




K A N S A S

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DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL SERVICES

KATHLEEN SEBELIUS, GOVERNOR
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MEMORANDUM

TO: Statewide HR Managers
FROM: Jack Rickerson 
DATE: January 29, 2003
SUBJECT: Options for Backfilling for Persons on Military Leave

We have recently been asked to help an agency come up with a straight-forward, yet appropriate, method to temporarily backfill a position occupied by an employee away on military leave. The agency's preference was to make an acting assignment so they did not have to spend a great deal of time and energy announcing and then backfilling the position through a competitive process.

An acting assignment, using the authority of K.A.R. 1-6-29, would be the most straight-forward method. Unfortunately, our 'system,' as it currently exists, doesn't always provide for straight-forward action. Our concern with an acting assignment is that the position is not technically vacant and, given the protections provided to employees on military leave by federal law, an acting assignment could be problematic.

What we came up with are two options to acting assignments. The first option is using K.A.R. 1-6-28, the regulation on overlapping hires. This regulation allows for a position occupied by an employee on extended leave, including military leave, to be filled by another employee until such time as the employee on extended leave returns. To provide the capability of making an appointment without announcement and competition, I am exercising the authority given to me in K.A.R. 1-6-2(c) that allows me to waive the requirement for announcement and competition "...when the director determines that for good cause such notice is not necessary."

I am waiving the requirements of K.A.R. 1-6-2(c), only in the instance of an agency's need to backfill a position occupied by an employee away on military leave, and all other provisions of K.A.R. 1-6-28 continue to apply. You may, of course, announce and require competition for such backfills, if that is your preference.

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Should you choose to use the overlapping hire option, the employee would be appointed as you would normally do for an overlapping hire. At the end of the overlapping appointment, a data change action code, *Return of Overlapping*, will be used to return the employee to their previous position to avoid showing a demotion, if the action to initially appoint was a promotion.

The second option is to temporarily reallocate the position of the person selected to backfill. Since the system does not recognize "temporary" reallocations, you would need to supplement your action with a Letter of Understanding with the employee. Here again, you can manage this action with or without announcement and competition, if that is your preference.

We hope these options are helpful. Should you or your staff have questions about this action, or need assistance with drafting a Letter of Understanding or processing an action, please contact your agency Human Resource Consultant. Thanks.

JER:KRK:hf

cc: Carol Foreman, Deputy Secretary of Administration