

**1-9-7b. Military leave; voluntary or involuntary service with reserve component of the armed forces.** (a)(1) Each employee in a ~~regular~~ classified or unclassified position that is

eligible for benefits who is a member of a reserve component of the military service of the United States shall be granted a maximum of ~~45~~ 30 working days of military leave with pay for ~~active duty~~ required military duty within each 12-month period beginning October 1 and ending September 30 of the following year.

(2) For the purpose of this regulation, “required military duty” shall mean any period of active duty, inactive duty, or full-time national guard duty, or any other appropriate duty status as determined by the director, that is required of the employee.

(b) ~~Active~~ Required military duty in excess of ~~45~~ 30 working days within the 12-month period ~~established~~ specified 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~~ Each request for military leave shall be ~~made~~ submitted to the appointing authority with as much notice as possible under the circumstances of the ~~order~~ required military duty. Whenever possible, an appropriate military order or duty document shall be received by the appointing authority before military leave is authorized.

(e) (d) Each employee in a ~~regular~~ classified or unclassified position that is eligible for benefits 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).

~~(f)~~ (e) Upon release from a period of ~~duty service~~ under ~~subsections~~ subsection (a), (b), ~~(e), or (e)~~ or (d) or upon discharge from hospitalization for or convalescence from an illness or injury incurred in or aggravated during the ~~duty service~~, 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 if~~ the employee had not been called to military duty absent; 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 while~~ absent in accordance with this regulation 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)~~ (f)(1) Except as provided in paragraph ~~(g)~~(f)(2), when returning from periods of ~~inactive or active~~ required military duty or upon completion of the induction, entrance, or examination for entrance into a reserve component, the employee shall report for work as follows:

<b><u>Period of Duty Absence</u></b> <b>(in consecutive days)</b>	<b><u>Return to Work</u></b> <b><u>Following Release From Duty a Period of Service</u></b>
1-30	First full, regularly scheduled day after release
31-180	Within 14 days of release
181+	Within 90 days of release

(2) ~~These~~ The time periods specified in paragraph (f)(1) may be extended to no more than two years from the date of release from ~~duty~~ a period of service 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~~ a period of service and of the reasons the employee will not be able to return to work following the employee's release from ~~duty~~ a period of service.

~~(h)~~ (g) 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~~ required military duty when military leave without pay has been granted.

~~(i)~~ (h) For purposes of this regulation, ~~any~~ each 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. (Authorized by K.S.A. 75-3706 and K.S.A. ~~2005~~ 2016 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 1, 1985; amended Dec. 17, 1995; amended, T-1-10-1-97, Oct. 1, 1997; amended, T-1-11-5-99, Nov. 5, 1999; amended Dec. 22, 2002; amended Oct. 1, 2006; amended P-  
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