

GUIDELINES FOR IMPLEMENTATION OF EXECUTIVE ORDER 2004-06

The capability to offer starting balances of sick and vacation leave to critical and executive level unclassified employees is an important enhancement to the State's recruiting capacity and a step forward in ensuring the flexibility and responsiveness of our HR system. This option is intended to be the exception rather than the rule and is available for use in those instances in which beginning leave balances are an issue with a candidate. In particular, this option was designed to be available for those candidates that are considering leaving their current employer with which they have built up significant leave balances and express concern about having to "start over" with respect to leave.

This option is not intended to become part of a "standard package" for new hires in the unclassified service nor should it be offered routinely to all candidates for eligible unclassified positions. This option should only be used when a candidate makes an initial vacation leave or sick leave balance a condition for accepting the position or as a negotiating tool should other difficulties arise with respect to a top candidate.

This option can only be used for unclassified positions and only when approved by the appointing authority. Recruiters should not offer this option to candidates until they have obtained approval to do so from their appointing authority.

PROCEDURES

Once the amount of leave being offered has been agreed upon and the appointing authority has approved the use of this incentive, the offer can then be conveyed to the candidate. In order to formalize the acceptance of the offer, the candidate should be presented with the Leave Repayment Agreement form, a copy of which is attached to these guidelines.

The recruiter and the candidate should review and fill out the form together and once completed, both the candidate and an agency representative should then sign the form. Agencies should make a copy of the signed form for the new employee and retain the original for their own reference.

Questions regarding these procedures or general guidelines for this capability should be directed to Kraig Knowlton at kraig.knowlton@da.ks.gov or by telephone at (785) 296-1082.

SHARP INSTRUCTIONS

Procedure for Requesting a Leave Balance Increase at the Time of Hire:

Send an email to sharp@da.ks.gov. Include the SHARP Employee ID, Name and number of hours vacation and sick leave requested. Please reference Executive Order No. 2004-06 in your request.

Due to technical reasons, there may be a delay as to when the balances may be updated. The SHARP unit will update the vacation and sick leave balance after the first leave accrual processes. If the employee uses sick or vacation leave prior to the first leave accrual, a non-pay affecting leave adjustment may be made to the timesheet after the leave balances are updated manually.

Procedure for Requesting a Leave Balance Reduction at the Time of Separation (If employee separates within 1 year of hire):

If the termination is entered prior to the first preliminary pay calculation of the pay period in which the employee is terminating, the leave payout program will insert the hours of vacation payout based on the vacation balance, vacation hours used during the pay period (as recorded on the timesheet), and the hours accrued during that final pay period.

Adjust the vacation hours and dollar amount associated with the payout by reducing the hours field by the hours given at the time of hire. Reduce the dollar value to reflect the updated hours. If the payout figure results in a negative number, no payout is given.

In order to reduce the sick leave balance by the sick leave hours that were given as part of the hire process which were not used, enter the Sick Leave Remainder (SLR) earnings code and the appropriate number of sick hours on the timesheet. The sick leave balance will be reduced by the number of hours entered using the SLR earnings code.

If the termination wasn't entered prior to the first preliminary pay calculation, it is necessary to enter all the payout codes, hours, and dollar amounts into the timesheets manually.

Questions regarding these SHARP procedures should be directed to Brent Smith at brent.smith@da.ks.gov or by telephone at (785) 296-1432.

REPAYMENT PROCEDURES

If an employee voluntarily separates from employment with the State prior to completing one year of service, that employee must repay the exact gross dollar amount of any of the starting balance of leave that the employee used, as liquidated damages. This process must be calculated manually.

Since employees will have accrued leave in addition to that granted at the time of hire, in order to determine the exact amount of leave that is required to be repaid, the following formula should be used for both sick and vacation leave.

(Total # of Hours of Leave Used) – (Total # of Hours of Leave Accrued*) = Hours to be Repaid**

*** When using this formula, remember to add in the hours of leave earned in the pay period during which the calculation takes place, as this amount will not be in the system at that time.**

**** If the total is a negative number, there is no repayment required.**

This total should then be multiplied by the employee's regular hourly rate of pay at the time of separation in order to determine the exact dollar amount that the employee will be required to repay as liquidated damages.

As stipulated in the Leave Repayment Agreement, the departing employee must repay the appropriate amount in a lump sum within 30 days of the date of termination. This payment is required to be in the form of a certified check or money order and should be directed to the departing employee's former agency.

Agencies should then process a SOKI Receipt Voucher using transaction code 602 and sub-object code 5409 (other fines, penalties and forfeitures) in order to record the payment of the liquidated damages. Questions on processing the receipt can be directed to Randy Kennedy in the Division of Accounts and Reports, Central Accounting Services Section at randy.kennedy@da.ks.gov or by telephone at (785) 296-2125.

Attachment

LEAVE REPAYMENT AGREEMENT

I, the undersigned employee, agree to pay to the state, as liquidated damages, an amount equal to the dollar value of any vacation and sick leave from the amount that I was granted upon starting employment with the State of Kansas that I used during the course of my employment in the event that I leave my position with the State of Kansas prior to completing one year of service from my initial date of employment.

My initial date of employment is _____ and at that time, I was granted _____ hours of vacation leave and _____ hours of sick leave to use in addition to any leave that I would accrue in the course of my employment. The amount that I agree to pay as liquidated damages shall be the dollar value of the total hours of vacation and sick leave that I use within one year of my initial date of employment, less the total hours of sick and vacation leave that I accrue pursuant to K.A.R. 1-9-4 and 1-9-

5. The dollar value shall be based on the regular rate of pay in effect on the date of separation from the State of Kansas.

This amount is to be paid pursuant to Executive Order 2004-06, and I agree to pay said amount in one lump sum by certified check or money order within 30 days of my termination date.

Employee Signature

Date

Agency Representative Signature

Date