



KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER <p align="center">02-114</p>	PAGE NUMBER <p align="center">1 of 17</p>
		SUBJECT: HUMAN RESOURCES: Employee Leave and Absences	
Approved By:  Secretary of Corrections		Original Date Issued: 08-15-82	Current Amendment Effective: 08-14-09
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POLICY

Unless otherwise specified, employees shall receive two (2) days off work in a seven-day week. Leave for other time away from the job shall be granted in accordance with applicable Kansas Administrative Regulations in a lawful, fair, and nondiscriminatory manner that is consistent throughout the Department.

Employees requesting leave shall, when possible, do so in writing and in a timely manner to permit any schedule adjustments necessary to facilitate the requests.

DEFINITIONS

Administrative Leave: Any leave with pay authorized by the appointing authority for an emergency or other situation that creates dangerous or unsafe work conditions or for other circumstances that necessitate the closing of an office or building pursuant to K.A.R. 1-2-74.

Appointing authority: The person designated pursuant to IMPP 02-109 for each respective division or facility of the department.

Close relative: Includes spouse, child (including step, adoptive, and foster), parent (including step-parent), legal guardian (current or former), brother (including half and step-brother), sister (including half and step-sister), brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, parent or grandparent of spouse, and any person who filled the role of parent de facto with respect to the employee.

Compensatory leave: Time off credited to an eligible employee, in lieu of monetary payment for overtime worked pursuant to K.A.R. 1-5-24 and IMPP 02-113.

Designee: A person designated by the appointing authority to assume certain delegated responsibilities allowed the appointing authority pursuant to K.A.R. 1-2-9.

Discretionary day: A day designated by the Governor to allow each employee with six or more months of service in a permanent position to observe a holiday or other special day, with pay, without closing State service.

Emergency call-back: A sudden, generally unexpected occurrence or set of circumstances requiring an off-duty employee to report to a work site to handle a situation demanding immediate action. For maintenance, trades and/or engineering personnel the following constitute emergencies for the purpose of call-back: flood, tornado or other destructive acts of nature, fire, electrical outage or other situations beyond routine maintenance problems, that the appointing authority or designated duty officer has determined cannot be deferred until the next business day or handled by an inmate worker. For uniformed, unit team and support personnel, an emergency includes the conditions listed for maintenance, trades, and/or engineering personnel as well as a disturbance or riot, escape, fire, inmate work stoppage or other severe public safety issue excluding routine staffing shortage, medical transport or unexpected or unscheduled escorting of inmates.

Exempt position: Positions within State service, which do not meet the criteria for earning overtime compensation under the Fair Labor Standards Act of 1938, as amended.

Family medical leave: Leave of up to twelve (12) weeks in any rolling twelve (12) month period granted to an eligible employee for a serious health condition of the employee, birth or placement of a child in the employee's home, or to care for an employee's spouse, child or parent with a serious health condition, during which time certain employment conditions are guaranteed by the Department, pursuant to the Family Medical Leave Act (FMLA) of 1993.

Family member: For the purposes of this policy, this term refers to persons related to the employee by blood, marriage or adoption; and minors residing in the employee's residence as a result of a court proceeding pursuant to the Kansas Code for Care of Children or the Kansas Juvenile Offenders Code.

Funeral leave: Leave with pay following the death of a close relative granted to employees in accordance with K.A.R. 1-9-12. This type of leave is separate and distinct from other types of leave, but may be taken in conjunction with vacation or compensatory leave.

Holiday: A day defined as a legal holiday in K.A.R. 1-9-2, including New Year's day, Martin Luther King day, Memorial day, Independence day, Labor day, Veterans day, Thanksgiving day and Christmas day, or the preceding Friday of any of those days if any of those days falls on a Saturday, or the following Monday of any of those days if any of those days falls on a Sunday; and any additional day which the Governor may designate as a day on which State offices are to be closed in observance of a holiday or a holiday season.

Holiday call back: A request to an employee to report to work on a holiday when response to such call-back constitutes an extra day of work within a given workweek.

Holiday credits: Compensable work credits arising from scheduled days off coinciding with observed holidays.

Holiday work: Regularly scheduled assignment requiring the employee to be present for duty on an observed holiday, or hours actually worked by an employee on a legal holiday, which is paid at the rate of one and one half times the annualized hourly rate of pay for actual hours worked.

Job injury leave: Time away from the job due to a qualifying job injury as determined by the appointing authority for which an employee is eligible in accordance with K.A.R. 1-9-22.

Jury/court leave: Leave with pay granted to employees for required jury duty or to comply with a subpoena as a witness in accordance with K.A.R. 1-9-8.

Leave without pay, voluntary: Time away from the job without pay which has been approved by the appointing authority in accordance with K.A.R. 1-9-6, or time away from the job without pay due to the application of provisions of the Family and Medical Leave Act.

Military leave with pay: Leave with pay, for a maximum of fifteen (15) working days per calendar year, granted to members of a reserve component of the military service of the United States for active duty for training purposes, pursuant to K.A.R. 1-9-7b or leave with pay granted to a member of any state or national guard unit for the duration of any official call to state emergency duty pursuant to K.A.R. 1-9-7c.

Military leave without pay: Leave without pay granted to employees who enlist or are drafted into the armed forces of the United States, including reservists and members of the national guard who are activated to military duty, in accordance with K.A.R.s 1-9-7a and 1-9-7c, and subject to the requirements and limitations of Title 38, U.S. Code, Chapter 43.

Non-exempt position: Positions within State service, which meet the criteria for earning overtime compensation under the Fair Labor Standards Act of 1938, as amended.

Official absence from work: A paid absence from work authorized by the appointing authority in order that an employee may attend an official meeting, or conference, or engage in any other officially sanctioned task which requires the employee to be away from his or her assigned work location and which is not ordinarily a part of that employee's duties.

Overtime: Work that is performed by an employee in a non-exempt position at the time and a half rate and which exceeds 40 hours actually worked in any given workweek. For certain designated positions, "overtime" means work that is performed by an employee in a non-exempt position at the time and a half rate and which exceeds 84 hours actually worked in any given pay period as established by the State of Kansas for payroll purposes. Time not worked, but in other pay status, shall not be counted as hours worked.

Regular days off: The two or more days out of seven, which serve as the employee's days off in conjunction with a forty (40) hour workweek. These days are not always Saturday and Sunday, but instead may be any two or more days out of the workweek, depending upon the employee's regular workdays. For employees who work within an established 84-hour work schedule, regular days off may vary.

Relief from duty with pay: Compensated time away from work that is mandated by the appointing authority in the case of a situation in which the possibility of proposing formal disciplinary action is indicated, but where the appointing authority needs time to conduct an investigation before proposing such action, or in a situation where immediate removal of an employee is needed to avoid disruption of work, or for the protection of persons or property.

Relief from duty without pay: Time away from work mandated by the appointing authority, and for which the employee receives no compensation, in the case of a situation where an employee has been formally suspended from work without pay, or pending the effective date of a proposed dismissal as a formal disciplinary action.

Rolling twelve (12) month period: For purposes of this IMPP, the term means the consecutive twelve-months immediately prior to a specific date or event regardless of fiscal year or calendar year.

Sick leave: Time away from work due to the employee's illness or off the job injury, appointments for medical, dental or mental health examinations or treatments, or due to the employee's family illness or disability, credited to, accumulated and used by employees in accordance with K.A.R. 1-9-5.

Training leave: Time away from regularly assigned duties which is granted to an employee for purposes of receiving training, on site or off site, required by Department policy or approved by the employee's appointing authority.

Unauthorized absence: Leave that is not requested or approved in accordance with K.A.R. 1-9-3 and this policy.

Vacation leave: Leave with pay, which is earned and accumulated in accordance with K.A.R. 1-9-4.

Workweek: 12:01 a.m. Sunday to midnight the following Saturday.

PROCEDURES

I. Requesting Leave

- A. Each employee shall work the regular work schedule established for his or her position, in accordance with IMPP 02-113, unless leave has been granted to that employee in accordance with this policy.
- B. Unless otherwise specified in this policy or established by Memoranda(um) of Agreement, each employee requesting leave for any of the reasons specified in this policy shall do so in a timely manner, giving his or her supervisor as much notice as possible.
- C. Requests for leave shall be made on the KDOC Request for Leave, Overtime, or Premium Pay Hours (Attachment A, Form #02-114-001).
 1. Whenever possible, the written request shall be made in advance of taking the leave.

- a. If an employee is not able to make a written request in advance, the employee shall make a verbal request in advance of any leave being granted unless extraordinary circumstances prevent him or her from doing so.
- b. If an employee is not able to request leave in writing in advance of the leave, the written request shall be completed upon the employee's return to work.

II. Vacation Leave

- A. Vacation leave with pay shall be earned, credited, and accumulated pursuant to K.A.R. 1-9-4.
- B. Vacation leave shall be scheduled and considered for approval pursuant to policies and procedures promulgated by the appointing authority, which shall provide a fair and equitable method for:
 1. The submission of leave requests by employees;
 2. Consideration of the employee's leave request by the employee's immediate supervisor; and,
 3. Notification to the employee of the decision regarding the leave request within a reasonable period of time.

III. Sick Leave

- A. Unless otherwise specified, the provisions of this section are not intended to be used for any absence covered by the Family Medical Leave Act (FMLA). See Section XIII FMLA covered leave;
- B. Sick leave shall be credited, accumulated, and used pursuant to K.A.R. 1-9-5.
 1. Pre-planned sick leave shall be requested as soon as the employee knows of the need for such leave.
 2. Unless otherwise approved by the appointing authority, an employee who will be absent from work due to the illness of the employee or of a member of the employee's family, shall notify the immediate supervisor one (1) hour before the beginning of the employee's scheduled work day. Persons employed in parole offices, Central Office, KCI, or any other location where a one-hour reporting requirement may not be possible, shall notify the immediate supervisor as soon as possible prior to the beginning of the scheduled workday.
 3. If an employee or the employee's family member is sick for three (3) or more consecutive days, the employee shall notify the supervisor of the employee's expected return date.
 - a. The employee may be required by the supervisor to report in daily.
 4. If an employee is sick for three (3) or more consecutive days, the appointing authority may require the employee to provide a release from an attending physician indicating the employee is able to return to work. The employee may be required to provide the release directly to the supervisor, if it contains no specific medical information, and the supervisor shall immediately forward the release to the human resource office. Under no circumstances shall an employee be required to provide a supervisor with any specific written or oral information about the medical or emotional condition necessitating the sick leave. Documents containing such information shall be submitted directly to the Human Resource Office.

5. Per the provisions of K.A.R. 1-9-5(d) and IMPP 02-125, if there is a reasonable suspicion that the employee is abusing or misusing sick leave, an appointing authority may require an employee to provide a statement from a health care provider verifying that the employee is entitled to use sick leave.
6. If an employee is relieved of duty pending a determination of whether he or she can perform the essential functions of his or her position because of illness or disability, per provisions of K.A.R. 1-9-5(f), the employee shall be required to use accumulated sick leave. Upon the exhaustion of the employee's sick leave, the employee may be required to use any accumulated vacation leave or choose to use compensatory credits. If the employee has exhausted all accumulated leave and compensatory credits or elects to not use compensatory credits, the appointing authority may grant the employee leave without pay in compliance with section XII of this policy.

IV. Holiday Leave, Work, Credits and Call Back

- A. All employees except those whose regularly scheduled work assignment or authorized special assignment requires them to be present shall be given time off from work for all legal holidays.
- B. Holiday Work
 1. Employees in both exempt and non-exempt positions whose regularly scheduled work assignment requires them to be present for duty on a holiday shall receive monetary compensation in accordance with K.A.R. 1-9-2.
 - a. Employees not scheduled to work on a holiday shall obtain the permission of his or her supervisor prior to working any hours on the legal holiday.
 2. Employees who work both the legal and officially observed holiday shall receive holiday compensation or holiday leave credit for only one (1) of the two (2) days worked.
 3. In no case shall an employee's regularly scheduled work hours exceed forty (40) hours in a workweek when combined with time off for a declared legal holiday. For employees in non-exempt positions who are assigned to a bi-weekly schedule, scheduled work hours and time off hours for a declared legal holiday shall not exceed 84 hours in a payroll period.
 - a. During any week containing a declared legal holiday, an employee whose regular schedule includes approved flex time or an adjusted work schedule of more than eight (8) hours in a work day in compliance with IMPP 02-117, shall have his or her work schedule adjusted to allow for not more than forty (40) hours during that week. Employees in certain positions assigned to bi-weekly work schedules may be exempted from this provision at the discretion of the appointing authority.
 - b. Any other exceptions to this provision must be approved in advance by the appointing authority based on a determination that the nature of the employee's duties makes it impossible to adjust his or her hours of work during that time period.
- C. Holiday Credits
 1. An employee who is not required to be present for duty on a legally designated holiday and for whom the legal holiday falls on his or her regularly scheduled day off, shall receive monetary compensation for the holiday at the rate of a full day's pay in addition to his or her regular salary for the pay period.

D. Holiday Call Back

1. Except when an appointing authority or designee has approved the implementation of an Emergency call-back or in response to minimum staffing requirements, employees in non-exempt positions shall not be called back to work on a holiday or during the work week in which a holiday occurs when response to such call-back status constitutes an extra work day within that work week.
2. An employee who is called back to work on a holiday, whether due to an emergency call-back situation or as a result of a staffing shortage, when response to such call-back constitutes an extra work day within a given workweek, in accordance with K.A.R. 1-9-2, shall:
 - a. Receive holiday compensation; and,
 - b. Receive overtime compensation or compensatory time at the half-time rate, if the actual hours worked by an employee in a non-exempt position exceeds forty (40) hours in the workweek.

V. Discretionary Day

- A. If authorized by the Governor, each full-time employee with six (6) months or more of service in a permanent position is permitted one (1) discretionary day during the calendar year in addition to all officially designated holidays to be taken at the employee's discretion on a day agreed upon between the employee and his or her supervisor.
 1. Each employee in a regular position working less than full-time shall receive a proportional number of hours.
- B. Employees shall request the discretionary day in the same manner in which vacation leave is requested.
 1. All hours for a discretionary day shall be taken on the same day.
 2. Discretionary leave must be taken between the beginning of the first pay period of the calendar year and the last day of the last pay period of the calendar year and cannot be carried over to the following year.
 3. An employee may not be paid for the discretionary day, in lieu of taking the time off.
 4. An employee shall not be required to use his or her discretionary in lieu of other leave whether with or without pay.

VI. Funeral Or Bereavement Leave

- A. Employees requesting leave due to the death of a close relative shall initiate such requests through their immediate supervisor.
 1. When possible, the employee shall request such leave in writing.
 2. If the employee is not at the employee's workstation, the employee shall request such leave by telephone.
 - a. Telephone requests shall be made through the employee's immediate supervisor.
 - b. The employee's immediate supervisor shall note the request for leave for the requesting employee.

- B. Requests for funeral or bereavement leave shall be immediately forwarded to the appointing authority.
- C. Unless otherwise stated, the appointing authority shall be responsible for approving or disapproving all requests for funeral or bereavement leave and the duration of approved requests.
 - 1. In determining the duration of such leave, the appointing authority shall consider:
 - a. The employee's relationship to the deceased;
 - b. The distance to be traveled and mode of transportation; and/or,
 - c. Other special circumstances which would justify additional days.
 - 2. Under no circumstance shall authorized funeral or bereavement leave exceed six (6) working days per incident.
 - a. An employee may combine funeral or bereavement leave with other leave for a combined absence in excess of 6 working days, with the approval of his or her supervisor.
 - 3. The appointing authority may require the employee to provide proof of relationship to the deceased if deemed necessary.
 - 4. The immediate supervisor shall notify the requesting employee whether the request is approved or disapproved.

VII. Jury/Court Leave

- A. Permanent and probationary employees in permanent positions in the classified service shall be granted leave with pay for jury duty or to comply with a subpoena in accordance with K.A.R. 1-9-8.
 - 1. An employee granted leave under this section who receives pay or fees for a required appearance, except jury duty, shall turn over to the State such pay or fees in excess of \$50 in accordance with K.A.R. 1-9-8(d).
 - 2. An employee shall not be entitled to a leave of absence with pay in circumstances where the employee is called as a witness on the employee's own behalf in an action in which the employee is a party.
- B. The appointing authority shall have the discretion to determine whether to:
 - 1. Grant the employee leave with pay for a court, legislative committee or other public body appearance if in the best interest of the State pursuant to K.A.R. 1-9-8(b); and,
 - 2. Permit the employee to travel in a State vehicle for a required appearance pursuant to K.A.R. 1-9-8(c).
 - a. If an employee travels in a State vehicle, he or she shall turn over to the State any mileage expense payment received.

VIII. Military Leave

- A. Except as noted in Section VIII. B, any eligible employee who provides notice that he or she has been activated to military duty, other than for training purposes, shall be granted military leave without pay, in accordance with K.A.R. 1-9-7a.

1. The employee who has been activated to military duty for other than training purposes shall provide his or her supervisor with a copy of the orders received activating him or her to military duty.
- B. Any eligible employee who is a member of a reserve component of the military service of the United States shall be granted a maximum of fifteen (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, in accordance with K.A.R. 1-9-7b.
 1. Any active duty in excess of fifteen (15) working days in a calendar year shall be charged to military leave without pay or, at the employee's request, to accrued vacation leave, pursuant to K.A.R. 1-9-7b(b)
 2. Requests for military leave shall be made to the appointing authority with as much notice as possible under the circumstances of the order. An appropriate military order or duty document shall be received by the appointing authority before military leave is granted.
- C. Each employee in a regular position shall be granted military leave without pay or, at the employee's request, accrued leave for the purpose of induction, entrance, or examination for entrance into a reserve component.
- D. Any eligible employee who is a member of a state or national guard unit shall be granted military leave with pay for the duration of any official call to state emergency duty in accordance with K.A.R. 1-9-7c.
 1. An employee responding to state emergency duty shall not be charged time against the annual paid military leave granted an employee, in accordance with K.A.R. 1-9-7b.

IX. Official Absence From Work

- A. The appointing authority shall determine when it is in the best interest of the Department to allow an official absence from work with pay for attendance at an official meeting, conference, training, interview, or other officially sanctioned function.
- B. An official absence from work granted for employment interviews shall be as follows:
 1. Each employee shall be allowed an official absence from work on up to two (2) separate occasions in a twelve (12) month period:
 - a. The official absence from work must be requested in sufficient time to allow for schedule adjustments;
 - b. An official absence from work will not be granted, nor time credited, for scheduled days off;
 - c. Only reasonable travel and interview time will be allowed; and,
 - d. An official absence from work will not be granted for any hours over eight (8) on any given workday.
 2. An official absence from work will be granted only for interviews within the Kansas Department of Corrections.
 3. Interview schedules may be verified by the employee's supervisor.
 4. State vehicles will not be used for the purpose of traveling to an interview site, nor will mileage be reimbursed for personal automobiles.

5. For payroll, and time and leave purposes, any time away from normally assigned duties while on an approved official absence from work shall be recorded as time worked.

X. Job Injury Leave

- A. Any eligible employee who sustains a qualifying job injury, as defined by K.A.R. 1-9-22(b)(1), shall be eligible for job injury leave in accordance with K.A.R. 1-9-22.
- B. Job injury leave shall not exceed six (6) months following the qualifying job injury.
 1. While an employee is on an approved job injury leave, the employee shall continue to receive his or her regular compensation.
 - a. If the employee is awarded worker's compensation, the employee shall receive compensation in an amount which, together with the worker's compensation pay, equals the regular salary of the employee.
 2. The employee shall not lose accrued sick leave or vacation leave credits during the period of approved job injury leave.
 - a. The employee shall continue to earn sick leave and vacation leave during the period of approved job injury leave.
- C. The employee may be required to return to job injury limited duty if the employee is physically able to perform the duty of his or her assigned position or a position in which accommodations are being made.
 1. Job injury limited duty assignments shall not exceed six (6) months.
 2. If, after six (6) months, the employee is unable to return to full duty, the appointing authority shall take such action as deemed in the best interest of the operation and management of the facility, region, or office.
 - a. If the appointing authority determines it to be in the best interest of the facility, region, or office to extend a limited duty assignment beyond the six (6) months allowed for job injury leave, the employee shall be removed from job injury status and placed on a temporary limited duty assignment under the provisions of IMPP 02-106. However, in no circumstance shall an employee work in a light duty assignment for more than twelve months in any twenty-four month period.
- D. The employee may be required to be examined by a physician selected by the Department during the period of approved job injury leave to determine the employee's capability to return to full or limited duty.
- E. An employee on approved job injury leave is prohibited from being gainfully employed by any other employer.

XI. Training Leave

- A. All employees shall be relieved from their normal duties to attend training as mandated by IMPP 03-104 and such other training as approved by the appointing authority.
 1. It shall be at the discretion of the appointing authority whether to grant official leave or require the employee to use vacation leave for non-mandatory training.
- B. The training staff of each office, facility, or parole region shall work and communicate closely with supervisors to schedule training in a manner consistent with scheduling needs.

XII. Non-Disciplinary Leave Without Pay

- A. Any employee who has achieved permanent status or who is on probation due to promotion, may be granted leave without pay for a reasonable period of time, not to exceed one year, consistent with the effective fulfillment of the agency's duties. Any employee who is serving on probationary status due to an original appointment may be granted leave without pay for a period not to exceed sixty (60) calendar days. Leave without pay may be granted for:
1. Childbearing;
 2. Illness;
 3. Temporary disabilities;
 4. Birth of the employee's child;
 5. Adoption of a child by the employee;
 6. Initial placement of a foster child in the home of the employee;
 7. The provision of care for a family member who has a serious health condition; or,
 8. Other good and sufficient reason when the appointing authority deems such leave to be in the best interest of the service.
- B. Any employee eligible under the Family and Medical Leave Act (FMLA) of 1993 may receive leave without pay in accordance with that Act, and Section XIII of this policy.
1. Any eligible employee who receives leave without pay pursuant to Section XIII, shall not be entitled to additional leave without pay for a reason covered by the FMLA, and shall be limited to the concurrent use of leave available under Section XIII, and the Family and Medical Leave Act.
- C. As soon as possible after receiving a leave request, the employee's immediate supervisor shall:
1. Make a recommendation regarding the request; and,
 2. Forward the request and the supervisor's recommendation to the appointing authority or designee.
- D. The circumstances regarding the request may be verified prior to approval of the request.
- E. The employee may be required to use accumulated vacation leave, sick leave, if appropriate, and/or compensatory time credit prior to approval of leave without pay.
- F. Prior to notifying an employee in writing that leave without pay exceeding 30 days will be approved, the appointing authority must receive pre-approval of the letter from the Director, KDOC Human Resource Division or a designee.
- G. Leave without pay exceeding thirty (30) calendar days shall be reported to the Department of Administration, Division of Personnel Services.
- H. Leave without pay for employees in positions exempted from the Fair Labor Standards Act.
1. The Fair Labor Standards Act (FLSA) requires that employees in exempt positions be compensated on a "salary basis" as promulgated by the U.S. Department of Labor. The salary of an employee in an exempt position cannot be based on the quality or quantity of work performed during a specified period of work time and,

except as noted below, cannot be reduced proportionately for failure to achieve such a standard. No salary is to be paid for any workweek when no work is performed unless the time off is covered by a form of paid leave as defined in IMPP 02-114 and Article 9 of the Kansas Administrative Regulations.

2. Salaries of employees in positions that are exempt under the Fair Labor Standards Act (FLSA) shall not be reduced due to leave without pay in less than seven calendar day increments except in the following instances:
 - a. Absences from work for one or more *full* days for personal reasons, other than sickness or disability, when the employee has insufficient paid leave available to cover the time off, and the absence is requested by the employee. Leave without pay can not be charged in less than full days under this option;
 - b. Absences from work for one or more *full* days due to sickness or disability if deductions are made under the State's sick leave plan. Leave without pay can not be charged in less than full days under this option;
 - c. Penalties imposed in good faith for violating safety rules of "major significance";
 - d. Deductions due to a court order or for the purposes of repaying federal taxes;
 - e. Unpaid disciplinary suspension of one or more *full* days imposed in good faith for violations of workplace conduct rules;
 - f. Proportionate part of an employee's *full* salary may be paid for time actually worked in the first and last weeks of employment;
 - g. Absences from work for one or more *full* days for unpaid leave taken pursuant to the Family Medical Leave Act. Leave without pay can not be charged in less than full days under this option; or
 - h. Deductions in the salary of exempt employees salary due to a budgetary required furlough.
3. None of these exceptions affect the requirement that employees in exempt positions use sick leave, shared leave, vacation leave or holiday compensatory time in half or full-day increments.
4. Complaint Process
 - a. If an employee in an exempt position believes that his or her salary has been reduced improperly and if the matter cannot be resolved at the office/facility level, he or she may file a complaint regarding the alleged improper reduction with KDOC Human Resources Division by writing or e-mailing details of the complaint to:

KDOC Human Resources Division
Landon State Office Building
900 SW Jackson
Topeka, Kansas 66612
Email: JanCI@kdoc.dc.state.ks.us
 - b. Staff from DOCHR will work with the employee, representatives from the office/facility, and the Department of Administration's Division of Personnel Services to reach final resolution to the complaint.

- c. The employing office/facility will reimburse employees for deductions that are found to be improper and take action to ensure that such deductions do not occur again.
- 5. The Department's policy and procedures concerning the Reduction in Salary of Exempt Employees shall be posted on all official bulletin boards. (Attachment F)
- I. If approved by the appointing authority, any permanent employee may be granted leave of absence without pay to enable the employee to take an appointive position in the unclassified service.
 - 1. The initial leave granted for this purpose shall not exceed one (1) year. One (1) or more extensions of up to one (1) additional year each may be granted by the appointing authority or designee.
- J. If the interest of the service is best served, the appointing authority may terminate a leave of absence without pay by providing a written notice to the employee, pursuant to K.A.R. 1-9-6.

XIII. Family Medical Leave

- A. Family medical leave may be granted to an eligible employee in accordance with the Family and Medical Leave Act (FMLA) of 1993.
 - 1. An employee taking leave pursuant to the FMLA shall be required to use accumulated sick leave and vacation leave prior to being placed on a leave without pay status.
 - 2. All time away from work for an FMLA covered condition shall count toward the allowed twelve (12) weeks of annual eligibility whether on leave with or without pay.
- C. Family and Medical Leave shall be limited to twelve (12) weeks per employee within any rolling 12-month period.
 - 1. If spouses who work for the State are both eligible for FMLA coverage, they shall be treated as individuals for the purposes of FMLA and shall each be entitled to full coverage and leave benefits for conditions covered by the Act.
- D. If an employee is entitled to workers' compensation leave due to an injury which is also covered by the FMLA as a serious health condition, the 12 weeks of leave under the FMLA shall run concurrent with workers' compensation leave.
 - 1. The employee shall be notified, using the Kansas Department of Corrections Notification/Request for Medical Certification (Attachment B, Form #02-114-002), that these leaves run concurrent.
- E. If an employee determines during the period of Family and Medical Leave that he or she is not going to return to employment with the Department, the employee shall immediately notify the Department of this decision.
 - 1. Upon notification to the Department that an employee will not be returning to employment with the Department, this notice shall be documented by human resources staff, including:
 - a. Written confirmation to the employee;
 - b. Written notice to the employee that FMLA coverage terminated and that the eighteen (18) month period during which the employee may be entitled to continuing health insurance, pursuant to the Consolidated Omnibus

Budget Reconciliation Act (COBRA) of 1986, started on the date the Department learned that the employee would not return to employment; and,

- c. Documentation in the employee's medical file of the date on which the employee determined that he or she would not return to employment with the Department.
- F. Employees on unpaid Family and Medical Leave shall not continue to accumulate sick leave or vacation leave.
1. An employee may request to use shared leave, earned compensatory time, or an unused Discretionary Day, however, the employee shall not be required to do so.
- G. An employee taking leave pursuant to the FMLA shall be responsible for his or her share of the insurance premium that he or she was responsible for before the leave period began.
1. If an employee chooses to not return to work after 12 weeks, for reasons unrelated to the condition(s) for which Family Medical Leave was approved, the employee shall repay to the State the portion of the insurance premium paid by the employer during the period of Family and Medical Leave.
 - a. If the Department determines that the employee is unable to return to work, due to the continuation of a covered condition, repayment of the insurance premium paid by the employer will not be required.
- H. Prior to granting approval for unpaid Family and Medical Leave for a serious health condition of the employee or employee's family member, the appointing authority may require the employee to provide a medical certification, at the employee's expense, in the form of the Department of Labor's Certification of Health Care Provider form (OMB No: 1215-0181). The form may be obtained from any DOC Human Resource Office or on the Department of Labor's web site at www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf.
1. The appointing authority may require a second certification at agency expense when the validity of the first certification is in doubt.
 2. A third certification may be required at agency expense when the first and second certifications differ.
 - a. An employee shall be given a minimum of fifteen (15) calendar days to provide the requested certification.
 - b. The third certification shall be final and binding.
 3. The appointing authority may require the employee to provide one recertification opinion every thirty (30) calendar days, at the employee's expense.
 - a. With prior approval from the Director, KDOC Human Resources Division, the appointing authority may require the employee to provide recertification before the end of 30 days if circumstances described by the previous medical certification have changed significantly or the agency receives information that casts doubt upon the employee's reason for the absence.
 4. If, at any time during the process, the Department advises the employee, verbally or in writing, that the leave is or will be covered by FMLA and later determines that the absence does not involve a covered condition, that period of leave will be covered by FMLA. However, subsequent leave periods for the same condition and about which the employee had not been previously advised, will not be covered.

5. If the Department receives information that indicates an employee's absence may meet the eligibility requirements for Family and Medical Leave, the employee shall be notified that his or her leave time may be covered by FMLA.
 - a. Notice shall be given in the form of the Kansas Department of Corrections Notification/Request for Medical Certification (Attachment B).
 - b. If the Department becomes aware of an employee's covered absence more than three working days after it began, FMLA eligibility may be applied retroactively to the first day of the absence only if done so within two working days of the employee's return to the job.
6. Except as specified in section H.5. of this policy, if, after notification and receipt of a medical certification or other relevant information, the Department determines that the employee or the employee's family member does not have a covered condition, the employee's absence will not be credited to time used under the FMLA. However, if the employee's situation is determined to meet the eligibility requirements, all eligible absences from work related to that situation shall be counted toward the employee's available twelve weeks of FMLA coverage.
 - a. An employee's failure to request FMLA coverage does not relieve the Department of the responsibility for providing coverage under the Act. When an employee does not request FMLA benefits, but the Department determines that an employee's absence meets the eligibility requirements, all eligible absences shall be counted toward the employee's available twelve weeks of FMLA coverage and notice of the determination shall be given to the employee in the form of the Kansas Department of Corrections Notification/Request for Medical Certification (Attachment B). In such cases, failure by the employee to provide a Certification of Physician or Practitioner will not negate the employee's rights under the Act.
- I. A request for Family and Medical Leave shall be forwarded to the appointing authority for action, with at least thirty (30) days notice, or as much notice as feasible.
- J. The appointing authority shall review the request and:
 1. Approve the request if the employee meets the eligibility requirements; or,
 2. Deny the request if:
 - a. The employee does not meet the eligibility requirement as stated above;
 - b. The employee has failed to provide timely advance notice; or,
 - c. Required medical certification has not been provided.
- K. Prior to notifying an employee in writing that leave without pay exceeding 30 days will be approved, the appointing authority must receive pre-approval for the letter from the Director, KDOC Human Resource Division or a designee.
- L. The employee shall be notified of the decision to approve or disapprove the request in a timely manner.
 1. If the request is approved, the employee shall be notified in writing of the terms of the approval, including:
 - a. Whether the employee will be required to move to a different position, which is more accommodating of intermittent leave, if intermittent leave is requested;

- b. The annual and sick leave that the employee is required to use before unpaid leave is used;
 - c. What the employee is required to do to assist the Department in preparing for the employee's absence;
 - d. The specific dates the leave will be granted;
 - e. The employee's responsibility concerning payment of a portion of his or her insurance premium;
 - f. The employee's responsibility to remain in contact with the Human Resources office during the period of leave to inform the Department of his or her expected return date; and/or,
 - g. Any other term or condition of the employee's leave.
2. If the request is disapproved, the employee shall have the right to request a second stage review by the Director, KDOC Human Resource Division.
- a. The employee shall be notified in writing of the right to seek review by the appointing authority.
 - b. The employee shall make this request within five (5) days of being notified of the decision to disapprove the leave.
3. If the request is disapproved after a second review and the employee's appointing authority is someone other than the Secretary, the employee shall have an opportunity to have the disapproval reviewed by the Director, KDOC Human Resource Division.
- a. The employee shall be notified in writing of the right to seek review with the Director, KDOC Human Resource Division.
 - b. The employee shall notify the Director, KDOC Human Resource Division in writing of his or her request for review within five (5) days of being notified of the second disapproval.
4. The Director, KDOC Human Resource Division shall review the request and notify the employee of the determination within five (5) working days of its receipt.
- a. The determination by the Director, KDOC Human Resource Division shall be the Department's final decision regarding a request for Family and Medical Leave.
 - b. If the employee's appointing authority is the Secretary, the Secretary's decision shall be the final decision and shall not be reviewed by the Director, KDOC Human Resource Division.
 - c. If the Director, KDOC Human Resource Division upholds the appointing authorities decision, notification to the employee shall advise him or her of the right to file a complaint with the United States Department of Labor if he or she believes that his or her rights under the Act have been violated.
- M. The Department shall endeavor to communicate and work with the employee to ensure that the leave of the employee is done with the least disruption to the Department and in the manner, which best ensures that the employee's needs are met.

- N. The Department shall undertake efforts to identify cross-training issues, staff development opportunities and coverage needs related to Family and Medical Leave, and to implement practices which are consistent with these opportunities and needs.
- O. Each employee of the Department shall be notified by Human Resources staff of his or her rights and responsibilities under the FMLA.
 - 1. Notification shall be done by the following:
 - a. Each employee, current and new, shall be provided a copy of the Kansas Department of Corrections Rights and Responsibilities under the Family and Medical Leave Act (Attachment C).
 - b. Each employee, current and new, shall be provided a copy of Your Rights Under the Family and Medical Leave Act of 1993 (Attachment D).
 - (1) This notice shall also be posted at each work site of the Department.
 - c. Each employee shall be provided an opportunity to review this policy.
 - d. Each employee shall be provided with an opportunity to ask any questions necessary regarding the Family and Medical Leave Act of 1993.
 - e. Information relative to the FMLA shall be provided in basic, annual, and supervisory training.
 - 2. Each employee shall confirm, in writing, that he or she has been notified of his or her rights under the FMLA of 1993.
 - a. This confirmation shall be in the form of the Kansas Department of Corrections acknowledgements (Attachment E, HR Form 101-11/02 Rev. 2/03).

XIV. Administrative Leave

- A. Employees are expected to be at work during regularly scheduled hours regardless of conditions.
- B. An emergency or other situation that creates dangerous or unsafe working conditions, including inclement weather, may be declared by the Governor for facilities and offices located in Shawnee County and by the appointing authority, with the approval of the Secretary of Corrections, for facilities and offices outside of Shawnee County.
- C. With the approval of the Secretary, an appointing authority may authorize administrative leave at any location when an emergency or unsafe condition necessitates the closing of an office or building.

XV. Unauthorized Absence

- A. Any absence, which is not approved in accordance with this policy, shall be considered an unauthorized absence and shall be recorded as such.
- B. The appointing authority shall have the discretion to determine:
 - 1. Whether the employee will be allowed to use accumulated leave credits for the unauthorized absence;
 - 2. Whether the employee should be granted leave without pay;

3. Whether to consider it a presumed resignation, in accordance with K.A.R. 1-11-1(c), if the unauthorized absence is more than five (5) consecutive workdays and the employee is unavailable to provide an explanation; or,
4. Whether any disciplinary action should be taken.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are considered to be compliant with all applicable Federal statutes and/or regulatory requirements. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

Fair Labor Standards Act of 1938, as amended
Family and Medical Leave Act of 1993
K.A.R. 1-11-1, 1-2-9, 1-2-25, 1-5-24, 1-5-26, 1-9-1 through 1-9-8, 1-9-12, 1-9-22, and 1-10-7
IMPP 02-106, 02-109, 02-113, 03-104
ACO 2-1C-01
ACI 3-4048

ATTACHMENTS

Attachment A - KDOC Request for Leave, Overtime or Premium Pay Hours Form, 1 page
Attachment B - KDOC Notification/Request for Medical Certification, 1 page
Attachment C - KDOC Rights and Responsibilities Under the FMLA, 1 page
Attachment D - Your Rights Under the Family and Medical Leave Act of 1993, 1 page
Attachment E - Kansas Department of Corrections Acknowledgements, - 1 page
Attachment F – KDOC Policy on Reductions in Salary of Exempt Employees

Canary – Employee
Pink – Supervisor
White – Time Sheet

**KANSAS DEPARTMENT OF CORRECTIONS
REQUEST FOR LEAVE, OVERTIME OR PREMIUM PAY**

NAME: _____ **Employee ID#:** _____ **Division/Section:** _____

LEAVE: From: _____ **To:** _____ **Total Hours Requested:** _____
_____ (Time) (Date) (Time) (Date)

Type of Leave Requested:

- VAC-Vacation** **LWP – Without Pay*** **MIL – Military**
- Leave with Pay**
- SCK –Sick Leave** **DDY – Discretionary Day** **MWP – Military Leave without Pay**
- CMT-Compensatory Time** **JRY – Jury Duty** **FNL-Funeral Or Bereavement**
- Leave***

Are you requesting leave under the Family Medical Leave Act of 1993 for any or all of this leave? **Yes** **No**

- Overtime**
- Comp Time**
- Holiday Worked**
- Call Back**

ADDITIONAL OR PREMIUM PAY HOURS:

From _____ **To:** _____ **Total Hours Earned:** _____
_____ (Time) (Date) (Time) (Date)

Reason for Leave and/or Additional or Premium Pay Hours: _____

(Employee Signature) (Date) (Supervisor's Signature) (Date) (*Appointing Authority's Signature) (Date)

*Must be approved by the Appointing Authority

**KANSAS DEPARTMENT OF CORRECTIONS
NOTIFICATION/REQUEST FOR MEDICAL CERTIFICATION
Family and Medical Leave Act of 1993**

Date: _____

Employee's Name: _____

Dear _____:

- The purpose of this correspondence is to notify you that that your leave beginning _____ may be covered by the Family and Medical Leave Act (FMLA). Under the Act you are afforded certain rights associated with your employment with the Department. I have enclosed a summary of the major points of the Act.
- If you take advantage of the entire twelve-weeks (or 480 hours) of FMLA covered leave, your eligibility will be exhausted effective at the close of business on _____.
- You will be required to use all accrued sick and annual leave prior to being granted leave without pay for absences meeting the FMLA criteria. As of _____ your leave balances were _____ hours sick leave and _____ hours of annual leave.
- If you are not yet able to return to work upon exhausting your accumulated sick and annual leave hours, you may apply for participation in the State's Shared Leave Program. Details concerning how to apply for participation in that program are attached.
- It is necessary that we determine whether your absences during this period qualify for protection under the FMLA. Therefore, please have the person treating you or your family member complete the enclosed **CERTIFICATION OF HEALTH CARE PROVIDER** and return it to the DOC Central Office Human Resources Division no later than _____.

If you have questions or wish additional information, please contact me at _____ during the hours of _____ and _____ Monday through Friday.

Sincerely,

(Name of HR Manager)
Human Resource Manager

Enclosures

**KANSAS DEPARTMENT OF CORRECTIONS
RIGHTS AND RESPONSIBILITIES UNDER THE FMLA**

Employees	Employers
12 weeks of unpaid leave in a 12 month period.	Applies to employees who have been employed with the State for at least one year and worked 1,250 hours in the past twelve months..
<p>Circumstances triggering FMLA eligibility:</p> <ul style="list-style-type: none"> -birth or placement of a child -care for son, daughter, spouse or parent who has a serious health condition -employee's own serious health conditions 	If spouses who work for the State are both eligible for FMLA coverage, they shall be treated as individuals for the purposes of FMLA and shall each be entitled to full coverage and benefits as provided for covered conditions under the Act.
<p>"Serious health condition" includes any physical or mental condition or impairment that involves continuing treatment by a health care provider.</p> <p>Employee who requests leave covered by FMLA is required to provide medical certification of illness of self or family member.</p>	<p>Supervisors may require up to three medical opinions for employees taking leave for health reasons.</p> <p>Employee is required to use accrued sick leave and vacation leave as part of the 12 weeks.</p> <p>Employee is limited to 12 weeks in 12 months; <i>not</i> 12 weeks in a calendar year.</p>
Employee is entitled to benefit of FMLA and related laws, such as the ADA and COBRA.	Employee is required to run workers' compensation leave and FMLA leave concurrently if the injury is covered by both laws.
Employee is entitled to the same health care coverage as he or she had during employment throughout the leave period.	<p>Employee is required to continue paying his or her share of the premium during the period of leave.</p> <p>If employee does not return to work after 12 weeks, employer may be entitled to repayment of the portion of the premiums paid by employer.</p>
Employee is entitled to return to same or equal job.	Equal does not mean the same. Pay, shift, location, and basic duties must be the same.
Employee may take leave under some circumstances in hour or day increments.	Employer can move employee to another position which is more accommodating of intermittent leave.
When not foreseeable, the employee is only required to notify the employer that he or she is sick, when the employee learns of his or her sickness.	When foreseeable, employee must give 30 days notice. And employee must assist employer in preparing for the employee's absence.

**YOUR RIGHTS UNDER THE
FAMILY AND MEDICAL LEAVE ACT OF 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Leave must be granted for any of the following reasons:

To care for the employee's child after birth, or placement for adoption or foster care;

To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee's job.

An employee is required to exhaust all sick and annual leave prior to being granted leave without pay under FMLA. However, all approved time away from work for a covered condition will count towards the 12 weeks of eligibility.

At the employee's or employer's option, certain *other* kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."

An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS:

FMLA makes it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of any right provided under FMLA; or,

Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

Employee: _____

**KANSAS DEPARTMENT OF CORRECTIONS
Employee Acknowledgements**

Initial

I. Rules of Conduct

A. I acknowledge that I have read IMPP 02-118, Employee Rules of Conduct and Undue Familiarity. I understand that, with the exceptions noted in the following paragraphs, a violation of any rule of conduct shall be grounds for disciplinary action, up to and including dismissal. I have had the opportunity to ask questions regarding any portion of the IMPP.

B. I acknowledge that I have read and understand K.S.A. 21-3826 and K.A.R. 44-2-103, Trafficking in Contraband. I understand that a violation of the Statute and/or Regulation shall be grounds for discipline, up to and including dismissal and may also result in prosecution for a severity level 5 non-person felony for state employees or a level 6 non-person felony for persons providing contracted services to offenders under the supervision of the Secretary of Corrections.

C. I acknowledge that I have read and understand K.S.A. 21-3520 regarding Unlawful Sexual Relations. I understand that as an employee of the Department of Corrections as defined in IMPP 02-118, violation of the Statute shall be grounds for dismissal and may also result in prosecution for a severity level 10 felony offense.

Employee Signature

Date

Signature of Human Resources Witness

Date

II. Awarding of Compensatory Time

I understand that, in accordance with IMPP 02-113, the Kansas Department of Corrections, in lieu of payment for overtime, reserves the right to compensate hourly employees by granting compensatory time off at the rate of one and one half hours for each hour worked in excess of forty hours in a work week. I have had the opportunity to discuss this with a Human Resources staff member.

Employee Signature

Date

Signature of Human Resources Witness

Date

III. Rights and Responsibilities Under the Family Medical Leave Act of 1993

I, undersigned hereby state that I have been notified of my rights and responsibilities as an employee of the Kansas Department of Corrections under the Family and Medical Leave Act, by being provided with the following items, which I have read, and by being provided with the opportunity to ask any questions I may have regarding the FMLA.

1. YOUR RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT OF 1993
2. KDOC RIGHTS AND RESPONSIBILITIES UNDER THE FMLA
3. KDOC POLICY REGARDING FAMILY AND MEDICAL LEAVE

Employee Signature

Date

Employee's Position (Job Title)

Signature of Witness

Date

Kansas Department of Corrections
Policy on Reduction in Salary of Exempt Employees

Limitations on the Reduction of the Salary of an Exempt Employee:

The Fair Labor Standards Act (FLSA) requires that employees in exempt positions be compensated on a "salary basis" as promulgated by the U.S. Department of Labor. The salary of an employee in an exempt position cannot be based on the quality or quantity of work performed during a specified period of work time and, except as noted below, cannot be reduced proportionately for failure to achieve such a standard. No salary is to be paid for any workweek when no work is performed unless the time off is covered by a form of paid leave as defined in IMPP 02-114 and Article 9 of the Kansas Administrative Regulations.

Reductions in the Salary of an Employee in an Exempt Position are Limited to the Following Situations:

1. Absences from work for one or more *full* days for personal reasons, other than sickness or disability, when the employee has insufficient paid leave available to cover the time off, and the absence is requested by the employee. Leave without pay can not be charged in less than full days under this option;
2. Absences from work for one or more *full* days due to sickness or disability if deductions are made under the State's sick leave plan. Leave without pay can not be charged in less than full days under this option;
3. Penalties imposed in good faith for violating safety rules of "major significance";
4. Deductions due to a court order or for the purposes of repaying federal taxes;
5. Unpaid disciplinary suspension of one or more *full* days imposed in good faith for violations of workplace conduct rules;
6. Proportionate part of an employee's *full* salary may be paid for time actually worked in the first and last weeks of employment;
7. Absences from work for one or more *full* days for unpaid leave taken pursuant to the Family Medical Leave Act. Leave without pay can not be charged in less than full days under this option; or
8. Deductions in the salary of exempt employees salary due to a budgetary required furlough.

None of these exceptions affect the requirement that employees in exempt positions use sick leave, shared leave, vacation leave or holiday compensatory time in half or full-day increments.

Complaint Process:

If an employee in an exempt position believes that his or her salary has been reduced improperly and if the matter cannot be resolved at the office/facility level, he or she may file a complaint regarding the alleged improper reduction with KDOC Human Resources Division by writing or e-mailing details of the complaint to:

KDOC Human Resources Division
Landon State Office Building
900 SW Jackson
Topeka, Kansas 66612
Email: JanCI@kdoc.dc.state.ks.us

Staff from DOCHR will work with the employee, representatives from the office/facility, and the Department of Administration's Division of Personnel Services to reach final resolution to the complaint.

The employing office/facility will reimburse employees for deductions that are found to be improper and take action to ensure that such deductions do not occur again.