV. PERSONNEL PROCEDURES FOR EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION:

A. Selection: To implement the Kansas Judicial Branch & EEO/AA Program the following guidelines shall be followed in selection of employees:

1. Any job requirements which eliminate a larger proportion of members of underemployed classes than of other applicants must be demonstrably job-related.
2. A position vacancy must be publicized widely enough to reasonably expect to develop a pool of applicants which is representative of the available workforce for a particular job.
3. Hiring decisions must be made in a way that does not discriminate against persons on the basis of illegal considerations.
4. Hiring decisions must be made on the basis of the requirements of the position advertised. The position must be re-advertised if job requirements have changed materially during the course of the search.

The following procedures shall be used in recruiting and selection:

1. Advertisement, In-house and Public:
 - a. All job vacancies must be posted a minimum of five working days within the judicial district in which the vacancy occurs. Each appointing authority shall be responsible for circulating and posting all vacancies in appropriate locations within the district. The

appointing authority shall designate an employee to maintain and be responsible for records of vacancies posted.

- b. When a vacancy occurs for a professional or hard-to-fill position for which statewide or out-of-state recruitment is appropriate, all pertinent information should be sent to the director of personnel. The director of personnel can offer assistance in developing cost estimates, composing and placing advertisement through means ensuring compliance with EEO guidelines, which will be likely to produce a pool of applicant members in appropriate classes (e.g., professional journals, newspapers, and minority group newsletters, etc.)
- c. All court administrator, clerk of the court and chief CSO positions will be posted statewide within the judicial system for a minimum of five working days. Exceptions may be approved by the director of personnel.
- d. The director of personnel, subject to the approval of the Judicial Administrator, may develop and distribute to all appointing authorities additional procedures governing advertising and posting of vacancies.

B. Training/Career Development: To assure that all groups are given access affirmatively to all positions and lines of progression within the Kansas Judicial Branch, the following practices and policies shall apply:

- 1. All employees will be permitted to apply, through transfer, promotions, or otherwise for higher or more favorable positions without advance approval or notice to their present supervisor.
- 2. Employees selected will give ten days written notice to their immediate supervisor who will notify the current appointing authority. The period of notice may be shortened or waived by the current appointing authority.
- 3. All employees who apply and are not selected for the position will be so informed in writing.

4. The director of personnel will maintain a formal employee evaluation program so that all recommendations for merit increases result from an objective evaluation of job performance.

C. Recordkeeping: Each appointing authority should maintain or cause to be maintained, the records of procedures used in recruitment, selection, hiring, promotion, transfer, layoff, return from layoff, termination, and employment development, including training. If, at any time, an employee or rejected job applicant files charges of discrimination based on race, color, religion, sex, pregnancy, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, genetic information, military or veteran status, political affiliation, or any other protected characteristic, the director of personnel shall be notified promptly. The director of personnel may ask to see records concerning the issue (for instance, records of a selection process from first announcement of the position to the final decision.) Therefore, organized written records of the following should be maintained:

1. The job vacancy notice.
2. Copies of all correspondence with applicants (if a form letter is used, one copy plus a list of recipients is sufficient.)
3. Telephone recruitment log (a dated list of the persons contacted to disseminate information about the vacancy and the institutions with which they are associated if pertinent.)
4. Names of all applicants, with notation of date of application.
5. Copies of rating charts used in the first screening of candidates.
6. A copy of questions developed for interviewing.
7. All interview notes, or related documents.
8. All EEO/AA documents associated with recruitment for the position.