

SHARED LEAVE PROCESS SUMMARY

March 2015

1. The Statewide Shared Leave Program is governed by K.A.R. 1-9-23.
2. All state agencies, except the Regents and those headed by an elected official, must send all Shared Leave requests to the Statewide Shared Leave Committee for review and determination. The Regents and those agencies headed by an elected official are encouraged to use the state program to ensure consistency.
3. The Statewide Committee is comprised of 3 representatives from various state agencies, and 1 representative from the Office of Personnel Services, who manages the program, and 1 staff member from the Office of Personnel Services who handles the clerical and technical responsibilities and enters the requests and donations and communicates with the agencies.
4. The committee meets every Wednesday morning at 8:30 unless there is a holiday that week.
5. There are two (2) forms used in the Shared Leave Process. The first form is the request DA 325 identified with the word “committee” on the top. This is a 3 page form and all pages must be completed. The second is the Donation form, DA 223 employee who has been approved to receive Shared Leave. These forms are located at <http://admin.ks.gov/offices/personnel-services/policies-and-programs/shared-leave>. These are the only forms that should be used for Shared Leave. If there are FMLA certifications related to the Shared Leave Request, they may be attached as “additional information.”
6. The criteria for Shared Leave approval are quite stringent. The medical condition must be serious, extreme or life-threatening.
7. The request and donation forms need to be returned to the HR office where it must be reviewed for completeness. Please make sure the request form clearly shows the name of the agency contact person, their phone number, and e-mail address. The agency HR is required to complete eligibility checklists in Part I and Part III. The agency HR office should then send the completed request to Jolene Flowers, Office of Personnel Services, 900 SW Jackson, Room 401-N, Topeka, KS 66612; Fax 785-296-7712 or by e-mail jolene.flowers@da.ks.gov.
8. Requests should be received no later than Monday at 5:00 pm in order for them to be reviewed by the committee on the following Wednesday.

9. It is the employee's responsibility to work with their health care provider to provide complete and readable medical information. The more information submitted is always more helpful.
10. It is the agency's responsibility to check the request submission to make sure the application is complete and legible.
11. It is the employee's and agency's responsibility to make sure the employee name and EMPLID# are accurate and legible.
12. When reviewing the requests, the committee will not know the name of the requesting employee or agency. Decisions are based solely on the medical information provided by the doctor or health care provider(s). Any written personal information from the employee is maintained in the file but not reviewed or seen by the committee members.
13. The decisions of the Committee can be approved, denied, or unable to determine/requesting additional information.
14. The Committee's decision will be communicated to the agency via e-mail no later than the next day after the committee meets.
15. After the committee has made a determination and the agency has been notified of their decision, the approval and donations cannot be entered into the system until the Office of Personnel Services receives the signature page which is Part V of the request form. The appointing authority (or designee) needs to sign this part and indicate the number of hours for which the employee has been approved. Approval can be up to six (6) months or 1040 hours. If an approval has been for fewer hours than 1040, the agency does have the option to extend the employee up to the maximum of 1040 if appropriate for the employee's medical needs. Any extension must be communicated to Jolene Flowers via e-mail, so the appropriate changes can be made in the system. Depending on the nature of the medical issue, Shared Leave hours may be used in a block of time or intermittently.
16. Employees donating any hours will need to maintain minimum balances in their own leave: Vacation minimum retention is 80 hours; Sick leave minimum retention is 480 hours. These minimums apply unless the employee is terminating their employment and wish to donate any leave overages that may exist after any qualified payouts. The donation form must have the employee's signature. No employee can be required to donate their leave.
17. For "umbrella" agencies, all Shared Leave requests and donations should be sent through the agency central office.
18. The agency must submit all Shared Leave requests to the Committee, unless the agency determines there has been leave abuse by the requesting employee. If, per agency policy and practice, the employee is a leave abuser, the agency must notify the employee and may decline to forward the request to the Committee.

19. All information and documentation pertaining to Shared Leave requests are maintained in locked file cabinets in the Office of Personnel Services. Only the central OPS designee of the committee and the committee technical assistant has access to those records. Agencies should maintain their own records in secured files, separate from the employee's personnel file.
20. If the Committee denies a request, there is no appeal process, but the employee always has the opportunity to resubmit for consideration with additional information.
21. The agency appointing authority has the authority to overturn a final denial by the Committee, ONLY if the appointing authority believes it will be in the best interests of the state. If the denied request is overturned, the agency needs to submit a signed Shared Leave form with the reason for the overturn.
22. Agency Appointing Authorities do NOT have the authority to overturn an approval from the Committee.
23. There is no appeal process associated with Shared Leave. Shared Leave is not considered an "entitlement."