Kansas
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Paid Military Leave for Public Employees in Kansas

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Kansas' state regulations not only provides for 12 working days of paid military leave per federal fiscal year for state employees, it does a good job of explaining the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4335. The state regulations also take into account the possibility of state employee servicemembers being injured in the line of duty.

This regulation applies to employees of the State of Kansas-paid military leave for counties, cities, and other political subdivisions is a matter of local option.

The regulations, Article 9 "Hours, Leaves; Employee-Management Relations" in 21-50 Kan. Reg. 2048, issued Dec. 12, 2002, are as follows:

(a) Each employee in a regular position who is a member of a reserve component of the military service of the United States shall be granted a maximum of 15 working days of military leave with pay for active duty within each 12-month period beginning October 1 and ending September 30 of the following year.

(b) Active duty in excess of 15 working days within the 12-month period established in subsection (a) shall be charged to military leave without pay or, at the employee's request, to appropriate accrued leave.

(c) Each employee in a regular position who is a member of a reserve component of the military service of the United States shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of performing inactive duty.

(d) Requests for military leave shall be made to the appointing authority with as much notice as possible under the circumstances of the order. Whenever possible, an appropriate military order or duty document shall be received by the appointing authority before military leave is authorized.

(e) Each employee in a regular position shall be granted military leave without pay or, at the employee's request, appropriate accrued leave for the purpose of induction, entrance, or examination for entrance into a reserve component. Notice to the appointing authority shall be provided as prescribed by the appointing authority. Upon completion of the induction, entrance, or examination, the employee shall return to state employment as prescribed in subsection (g).

(f) Upon release from a period of duty under subsections (a), (b), (c), or (e) or upon discharge from hospitalization for or convalescence from an illness or injury incurred in or aggravated during the duty, each employee shall be permitted to return to one of the following positions:

(1) The position in which the employee would have been employed had the employee not been called to military duty; or

(2) a position with status and pay similar to the status and pay that the employee would have had if the employee had not been absent for those purposes. If the employee is not qualified to perform the duties of the position by reason of disability sustained during the duty but is qualified to perform the duties of any other position, the employee shall be offered employment in a position comparable to the former position, in status and pay.

(g)(1) Except as provided in paragraph (g)(2), when returning from periods of inactive or active duty, the employee shall report for work as follows:

Period of Duty (in consecutive days)	**Return to Work Following Release From Duty**
1-30	First full, regularly scheduled day after release
31-180	Within 14 days of release
181+	Within 90 days of release

(2) These time periods may be extended to no more than two years from the date of release from duty to accommodate a period of hospitalization or convalescence resulting from a service-connected injury or illness. To the extent practicable, the employee shall inform the appointing authority of any change in the date on which the employee is anticipated to return to work. The appointing authority may request documentation from the employee's commanding officer or the employee's licensed health or mental health care provider of the date on which the employee is released from duty and of the reasons the employee will not be able to return to work following the employee's release from duty.

(h) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave, vacation leave, and holiday credit shall not be earned or accrued during a period of active duty when military leave without pay has been granted.

(i) For purposes of this regulation, any reference to the military reserve of the United States shall be considered to include members of the national guard.

(j) This regulation shall be effective on and after October 1, 2006.