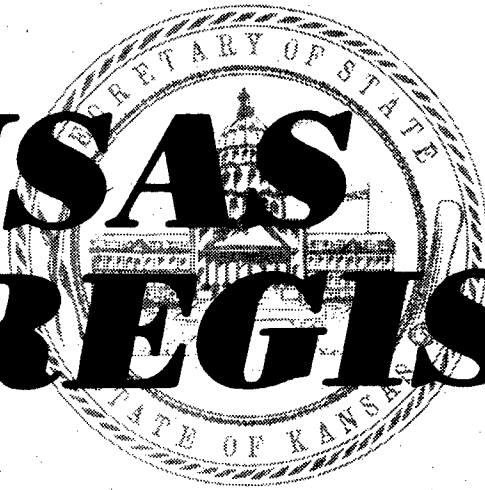


# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 4, No. 30

July 25, 1985

Pages 1037-1068

IN THIS ISSUE . . . .	Page
<b>Attorney General</b>	
Opinions No. 85-81 through 85-84 . . . . .	1038
<b>Legislative Division of Post Audit</b>	
Invitation for Bids . . . . .	1039
<b>Historic Sites Board of Review</b>	
Notice of Meeting . . . . .	1039
<b>Kansas Fish and Game Commission</b>	
Notice of Meeting . . . . .	1039
<b>Department of Administration</b>	
Notice of Commencement of Negotiations for Engineering Services . . . . .	1039
Notice of Grant Applications in Review . . . . .	1040
<b>State Board of Education</b>	
Notice of Hearing on Proposed Administrative Regulations . . . . .	1041
<b>Kansas Real Estate Commission</b>	
Notice of Hearing on Proposed Administrative Regulations . . . . .	1042
<b>State Board of Agriculture</b>	
Notice of Hearing on Proposed Administrative Regulations . . . . .	1042
<b>Legislative Interim Committee Schedule</b> . . . . .	1043
<b>Notice to Bidders for State Purchases</b> . . . . .	1044
<b>Secretary of State</b>	
Notice of Corporation Forfeiture . . . . .	1045
<b>Department of Human Resources</b>	
Notice of JTPA Meeting . . . . .	1047
<b>Notice of Bond Sale</b>	
Harper County . . . . .	1047
<b>State Board of Regents</b>	
Request for Proposals . . . . .	1049
<b>Department of Transportation</b>	
Notice to Contractors . . . . .	1049
<b>Temporary Administrative Regulations</b>	
Department of Education . . . . .	1050
Department of Administration . . . . .	1055

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 85-81

**Taxation—Collection and Cancellation of Taxes—Time for Payment of Real Estate Taxes.**

**Counties and County Officers—Register of Deeds—Book of Plats; Receipt for Taxes Required. Representative Ginger Barr, Fifty-first District, Auburn, July 11, 1985.**

K.S.A. 79-1804 provides that all taxes on real property shall be due on the first day of November of each year, although K.S.A. 79-2004 allows the first half of the taxes to be paid on or before December 20 before becoming delinquent. The second half may be paid on or before June 20 of the following year. In that K.S.A. 19-1207 requires a register of deeds to obtain a receipt showing payment of all real estate taxes due and owing before a plat may be filed, a person seeking to file a plat must pay such taxes in full, and cannot exercise the payment option given by K.S.A. 79-2004. Cited herein: K.S.A. 19-1207; 79-1804; 79-2004. JSS

## Opinion No. 85-82

**Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Powers of State and Local Authorities—Provisions of Act Uniform Throughout State. Michael A. Ireland, Jackson County Attorney, Holton, July 12, 1985.**

An ordinance which allows a vehicle on a two-way road to park with the left hand wheels parallel to and within twelve (12) inches of the left hand curb conflicts with subsection (a) of K.S.A. 8-1572, and is invalid pursuant to K.S.A. 8-2001. Cited herein: K.S.A. 8-1432, 8-1572, 8-2001, 8-2002. TRH

## Opinion No. 85-83

**Schools—Miscellaneous Provisions—Statute Authorizing Period of Silence in Public School Classrooms;**

**Constitutionality. Representative Joe Knopp, Sixty-seventh District, Manhattan, July 12, 1985.**

K.S.A. 72-5308a authorizes the teacher in charge of each public school classroom to observe, at his or her option, a brief period of silence at the opening of each school day. Such a period of silence is not to be conducted as a religious exercise, but is to be used for silent prayer or silent reflection on the activities of the day. In that both the statute itself and the legislative history of this and subsequent bills indicates a legislative purpose which is not exclusively religious, the statute is not invalid under the holding of the United States Supreme Court in *Wallace v. Jaffree*, \_\_\_ U.S. \_\_\_, 105 S.Ct. 2479 (1985). Cited herein: K.S.A. 72-5308a; U.S. Const., First Amend. JSS

## Opinion No. 85-84

**State Boards, Commissions and Authorities—Law Enforcement Training Center, Advisory Commission—Applicability of Fair Labor Standards Act to Compensation of Law Enforcement Personnel Taking Mandatory Training in Off-duty Hours. Marlin Johanning, City Attorney, Atchison, July 15, 1985.**

K.S.A. 1984 Supp. 74-5607a requires a Kansas law enforcement officer to complete a minimum of 40 hours of annual training as a requirement for continued employment. While Kansas statutes do not require the payment of compensation to an officer who takes such training during off-duty hours, the federal Fair Labor Standards Act (FLSA) does contain such a requirement, and applies to those public agencies which have five or more employees who qualify as law enforcement officers. Cited herein: K.S.A. 1984 Supp. 74-5607a, K.A.R. 1984 Supp. 49-36-1; 29 U.S.C.A. §§ 206, 207, 213; 29 C.F.R. §§ 553.4, 553.7. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 003411

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

*Postmaster.* Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Secretary of State of the State of Kansas 1985. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY  
JACK H. BRIER  
Secretary of State  
State Capitol  
Topeka, KS 66612-1594



PHONE: 913/296-3489

**State of Kansas**  
**LEGISLATIVE DIVISION OF POST AUDIT**

**INVITATION FOR BIDS**

Sealed bid proposals on one Legislative Division of Post Audit Invitation for Bids for financial-compliance audit work will be received until September 4, 1985. This invitation covers eight separate contracts on the following audit work:

Topeka State Hospital  
 Kansas Neurological Institute  
 Osawatomie State Hospital  
 Larned State Hospital  
 Norton State Hospital  
 Winfield State Hospital  
 Parsons State Hospital  
 Rainbow Mental Health Facility

Copies of the invitations for bids may be obtained from the Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka, KS 66612, (913) 296-3792.

**MEREDITH WILLIAMS**  
 Legislative Post Auditor

Doc. No. 003412

**State of Kansas**  
**STATE HISTORICAL SOCIETY**  
**HISTORIC SITES BOARD OF REVIEW**

**NOTICE OF MEETING**

The Kansas Historic Sites Board of Review will inspect one property proposed for National Register nomination in Abilene on Friday, August 16, 1985. The board will leave from the Best Western Inn, 2210 N. Buckeye, Abilene, at 3:15 p.m.

The board will hold its regular business meeting at 9 a.m. Saturday, August 17, 1985, in the east dining room of the Abilene Country Club, located on west 14th Street in Abilene.

The following properties will be evaluated for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

- A.B. Seelye House, 1105 N. Buckeye, Abilene, Dickinson County.
- Argentine Carnegie Library, 28th Street and Metropolitan Avenue, Kansas City, Wyandotte County.
- Old City Hall and Main Fire Station, 805 and 815 N. 6th, Kansas City, Wyandotte County.
- Wyandotte High School, 2500 Minnesota, Kansas City, Wyandotte County.
- Bethel School, SE¼, Sec. 10, T18S, R5E, Lincolnville vicinity, Marion County.

**JOSEPH W. SNELL**  
 Executive Director

Doc. No. 003422

**State of Kansas**  
**FISH AND GAME COMMISSION**

**NOTICE OF MEETING**

The Kansas Fish and Game Commission will meet Wednesday, August 14 and Thursday, August 15, 1985, at the Canterbury Inn, 5805 W. Kellogg, Wichita.

A public hearing will be held at 1:30 p.m. August 14 to establish the 1985 late migratory waterfowl seasons. Consideration will also be given to a possible sandhill crane season. A general business meeting, to include discussion of the upland game prospects, potential legislative items, and director's recommended FY 87 budget will be conducted following the hearing. The general business meeting will continue at 9 a.m. August 15.

**GARY CAPLINGER**  
 Chairman

Doc. No. 003418

**State of Kansas**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT**  
**OF NEGOTIATIONS**  
**FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services to research and prepare construction documents necessary for the restoration of Atchison, Topeka & Santa Fe Railway exhibition cars located at the Kansas Museum of History, Topeka.

The scope of this project is to create and compile in a logical, well organized form sufficient research information consisting of, but not limited to, historic documentary research, physical research, photographic analysis, locating and identifying suitable restoration components, and construction documents.

The resultant construction documents shall include the necessary plans, specifications, detailed materials lists, detailed finish schedules, a flow chart showing the proposed schedule and conduct of all work, and cost estimates to authentically restore the exhibition cars to the selected restoration period for each car.

Further information and expressions of interest should be directed to John Zwierzyna, Curator of Technology, Kansas Museum of History, 6425 S.W. 6th, Topeka, KS 66615, (913) 272-8681, prior to August 9, 1985.

**JOHN B. HIPPI, AIA**  
 Director, Division of  
 Architectural Services

Doc. No. 003421

## State of Kansas

## DEPARTMENT OF ADMINISTRATION

NOTICE OF  
GRANT APPLICATIONS IN REVIEW

The following applications have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Intergovernmental Liaison, 152-East, State Capitol, Topeka, KS 66612. Comment period is approximately 30 days.

**KS850711-001-84132SN**—Mitch Cooper, TILRC, Inc., 1119 W. 10th, Topeka, KS 66604, (913) 233-6323, applied for \$51,110 from the U.S. Department of Education for "Disability & Youth Project (Day)."

**KS850711-002-84132PT**—Laura L. Moore, Three Rivers Independent Living Resources Center of ADAPT, Inc., 810 4th, Wamego, KS 66457, (913) 456-9915, applied for \$31,979 from the U.S. Department of Education for Three Rivers Interpreter Program (TRIP).

**KS850712-001-13990KS**—Robert T. Van Hook, National Rural Health Care Association, 2220 Holmes, Kansas City, MO 64108, (816) 421-3075, applied for \$32,646 from the U.S. Department of Health and Human Services for "Frontier Medicine Feasibility."

**KS850712-002-84132WY**—Margaret L. Shreve, The Whole Person, Inc., 6301 Rockhill Road, Suite 305E, Kansas City, MO 64131, (816) 361-0304, applied for \$30,000 from the U.S. Department of Education for transitional living program.

**KS850712-003-17600RN**—Dr. James H. Stringer, Hutchinson Community College, Continuing Education Department, 1300 N. Plum, Hutchinson, KS 67501, (316) 665-3500, applied for \$101,800 from the U.S. Department of Labor for training for Kansas small mining industry.

**KS850715-001-84132KS**—Margaret L. Shreve, The Whole Person, Inc., 6301 Rockhill Road, Suite 305E, Kansas City, MO 64131, (816) 361-0304, applied for \$85,788 from the U.S. Department of Education for transition from school to community.

**KS850716-001-20505DG**—David Peterson, City of Lawrence, Planning Office, P.O. Box 708, Lawrence, KS 66044, (913) 841-7722, ext. 150, applied for \$472,752 from the U.S. Department of Transportation for Section 5 UMTA-Lawrence/Douglas County.

**The following grants have been awarded:**

The Office of Human Development Services announced the award of \$25,000 for the purchase of a bus to Economic Opportunity Foundation Head Start Program. (Total amount awarded this budget period is \$1,383,324.)

The U.S. Department of Housing and Urban Development announced the award of \$449,000 for assistance for housing and commercial rehabilitation, blight removal, handicapped workshop, abuse shelter and community center activities to the city of Leavenworth.

The U.S. Department of Interior awarded funds for a sailboat marina in Cheney and \$5,214 for a city park

development in Prairie Village to State Park and Resources Authority.

**Program Announcements:**

The FAA announced that preapplications for fiscal year 1986 funds under the Airport Improvement Program are due January 31, 1986. For more information, contact Edgar Williams at FAA, (202) 426-3857.

The Office of Human Development Services at U.S. Health and Human Services has extended the application deadline for its Child Abuse Prevention Program from July 22 to August 12, 1985.

The U.S. Department of Education announced that funds are available for training personnel for handicapped education. (See *Federal Register* of June 24, 1985, pp. 26029-26031.) Funds are available to state educational agencies, institutions of higher education and other nonprofit organizations. There are nine categories of eligible activities. Application kits are available after July 23 from the Division of Personnel Preparation, Office of Special Education Programs, Department of Education, 400 Maryland Ave., S.W., Switzer Building, Room 3511—M/S 2313, Washington, D.C. 20202. For more information contact Dr. Max Mueller at that address or call (202) 732-1068.

The U.S. Department of Education is seeking applications from state education agencies for fiscal 1985 new awards under the Bilingual Education Program to do analyzing and reporting on data and information on the state's population of limited English proficient persons and the educational services provided to them. Awards will be not less than \$50,000. Applications are due August 1, 1985 and may be obtained from the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, Reporters Building, Room 421, 400 Maryland Ave., S.W., Washington, D.C. 20202. For more information contact Luis Catarineau at (202) 245-2922.

The Employment and Training Administration at the U.S. Department of Labor issued its Program Year 1985 allotments under three titles of the Job Training Partnership Act. In Kansas, those amounts are: Title IIA (April 24, 1985), Training Services for the Disadvantaged, Adult and Youth Programs—\$10,722,953; Title IIB (June 10, 1985), Summer Youth Employment and Training, Initial—\$4,019,344; Supplemental—\$1,346,177; Total—\$5,365,521; and Title III (May 2, 1985), Dislocated Worker Program, (unemployment rate of 5.2%)—\$824,101 to be equally matched by the state.

MARVIN A. HARDER  
Secretary of Administration

Doc. No. 003413

## State of Kansas

## BOARD OF EDUCATION

NOTICE OF HEARING  
ON PROPOSED PERMANENT  
ADMINISTRATIVE REGULATIONS

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., September 10, 1985, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes of Kansas Administrative Regulations (K.A.R.) numbered K.A.R. 91-12-22, 91-12-24, 91-12-25, 91-12-30, 91-12-32, 91-12-34, 91-12-39, 91-12-44, 91-12-47, 91-12-51, 91-12-53, 91-12-55, 91-12-58, 91-12-60, and 91-12-61, which the board proposes to adopt as permanent regulations.

The following is a summary of the substance of each proposed regulation:

1. K.A.R. 91-12-22, the definition section, is being amended to add definitions for the terms "educational advocate," "special music education" and "behavior disorders." The terms "personal and social adjustment" and "religiously neutral location," together with their accompanying definitions, are being deleted. The school term for preschool handicapped children is being reduced to 450 hours for center-based programs. Also, editorial changes are being made to update the language and references used in the regulation.
2. K.A.R. 91-12-24 is being amended to provide for a limitation of two full-time teaching equivalencies per school year for part-time homebound and hospital programs, and the addition of new certification requirements for homebound/hospital teachers as required in S.B.R. 91-1-93a(a)(1).
3. K.A.R. 91-12-25 is being amended to specify requirements for approval of interrelated service units, including new class size and caseload limitations.
4. K.A.R. 91-12-30 is being amended to delete the reference to K.A.R. 91-12-43.
5. K.A.R. 91-12-32 is being amended to update the language.
6. K.A.R. 91-12-34 is being amended to require that each local comprehensive plan include a description of the categorical and interrelated service units needed to provide an appropriate service continuum.
7. K.A.R. 91-12-39 is being amended to delete provisions that are inconsistent with a new decision from the U.S. Supreme Court.
8. K.A.R. 91-12-44 is being amended to change the term "legal guardian" to "lawful custodian" in order to make the regulation consistent with K.S.A. 72-962 as amended by the 1985 legislature.
9. K.A.R. 91-12-47 is being amended to make needed editorial changes.
10. K.A.R. 91-12-51 is being amended to redefine class size and caseloads for early childhood education for handicapped and to update the language of the regulation.

11. K.A.R. 91-12-53 is being amended to update cited reference and to make other editorial changes.
12. K.A.R. 91-12-55 is being amended to specify that evaluation of a student suspected of having a behavior disorder requires: (a) the use of a behavior rating scale; and (b) an observation of educational performance. Editorial changes also are being made.
13. K.A.R. 91-12-58 is being amended to revise the method for determining significant discrepancy for learning disabled students who are below the third grade to provide for consistent identification across all grade levels. Other changes being made are editorial in nature.
14. K.A.R. 91-12-60 is being amended to add the term "special music education" to the list of authorized reimbursable categorical programs in the related services section.
15. K.A.R. 91-12-61 is being amended to specify that a paraprofessional may not be a person enrolled in elementary or secondary school. Regulatory reference to "supervision by a special teacher" is being added to further clarify this section at the request of the Joint Committee on Administrative Rules and Regulations. Editorial changes in inservice training requirement are being made to clarify the meaning of the regulation.

A copy of each proposed regulation is being mailed to all directors of special education in the state and may be reviewed in their offices by interested persons. Also, a copy of each of the proposed regulations and its fiscal impact statement may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka, KS 66612, prior to the date of the hearing.

On the date of the hearing, all interested persons will be given a reasonable opportunity to present their views or arguments, either orally or in writing, in regard to the proposed regulations. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the state board of education, at least five days before the hearing, their views regarding the proposed regulations. This may be done by letter, regular audio cassette tape, or one-half inch VHS video cassette tape. Audio or video cassette tapes shall not exceed three minutes in length and shall be accompanied by a signed transcript. Persons using tapes shall first identify themselves in the tapes and state whether they represent only themselves or whether they represent a group. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

KANSAS STATE BOARD OF EDUCATION

By: ROBERT J. CLEMONS  
Chairman

Certified by:  
DR. HAROLD L. BLACKBURN  
Kansas Commissioner of Education

Doc. No. 003408

State of Kansas

**REAL ESTATE COMMISSION****NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m., August 12, 1985, in Room 202, Federal Building, 444 S.E. Quincy, Topeka, to consider the adoption of proposed temporary and permanent regulations of the Kansas Real Estate Commission.

The following is a brief summary of the regulations:

New regulations to implement the Administrative Procedures Act: **86-2-4**, conference adjudicative hearing procedure; **86-2-5**, summary adjudicative proceedings; **86-2-6**, emergency adjudicative proceedings; **86-2-7**, informal disposition of complaint by agreement.

Regulations concerning educational requirements of K.S.A. 58-3046a, as amended by 1985 SB-107: **86-1-10** (amendment), approval of courses of instruction, procedure; **86-1-11** (new), minimum curricula and standards for course; **86-1-12** (new), monitoring courses, withdrawal of approval; **86-1-13** (new), submission of evidence of course attendance; **86-1-14** (new), approval of courses offered by institutions in another state.

A new regulation to implement K.S.A. 58-3049, as amended by 1985 SB-107: **86-3-20**, reinstatement of deactivated license.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director, Kansas Real Estate Commission, 217 E. 4th, Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to adoption of the proposed regulations.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the commission.

Copies of regulations and fiscal impact statements may be obtained by writing the Kansas Real Estate Commission, 217 E. 4th, Topeka, KS 66603.

**E. W. YOCKERS**  
Director

Doc. No. 003409

State of Kansas

**BOARD OF AGRICULTURE****NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. October 12, 1985, in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the Kansas State Board of Agriculture. These rules and regulations will become effective May 1, 1986 as permanent regulations and as temporary regulations upon approval by the Temporary Regulations Board.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments orally, in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612, on or before the time of the hearing. If individuals intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentations not more than five minutes.

A summary of the proposed regulations follows:

**4-13-30.** Adopts record keeping requirements for pesticide dealers.

**4-13-31.** Requires public display of certificates of registration.

**4-13-32.** Requires reporting of address changes by pesticide dealers.

**4-18-3.** Adopts recordkeeping requirements for chemigation user permit holders.

**4-18-4.** Adopts limitations on chemigation user permits.

**4-18-5.** Adopts standards for functional antipollution devices.

**4-18-6.** Adopts standards for injection equipment.

Copies of these regulations and the fiscal impact statements may be obtained by writing to Freeman Biery, Director, Weed and Pesticide Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612.

**FREEMAN BIERY**, Director  
Weed and Pesticide Division

**HARLAND E. PRIDDLE**  
Secretary of Agriculture

Doc. No. 003419

State of Kansas

LEGISLATURE

INTERIM AGENDA

Notice is hereby given to interested parties that the following committee meetings have been scheduled during the period of July 29 through August 9, 1985.

Date	Room	Time	Committee	Agenda
July 29	519-S	10:00 a.m.	Special Committee on	29th: Hearing on Proposal
July 30	519-S	9:00 a.m.	Assessment and Taxation	No. 5—Monitoring the progress of reappraisal.
July 29	526-S	10:00 a.m.	Special Committee on	30th: Hearings on Proposal
July 30	526-S	9:00 a.m.	Communications, Computers and Technology	No. 50—Severance tax on hydrogen.
July 29	514-S	10:00 a.m.	Special Committee on Federal	29th: Staff briefing and
July 30	514-S	9:00 a.m.	and State Affairs	hearings on Proposal No. 18—Cable television in Kansas.
July 29	531-N	1:30 p.m.	Legislative Budget Committee	30th: Hearings on Proposal
July 30	531-N	9:00 a.m.		No. 18.
July 29	527-S	10:00 a.m.	Special Committee on Public	Hearings on Proposals No. 30 and 31.
July 30	527-S	9:00 a.m.	Health and Welfare	29th: Proposal No. 42—Staff reports.
July 30	KSU	10:00 a.m.	Special Committee on	30th: Conference with
July 31	Campus Union	9:00 a.m.	Agriculture and Livestock	Secretary of Administration on selected matters.
Aug. 2	527-S	9:30 a.m.	Legislative Coordinating Council	29th: Hearings on Proposal No. 50.
				30th: Hearings on Proposal No. 48.
				Hearings on Proposal No. 3—International Livestock Program.
				Legislative matters.

The following changes have been made in committee assignments:

Rep. Charles Laird has replaced Rep. Ken Grotewiel as a member of the Joint Committee on Special Claims Against the State.

The positions of chairman and vice chairman have been reversed on the Joint Committee on State Building Construction. The chairman is Rep. Phil Kline and the vice chairman is Sen. Joe Harder.

The following appointments have been made to the Special Commission on Public Agenda For Kansas:

Chairman: Representative Mike Hayden.  
 Vice Chairman: Senator Michael Johnston.  
 Senators: Neil Arasmith (Phillipsburg), and Bob Frey (Liberal).  
 Representatives: Marvin Barkis (Louisburg), and Jim Braden (Clay Center).  
 Others: Robert F. Bennett (Prairie Village), Rex Borgen (Beloit), Dr. Archie Dykes (Topeka), Kathleen Edminston (Wichita), Philip Finley (Colby), John Lee (Hutchinson), Jack McGlothlin (Pittsburg), John Moore (Wichita), Keith Shumway (Ottawa), and Sid Warner (Cimarron).

WILLIAM R. BACHMAN  
 Director of Legislative  
 Administrative Services

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, KS 66612, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, AUGUST 5, 1985**

#26678

Kansas Fish and Game Commission, Pratt—HEAVY EQUIPMENT WORK, Clinton Wildlife Area

#26681

Statewide—MODEMS FOR MICROCOMPUTERS

#26683

Statewide—PRINTING AND OFFSET DUPLICATING SUPPLIES

#26687

Kansas State University, Manhattan—AUGUST (1985) MEAT PRODUCTS

#62556

Fort Hays State University, Hays—LUMBER AND PLYWOOD

#62557

Department of Transportation, Topeka—PHOTOGRAPHIC SUPPLIES

**TUESDAY, AUGUST 6, 1985**

#26677

Department of Transportation, various locations—AIC AND MRA AGGREGATE

#26680

Emporia State University, Emporia—ELEVATOR SERVICE, academic buildings

#26682

Kansas Fish and Game Commission, Pratt—TRASH PICKUP AND DISPOSAL SERVICE

#26686

Kansas State University, Manhattan—SEPTEMBER (1985) MEAT PRODUCTS

#62559

University of Kansas Medical Center, Kansas City—LAB INCUBATOR

#62562

Wichita State University, Wichita—POWER SEQUENCING APPARATUS

#62574

Kansas State University, Manhattan—DISHWASHING SUPPLIES

#62575

Kansas State University, Manhattan—CHEESE

#62576

Department of Transportation, Topeka—POLYETHYLENE PROTECTIVE COVERS AND TARPAULINS

#62577

Emporia State University, Emporia—CARPET AND INSTALLATION

#62578

Kansas State Industrial Reformatory, Hutchinson—STEEL

#62579

Kansas State University, Manhattan—SHORTENING, FRYING AND BAKING

#62580

State Park and Resources Authority, Topeka—TRACTORS, El Dorado and Milford state parks

#62584

Kansas Correctional Industries, Lansing—LUMBER

**WEDNESDAY, AUGUST 7, 1985**

#26676

Department of Transportation, various locations—AIC AND MRA AGGREGATE

#26685

Statewide—OFFICE FURNITURE

#62589

Kansas State Penitentiary, Lansing—TOBACCO

#62590

University of Kansas, Lawrence—MICRO BASED COMMUNICATION SYSTEM

#62591

Wichita State University, Wichita—STEAM HEATING COILS

#62592

Department of Social and Rehabilitation Services, Topeka—PRINTER FOR MICROCOMPUTER

#62597

University of Kansas, Lawrence—PACKET SWITCH

#62598

Wichita State University, Wichita—CAD SOFTWARE

#62599

University of Kansas, Lawrence—PROTOCOL MASS STORAGE DEVICE

#62600

Kansas Neurological Institute, Topeka—KITCHEN EQUIPMENT

#62602

Department of Administration, Division of Information Systems and Communications, Topeka—SOFTWARE COPIES

#62603

University of Kansas Medical Center, Kansas City—TRACTOR MOWER

#62604

Kansas Correctional Industries, Lansing—COTTON BATTING

#62605

Wichita State University, Wichita—VM/CMS SPREADSHEET PROGRAM

**THURSDAY, AUGUST 8, 1985**

#62607

Kansas Correctional Industries, Lansing—GRAPHIC ARTS EQUIPMENT

#62618

Kansas State Penitentiary, Lansing—TWO-WAY RADIO EQUIPMENT

#62620

Adjutant General's Department, Topeka—FURNISH AND INSTALL A WASH PLATFORM

**FRIDAY, AUGUST 9, 1985**

#62624

University of Kansas Medical Center, Kansas City—ANESTHESIA GAS MACHINE

#62625

University of Kansas Medical Center, Kansas City—MISCELLANEOUS HOSPITAL EQUIPMENT

#62626

Larned State Hospital, Larned and Emporia State University, Emporia—APPLIANCES



#62627

State Park and Resources Authority, Topeka—  
WATER PUMPS AND IRRIGATION EQUIPMENT,  
various locations

#62628

University of Kansas Medical Center, Kansas  
City—EXTERNAL, VENTRICULAR PACEMAKER

#62629

University of Kansas Medical Center, Kansas  
City—INFANT/NEONATAL VENTILATOR AND  
MISCELLANEOUS HOSPITAL EQUIPMENT

#62634

Department of Social and Rehabilitation Services,  
Topeka—CONTINUOUS FORMS—"DA-103 S.A." and  
"MHRS-DP-80"

#62635

University of Kansas Medical Center, Kansas  
City—HEALTHCARE CHAIRS

#62636

Department of Administration, Building and  
Grounds Services, Topeka—FIRE ALARM SERVICE

#62637

Department of Revenue, Topeka—MOBILE  
SHELVING

#62638

University of Kansas Medical Center, Kansas  
City—SURGICAL LASER SYSTEM

#62639

University of Kansas Medical Center, Kansas  
City—SURGICAL OPERATING TABLE

#62640

University of Kansas Medical Center, Kansas  
City—EEG CABLE TELEMETRY SYSTEM

#62641

University of Kansas Medical Center, Kansas  
City—PEDIATRIC INFANT RADIANT INTENSIVE  
CARE CENTER

#62642

Kansas State Penitentiary, Lansing—AIR HEATING  
UNIT

#62643

Kansas Fish and Game Commission,  
Pratt—WIRELESS MICROPHONE SYSTEMS AND  
CAMERA TRIPOD

**MONDAY, AUGUST 12, 1985**

#26679

Kansas State University, Manhattan—BALED  
WOOD SHAVINGS

#62558

Department of Health and Environment,  
Topeka—FORMS—BLOOD COLLECTION WITH  
FILTER PAPER

#62647

University of Kansas, Lawrence—PRINTING OF:  
"NOVUS ORDO SECLORUM"

**TUESDAY, AUGUST 27, 1985**

#26657

University of Kansas Medical Center, Kansas  
City—PROFESSIONAL LIABILITY INSURANCE,  
medical school students

**THURSDAY, AUGUST 29, 1985**

#26662

Department of Transportation, Topeka—  
AUTOMOBILE LIABILITY INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

## State of Kansas

### SECRETARY OF STATE

#### NOTICE OF FORFEITURE

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited June 17, 1985, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

Cancelled June 17, 1985 for failure to file the  
November 30, 1984 annual report:

#### Domestic for Profit

A.B.C. Trading Co., Inc., Paola, KS.  
Agri-Zyme, Inc., Fayetteville, AR.  
Aircraft Sales Corp., Salina, KS.  
Allied Insurance Agency, Inc., Overland Park, KS.  
Angel's, Inc., Wichita, KS.  
Annshire Garment Company, Inc., Pittsburg, KS.  
Associated Chemical Industries, Inc., Lenexa, KS.  
A-1 Ready Mix Concrete, Inc., Liberal, KS.  
Baggin' Wagon, Inc., Shawnee, KS.  
Barnett Mfg. Co. Inc., Wichita, KS.  
Biggs and Company, Winfield, KS.  
Big Valley Enterprises, Inc., Simpson, KS.  
B-K Sales, Inc., WaKeeney, KS.  
Bobby Bell's Bar-B-Que, Inc., Gladstone, MO.  
Central Health Care Corporation, Lawrence, KS.  
Dedonder Real Estate Inc., Reading, KS.  
Diamond Investments, Inc., Wichita, KS.  
Diversified Resources, Inc., Leawood, KS.  
D. & M., Inc., Burdett, KS.  
D. M. K., Inc., Tulsa, OK.  
Ely's Suzuki-Kawasaki, Inc., Hutchinson, KS.  
Ferree' Company, Wichita, KS.  
Greenbriar Investments, Inc., Augusta, KS.  
Guns and Stuff, Inc., Wichita, KS.  
Interiors by Evelyn, Inc., Wichita, KS.  
Jewell Forklift Parts Co., Inc., Kansas City, KS.  
J & J Waggoner Drug Company, Inc.,  
Bonner Springs, KS.  
Jomar Industries, Inc., Raytown, MO.  
KLMR, Inc., Garden City, KS.  
LJ&J Fabricators, Inc., Olathe, KS.  
Miller Implement & Mfg. Co., Inc., Cheney, KS.  
Miller Manufacturing, Inc., Kiowa, KS.  
OK-Soybeans, Inc., Olpe, KS.  
Omnitech, Inc., Haysville, KS.  
Premiere Quarter Horses, Inc., Kansas City, KS.  
Rice County Broadcasting Co., Inc., Sterling, KS.  
Ryan Medical Electronics, Inc., Lenexa, KS.  
Sanba Inc., Coffeyville, KS.  
Sellers, Inc., Prairie Village, KS.  
Siroky Well Service, Inc., Pratt, KS.  
Sterling Development Co., Inc., Kansas City, KS.  
T.B.T. Trucking, Inc., Wichita, KS.  
Theco, Inc., Louisburg, KS.  
Three, Inc., Chanute, KS.

(continued)

T. J. Earnshaw Construction Inc.,  
Shawnee Mission, KS.  
Topeka Millwork Co., Inc., Topeka, KS.  
Total Laboratory Concepts, Inc., Overland Park, KS.  
T.W.S. & Company, Topeka, KS.  
Unlimited Communications Supply, Inc.,  
Shawnee, KS.  
Walkemeyer Farms, Inc., Hugoton, KS.  
Willandy Farms, Inc., Valley Center, KS.  
W-W Cattle Company, Geneseo, KS.  
Zimmerman Realtors, Inc., Topeka, KS.

#### Foreign for Profit

Chaparral Supply, Inc., El Paso, TX.  
Columbine Exploration Corp., Denver, CO.  
C & R Drilling, Inc., Kansas City, MO.  
Douglas Energy of New York, Inc., New York, NY.  
Electronic Computer Programming Institute of  
Kansas, Kansas City, MO.  
Front Range Exploration, Inc., Houston, TX.  
H-W Systems, Inc., Fairbury, IL.  
JP Contracting and Supply, Inc., Nowata, OK.  
The McElroy Company, Inc., Grand Island, NE.  
Odyssey Exploration, Inc., Calgary, Alberta, Canada.  
Seaward Resources, Inc., Wilmington, DE.  
Westheimer Rigging & Heavy Hauling Company,  
Inc., Houston, TX.  
West Laboratories, Inc., Westwood, KS.  
W & M Drilling Company, Welch, OK.

#### Limited Partnership

Canterbury Court, Limited, Ottawa, KS.

#### Professional Association

Arden D. Peters, Ph.D., P.A., Wichita, KS.  
James E. Eaton, D.C., P.A., Great Bend, KS.  
Johnson County Surgical Group, Chartered,  
Prairie Village, KS.

Cancelled June 17, 1985 for failure to file the May 31,  
1984 annual report:

#### Domestic International Sales Corporation

Speed King International, Inc., Dodge City, KS.

Cancelled June 17, 1985 for failure to file the annual  
report due after March 15, 1985 extension:

#### Domestic for Profit

Frank Wille Company, Inc., Wichita, KS.  
GRW Liquidating Corporation, Mission, KS.  
Insurance 100, Inc., Great Bend, KS.  
Koerperich Bookbinders, Inc., Selden, KS.  
Raymond E. Palmer, Geologist, Inc., Garden City, KS.  
Romusco, Inc., Westwood, KS.  
Solar Construction Co., Wichita, KS.  
Woodson's Special Service, Inc., Hutchinson, KS.

#### Foreign for Profit

American Intermountain Development Corporation,  
Layton, UT.  
Communications Systems, Inc., Irving, TX.  
Marcon Marketing Concepts, Inc.,  
N. Kansas City, MO.

#### Domestic not for Profit

Greystone Estates Homes Association, Inc.,  
Lenexa, KS.

Cancelled June 17, 1985 for failure to correct and  
return an annual report:

#### Domestic for Profit

The Doctors Zinn Inc., Hutchinson, KS.  
J. B. J. Farms, Inc., Smith Center, KS.  
Lee Cheatham, Inc. (A Close Corporation),  
Overland Park, KS.  
Mid-America Sales, Inc., Wichita, KS.  
Mid-Kansas Mortgage and Investment Co., Salina, KS.  
Retail Recruiters of Kansas City, Inc., Kansas City, KS.  
Topeka Income Tax Service, Inc., Topeka, KS.

#### Foreign for Profit

Kilsby-Roberts Co., Brea, CA.  
National Photo Company, Inc., Kansas City, MO.  
Oil Resources, Inc., Lexington, KY.  
Shelter America Corporation, Aurora, CO.

Cancelled June 17, 1985 for failure to designate a new  
resident agent within 60 days of resignation of  
previous resident agent:

#### Domestic for Profit

Cal Dataline, Inc., Wichita, KS.  
Tractor 8341, Inc., Fort Scott, KS.  
Tractor 8502, Inc., Fort Scott, KS.

#### Foreign for Profit

Rock Oil International Corporation,  
Oklahoma City, OK.

Cancelled June 17, 1985 for failure to submit a certifi-  
cate of good standing with the annual report:

#### Foreign for Profit

American Professional Marketing, Inc.,  
Oklahoma City, OK.  
Gates Learjet Export Corporation, Wichita, KS.  
Kressmann U.S.A., Inc., Chicago, IL.  
S & S Products, Inc., Kansas City, MO.

JACK H. BRIER  
Secretary of State

By: JOHN R. WINE, JR.  
Legal Counsel

Deputy Assistant Secretary of State

Doc. No. 003405

## State of Kansas

## DEPARTMENT OF HUMAN RESOURCES

## NOTICE OF JTPA MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 9:30 a.m., Thursday, August 1, 1985, at the YWCA, 225 W. 12th, Topeka.

CHUCK HERNANDEZ  
SDA II PIC Manager

Doc. No. 003414

(Published in the KANSAS REGISTER, July 25, 1985.)

## NOTICE OF BOND SALE

\$680,000.00

## GENERAL OBLIGATION BRIDGE BONDS

SERIES A, 1985

HARPER COUNTY, KANSAS

(General obligations, payable from unlimited ad valorem taxes)

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the County Clerk of Harper County, Kansas in the office of said clerk, Harper County Courthouse, 201 N. Jennings, Anthony, KS 67003, until 1 p.m. local time Monday, August 5, 1985, at which time and place said bids will be publicly opened and read for the purchase of \$680,000.00 aggregate principal amount of General Obligation Bridge Bonds (Series A, 1985). All bids received will be reported to the Board of County Commissioners for determination of the best bid at a meeting of the board to be held at said time, date and place.

## Details of the Bonds

The bonds will consist of an issue of \$680,000.00 principal amount of General Obligation Bridge Bonds, Series A, 1985. The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiples thereof, dated August 1, 1985, and becoming due serially on November 1, of each year in the principal amounts as follows:

## Series A, 1985—\$680,000.00

Year	Principal Amount
1986	\$40,000
1987	\$50,000
1988	\$60,000
1989	\$70,000
1990	\$75,000
1991	\$75,000
1992	\$75,000
1993	\$75,000
1994	\$80,000
1995	\$80,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on November 1 and May 1 of each year, beginning on May 1, 1986.

Both principal and interest on the bonds will be

payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the city of Topeka, Kansas (the "Paying Agent" and the "Bond Registrar") to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The bonds will be registered in the office of the Kansas State Treasurer pursuant to a plan of registration approved by the county and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser"), may express its preference, and the county will honor said successful purchaser's preference regarding the plan of registration.

The county will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrar and Paying Agent. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the board by September 1, 1985.

## Redemption of Bonds

None of said bonds shall be callable for redemption prior to its stated maturity.

## Authority, Purpose and Security for the Bonds

The bonds are being issued pursuant to and in full compliance with the constitution and laws of the state of Kansas including K.S.A. 68-1103 *et seq.*, Article I of Chapter 10 and Chapter 49 of the 1983 Kansas *Session Laws*, for the purpose of paying the cost of certain bridge improvements.

The General Obligation Bridge Bonds, Series A, 1985, will be general obligations of the county, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the county.

## Conditions of Bids

Bids will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds maturing in the same year. Each interest rate specified shall be in multiple of 1/8th or 1/20th of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *Credit Markets* (successor to the *The Weekly Bond Buyer*) in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2 percent. No bid of less than the principal amount of the bonds plus accrued interest thereon on the date of their delivery will be considered. Each bid shall specify the total

(continued)

interest cost to the county on the basis of such bid, and the average net interest rate on the basis of such bid.

#### **Basis of Award**

The award of the bonds shall be made on the basis of the lowest net interest cost to the county, which shall be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids which provide for identical amounts for the lowest net interest cost are received, the board shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### **Delivery of and Payment for the Bonds**

The county will pay for printing and registering the bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the bonds shall be made in federal reserve funds or other funds which shall be available to the county on the same day the bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity.

#### **Legal Opinion**

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the county and will be printed on the bonds and provided to the successful bidder as and when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

#### **CUSIP Numbers**

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause or failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the successful bid and this notice of bond sale. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid for by the county.

#### **Good Faith Deposit**

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$13,600.00 (2 percent of the total par value of the bonds) made payable to the order

of the Treasurer of Harper County, Kansas, to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the board or held by the board until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be deposited and credited to the order of the bidder. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the county as and for liquidated damages.

#### **Bid Forms**

All bids shall be subject to the terms and conditions contained in this notice of bond sale and must be made on the bid forms which may be obtained from the clerk, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The county reserves the right to waive irregularities and to reject any and all bids.

#### **Submission of Bids**

Bids must be submitted in sealed envelopes and addressed to Joann Poston, Harper County Clerk, Courthouse, 201 N. Jennings, Anthony, KS 67003, and marked "Bid For the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 1 p.m. local time August 5, 1985.

#### **Assessed Valuation and Indebtedness**

The total equalized assessed valuation of the taxable tangible property within the county for the year 1985 for bonded indebtedness purposes pursuant to K.S.A. 10-310, as amended, is \$77,377,685.00. The total general obligation bonded indebtedness of the county as of July 1, 1985, including the bonds being sold, is \$680,000.00.

#### **Bond Ratings**

The county has not applied for a rating on the bonds herein offered for sale.

Dated this 15th day of July, 1985.

Joann Poston  
Harper County Clerk  
201 N. Jennings  
Anthony, KS 67003

Doc. No. 003415

## State of Kansas

**BOARD OF REGENTS  
UNIVERSITY OF KANSAS  
MEDICAL CENTER**

**REQUEST FOR PROPOSALS FOR FINANCIAL  
ADVISER/UNDERWRITING SERVICES**

The Kansas State Board of Regents and the University of Kansas Medical Center will commence negotiations with interested bidders for the selection of a firm to act as financial adviser/underwriter for advanced refunding of the University of Kansas Hospital Revenue Bonds, September 1, 1976, and the Parking Facility Revenue Bonds, July 1, 1978, and to consider the possibility of bond issues for a second parking garage and an animal research and care facility. The selection of a financial adviser/underwriter will be made by the chairman of the state Board of Regents upon recommendation of the chancellor. A negotiating committee will review proposals submitted and recommend a firm to the chancellor.

Various methods of financing will be considered for refinancing the existing indebtedness as well as for financing a second parking garage and an animal research laboratory facility.

The university wishes to obtain the services of a qualified financial adviser/underwriter to work with the university in connection with the structuring of a transaction to obtain financing for the project.

The university reserves the right to select the bond counsel for any bond issues that result. The university contemplates award of a contract to that firm whose proposal demonstrates that the firm would be the most advantageous financial adviser/underwriter to the board and the university, discount and other factors considered. Experience with university projects, refunding experience in general and higher education refunding in particular, will be considered.

Upon award of the proposal the firm selected will be required to enter a written contract with the board and the university. It is understood that no binding agreement will exist between the parties until said contract is executed and award of the contract may subsequently be withdrawn if a contract satisfactory to both parties cannot be concluded.

Bidder's proposals should address the following:

1. Proposed fee schedule;
2. A statement outlining the bidder's proposed methods, procedures and services; and
3. A list of similar projects underwritten in the past three years.

Prospective contractors are requested to include contract forms in their proposal which they propose to use in an agreement with the state of Kansas.

Proposals will be prepared simply and economically providing a straightforward and concise description of the bidder's capabilities to provide the required services.

Any or all bidders may be requested to appear before the negotiating committee to explain the bidder's proposal and respond to questions from the committee.

The cost of developing the proposals, appearances before the negotiating committee, and any other such expenses are entirely the responsibility of the bidder.

The negotiating committee reserves the right to reject any and all proposals.

All parties interested in being considered for the financial adviser/underwriting services should submit proposals (in four copies) to James W. Bibb, Chairperson, Negotiating Committee, Associate University Director of Business and Fiscal Affairs, Room 323, Strong Hall, University of Kansas, Lawrence, KS 66045-1502, no later than 2 p.m., August 5, 1985.

JAMES W. BIBB  
Associate University Director,  
Business and Fiscal Affairs

Doc. No. 003416

## State of Kansas

**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, KS 66612, until 10 a.m. C.D.T., August 15, 1985, and then publicly opened:

**DISTRICT ONE—Northeast**

**Doniphan—36-22 K-2811-01—US-36, Interchange at Elwood, lighting. (State Funds)**

**Shawnee—89 U-0924-01—East 4th Street over Shunganunga Creek in Topeka, bridge repair. (Federal Funds)**

**Shawnee—70-89 M-1394-01—I-70, beginning at the east ending wear surface of the Gage Blvd. bridges (Ref. Pt. 358.4), then east to the west end wearing surface of the Polk-Quincy Viaduct (Ref. Pt. 361.0) concrete pavement patching. (State Funds)**

**Wyandotte—105 C-1497-01—County road, 94th Street at Riverview Avenue, south, bridge replacement. (Federal Funds)**

**DISTRICT TWO—Northcentral**

**Washington—22-101 K-2032-01—K-22, Mill Creek bridge 28, 2.9 miles north of the junction of US-36, bridge painting. (State Funds)**

**DISTRICT THREE—Northwest**

**Osborne—281-71 K-2041-01—US-281, North Fork Solomon river bridge 36, 3.1 miles north of US-24, bridge painting. (State Funds)**

**Phillips—183-74 K-0668-01—US-183, south county line north to 0.5 mile south of the junction of K-9 at Glade, grading, surfacing, and bridge. (Federal Funds)**

**DISTRICT FOUR—Southeast**

**Franklin—68-30 K-0331-01—Junction of K-68 and I-35 east of Ottawa, east to K-33, grading and surfacing. (State Funds)**

**Franklin—68-30 K-0331-02—K-68, Ottawa Creek**  
*(continued)*

and Hickory Creek, east of Ottawa, bridge replacement. (Federal Funds)

**Greenwood—96-37 K-2036-01—K-96**, Fall River bridge 25, 10.8 miles east of the junction of K-99, bridge painting. (State Funds)

#### **DISTRICT FIVE—Southcentral**

**Sedgwick—87 U-0852-01—Central Avenue at Little Arkansas River in Wichita, 0.1 mile, bridge replacement.** (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective county clerks or at the Kansas Department of Transportation district offices responsible for the work.

**JOHN B. KEMP**  
Secretary of Transportation

Doc. No. 003423

**State of Kansas**

### **DEPARTMENT OF EDUCATION**

#### **TEMPORARY ADMINISTRATIVE REGULATIONS**

(Effective July 12, 1985. Expire May 1, 1986.)

#### **Article 1.—CERTIFICATE REGULATIONS**

**91-1-32a.** District school administrator endorsements issued prior to May 1, 1986. Any applicant who holds a district school administrator endorsement issued prior to May 1, 1986 shall be issued a building administrator endorsement at the elementary and secondary levels upon submitting an application and appropriate fee. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective (temporary) July 12, 1985.)

**91-1-93a.** Special education. (a) (1) Each applicant for a special education endorsement shall have successfully completed a state-approved program in at least one of the following special education subject areas: behavior disorders; early childhood handicapped; gifted; hearing impaired; learning disabilities; mentally retarded; physically impaired; severely multiply handicapped or visually impaired. Each applicant shall be recommended by a teacher education institution.

(2) Each applicant shall have successfully completed a state-approved program to teach regular education students at the level for which the special education subject area endorsement application is submitted, except any applicant for an endorsement to teach early childhood handicapped or severely multiply handicapped may substitute an undergraduate degree in occupational therapy, speech-language pa-

thology, child development, nursing or other related field.

(b) Upon written request from an administrator of an accredited or approved educational agency to a teacher education institution, provisional endorsement in one of the special education subject areas listed in subsection (a) may be recommended by a teacher education institution that has a state-approved program in the special education subject area for which the provisional endorsement application is submitted. Each applicant for a provisional endorsement shall have successfully completed the subject area outcomes of paragraphs (c) (1), (2), (3), (5), and (12) (A) and (B) of this regulation and one of the placements from paragraph (c) (14). Provisional endorsement shall be for one year. With verification of successful experience during that year, the individual may be recommended for yearly renewal of the provisional endorsement for a maximum of three additional years if progress is made each year toward completing the requirements for full endorsement in the area.

(c) An approved special education subject area program shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of special education foundations. The course of study shall allow students to acquire the ability to:

(A) explain the relationship of special education to regular education;

(B) describe contributions of other disciplines to the identification, classification, treatment and education of exceptional pupils;

(C) identify contributors to the growth and improvement of special education knowledge and practices;

(D) describe types of instructional arrangements for exceptional pupils;

(E) explain the impact that state and national legislation, litigation and professional and parent organizations have upon the development of special education programs;

(F) describe the roles that teachers, other professionals and parents assume in providing instruction and other services for exceptional and nonexceptional pupils;

(G) explain commonalities and differences among special education areas in terms of etiology, diagnosis, characteristics, treatment/instructional approaches and post-school status;

(H) explain the manner in which a code of ethical conduct applies to continued development of professional skills, responsibility for the welfare of those served, sharing knowledge with others and cooperative efforts with colleagues; and

(I) describe ways to use past and present literature to improve performance as a professional special educator.

(2) Acquire knowledge of the concepts used to establish etiology, identify characteristics and select instructional and intervention strategies. The course of study shall allow students to acquire the ability to:

(A) describe procedures used to identify and clas-

sify variance from normal standards in social, communication, cognitive, motor and affective behaviors;

(B) describe contributions of family, biological and environmental factors to the origins of variant behaviors;

(C) explain the procedures used to screen and diagnose, and the manner in which these are related to selection of an instructional and intervention plan;

(D) give examples of behavioral performance profiles; and

(E) compare the similarities and differences among instructional and intervention strategies and describe the basis for the selection of strategies and the manner in which the effectiveness of strategies is determined.

(3) Acquire the ability to apply and report the results of preinstructional assessment procedures. The course of study shall allow students to acquire the ability to:

(A) select and use formal and informal measurement instruments commensurate with a pupil's developmental level;

(B) score and interpret norm and criterion referenced tests of academic achievement;

(C) modify or construct measurement devices when other instruments are not applicable;

(D) collect and analyze performance information through systematic observations and recordings of social and academic behaviors;

(E) use task analysis or similar procedures to determine the effectiveness of a pupil's problem-solving strategy;

(F) evaluate the impact of a present placement on a pupil's presenting problems; and

(G) present a report of assessment results.

(4) Acquire the ability to relate instructional content and media to pupil needs. The course of study shall allow students to acquire the ability to:

(A) select instructional content that enables pupils to acquire knowledge and skills in areas such as literacy, self-care, personal growth, career preparation and social competence;

(B) select media to attain instructional goals and objectives; and

(C) explain the relationship between pupil failure and inappropriate behavior, and content and media that are too easy or difficult.

(5) Acquire the ability to use assessment data to plan and implement instructional methodology. The course of study shall allow students to acquire the ability to:

(A) establish goals and objectives from assessment information;

(B) develop the scope and sequence of learning activities for pupil attainment of instructional goals and objectives;

(C) apply computer and related technology to instructional processes;

(D) vary instructional format and schedule to enhance pupil performance;

(E) select and apply specialized methods; and

(F) provide a pupil with information about performance results for the purpose of enhancing continued progress and the development of self-evaluation skills.

(6) Acquire the ability to plan learning environments. The course of study shall allow students to acquire the ability to:

(A) arrange the instructional setting to enhance pupil performance;

(B) ensure pupil access to necessary instructional media;

(C) designate areas for specific pupil activities; and

(D) use visual displays consistent with instructional goals and objectives.

(7) Acquire knowledge of processes to establish constructive pupil-teacher and pupil-pupil interpersonal relationships. The course of study shall allow students to acquire the ability to:

(A) explain the impact of cultural, social, affective and other pupil variables upon interpersonal relationships;

(B) describe methods to establish and maintain communication with a pupil;

(C) model behavior appropriate to specific circumstances, such as anger, affection, humor, honesty;

(D) explain how communication methods are used to support pupil efforts to achieve; and

(E) develop a plan to enable exceptional and non-exceptional pupils to understand that both groups have needs in common and needs that are unique to individuals.

(8) Acquire the ability to implement individual and group behavior management procedures. The course of study shall allow students to acquire the ability to:

(A) observe and record pupil performance on instructional and related objectives;

(B) apply appropriate expectations and consequences for pupil performance;

(C) plan programs to increase appropriate and decrease inappropriate pupil behaviors; and

(D) involve pupils in the development of group and self-management plans.

(9) Acquire the ability to establish a program evaluation plan. The course of study shall allow students to acquire the ability to:

(A) develop measurement strategies consistent with instructional objectives;

(B) calculate the effects of the program upon individual pupil performance and use them to determine total program effectiveness;

(C) use evaluation results to maintain or change an instructional program;

(D) communicate evaluation results to administrators, other teachers, parents and members of the community; and

(E) develop a system to follow the progress of pupils who no longer need special education and related services.

(10) Acquire knowledge of and ability to apply principles related to development of cooperative and supportive relationships with colleagues. The course of study shall allow students to acquire the ability to:

(A) model communication, consultation and problem solving skills that can be used to provide regular and special educators with knowledge of instructional and management procedures for exceptional pupils;

(continued)



(B) develop a plan to communicate program needs to others;

(C) describe the manner in which suggestions from others can be used for program improvement;

(D) explain procedures for planning and implementing staff development activities; and

(E) participate as a member of an interdisciplinary team in activities related to planning, implementing and evaluating instructional and related programs for a pupil.

(11) Acquire knowledge of procedures to involve parents in planning and implementing instructional and related programs. The course of study shall allow students to acquire the ability to:

(A) model consultation and communication skills that can be used in individual and group parent conferences;

(B) develop a plan to instruct parents in methods for implementing a home-based teaching and management plan for their child;

(C) locate and describe community services for exceptional pupils and their parents; and

(D) explain parental rights and responsibilities that are described in state and federal statutes and regulations.

(12) Acquire knowledge of general management, supervisory and regulatory role functions. The course of study shall allow students to acquire the ability to:

(A) describe the state special education plan to colleagues and members of the community;

(B) explain procedural due process rights to others;

(C) apply the knowledge and abilities required by paragraphs (3) through (9) of this regulation in developing, implementing and evaluating an individualized education program;

(D) explain the role of paraprofessionals and volunteers in an instructional program; and

(E) describe a local educational agency's policies and procedures for providing special education and related services; and

(13) Acquire knowledge of procedures used in regular class, resource, self-contained, hospital and homebound, special school, residential center and other instructional placements and the ability to describe operational variables or characteristics that discriminate among types of instructional placements.

(14) Acquire the knowledge and abilities required by paragraphs (1) through (13) of this regulation in a minimum of two of the placements common to the exceptionality area.

(d) Programs for applicants who choose to add a level or levels to an exceptionality area endorsement in addition to the level approved for certification to teach nonexceptional pupils shall require students to complete a course of study allowing the student to:

(1) Acquire the ability to apply level-relevant knowledge and skills of the exceptionality area to level-associated curriculum and instructional methods. The course of study shall allow students to acquire the ability to:

(A) describe the impact of exceptionality upon cognitive, affective, social and motor domains;

(B) assess pupil performance before and after an instructional unit;

(C) plan instructional experiences that are appropriate in scope and sequence; and

(D) select instructional methods and media that function to increase pupil growth in knowledge and skills.

(2) Acquire the knowledge and abilities required by paragraphs (d)(1)(A) through (d)(1)(D) of this regulation in one of the placements common to the exceptionality area at the level for which the endorsement is added. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985; amended (temporary) July 12, 1985.)

**91-1-110a. Adapted physical education.** (a) Each applicant for an adapted physical education endorsement at the elementary, middle or secondary level of instruction shall have successfully completed a state-approved adapted physical education program and the requirements of S.B.R. 91-1-110 for a physical education endorsement and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to demonstrate those skills which are necessary to teach adapted physical education to all exceptionalities by:

(1) demonstrating the ability to screen and assess physical education skills of individuals exhibiting various handicapping conditions;

(2) demonstrating the ability to write in behavioral terms and assess instructional objectives for adapted physical education;

(3) demonstrating the ability to reassess and revise the student's program as necessary;

(4) demonstrating the ability to analyze, adapt, and implement physical education curriculum in providing programs for a variety of handicapping conditions;

(5) demonstrating ability to adapt teaching methods, materials, and techniques for physical and motor fitness to the needs of the handicapped; and

(6) demonstrating the ability to use community and staff resources within the special education environment. (Authorized by, and implementing, Kans. Const. Art. 6, Sect. 2(a); effective May 1, 1984; amended (temporary) July 12, 1985.)

**91-1-148a. Computer studies.** (a) Each applicant for a computer studies endorsement at the middle or secondary level shall have successfully completed a state-approved program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire the ability to recognize that the computer is an integral part of today's society. The course of study shall allow students to acquire:

(A) the ability to identify the role of the computer in the total society, including its uses and misuses, and the economic, sociological and psychological impact of this technology;

(B) knowledge of where and the manner in which the computer is used in today's society, including its use in governmental agencies, health services and education;



(C) recognition of the implications of mass data banks in relation to individual rights; and

(D) recognition of the implications of nationally accessible computer networks.

(2) Acquire an awareness of the historical development and the future impact of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the significant events that outline the historical developments in computer technology;

(B) recognition of state of the art technology and its uses; and

(C) the ability to identify future trends and directions of computer technology and applications.

(3) Acquire an understanding of the basic concepts of hardware and software in relation to the use of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the basic components of a computer system, including input/output, central processing unit and storage components;

(B) the ability to identify specific devices in a computer system and describe their function;

(C) recognition of software types such as operating systems, compilers, interpreters, applications and utilities;

(D) the ability to identify the role of commercial software and user-developed software and to list advantages-disadvantages of both;

(E) the ability to document software and computer operations; and

(F) the ability to identify the roles of centralized and distributed processing.

(4) Acquire the ability to identify and solve problems in a logical manner with the computer. The course of study shall allow students to acquire the ability to:

(A) use techniques for visualizing logical steps in problem solving, including flow diagrams and decision tables; and

(B) design problem-solving logic for others to follow.

(5) Acquire the ability to recognize the role of the computer in the organization, entry, storage and retrieval of information. The course of study shall allow students to acquire the ability to:

(A) identify the numbering systems utilized by computers;

(B) identify the manner in which characters are structured in machine-readable form and main memory;

(C) identify the different character representation codes, such as ASCII—American Standards Code for Information Interchange, BCD—Binary Code Decimal and EBCDIC—Extended Binary Coded Decimal Interchange Code;

(D) understand data entry techniques;

(E) understand data files and data base concepts;

(F) identify different file access methods; and

(G) understand networking.

(6) Acquire competency in a programming language at a level which would allow the design and development of code that could be successfully executed on a

computer system. The course of study shall allow students to acquire the ability to:

(A) identify various programming languages in common use;

(B) write code for various types of applications or problem-solving programs;

(C) identify and exhibit debugging and trace techniques in program development;

(D) identify and exhibit valid testing procedures in program development;

(E) display the ability to implement completed programs; and

(F) identify the role of the user in program development.

(7) Acquire an awareness of career opportunities that incorporate the use of computer technology. The course of study shall allow students to acquire the ability to:

(A) identify career paths in the areas of business data processing and computer science; and

(B) describe the manner in which computer technology impacts other areas of employment.

(8) Acquire an awareness of the computer for personal and home use. The course of study shall allow students to acquire:

(A) the ability to identify personal uses of a home computer;

(B) knowledge of software and hardware for personal use; and

(C) knowledge of factors to be considered in the evaluation and acquisition of a computer for home use. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985; amended (temporary) July 12, 1985.)

#### Article 31.—ACCREDITATION

**91-31-4. Organization; special, exemplary or innovative programs; waiver of regulations.** Schools that have special, exemplary or innovative programs that do not meet all accreditation regulations may, prior to the beginning of the school term, request approval from the state board to conduct those programs. Approval shall be granted if the superintendent has submitted the proposed program in writing, and the program includes:

(a) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

(b) evidence that the goals and objectives of the program fall within statewide education goals defined by the state board;

(c) evidence that the program adopted is in compliance with Kansas statutes;

(d) evidence that the evaluation procedures for the program are identified in advance and provide valid and objective data for assessing its success; and

(e) evidence that all teachers of such programs have met criteria established by the state board.

The state board shall notify the superintendent in writing of approval or denial of the program. (Authorized by Article 6, Section 2(a) of the Kansas Consti-

(continued)

tution; effective May 1, 1983; amended (temporary) July 12, 1985.)

**91-31-12a. Accreditation regulations applicable to high schools.**

(a) Organization.

(1) Each high school shall be organized to include at least grades 10, 11 and 12 and may include grades seven through 12 in its organization. Any closing or change in the use of a school building shall be in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

(2) Each high school shall organize its program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Principal. Except as provided in S.B.R. 91-31-7(a)(2), each high school enrolling 200 or more pupils shall have a principal who spends at least five clock hours each day in administrative and supervisory responsibilities. Each high school enrolling fewer than 200 pupils shall have a principal who spends at least three clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any high school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended (temporary) July 12, 1985.)

**91-31-13. Accreditation regulations applicable to junior high schools.**

(a) Organization.

(1) Each junior high school shall be organized to include at least two consecutive grades and may include grades six through nine. Any closing or change in the use of a school building shall be conducted in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

(2) Each junior high school shall organize its ninth grade program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Principal. Except as provided in S.B.R. 91-31-7(a)(2), each junior high school enrolling fewer than 200 pupils shall have a principal who spends at least three clock hours each day in administrative and supervisory responsibilities. Each junior high school enrolling 200 or more pupils shall have a principal who spends at least five clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any junior high school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended (temporary) July 12, 1985.)

**91-31-14a. Accreditation regulations applicable to elementary schools.** (a) Each elementary school shall conform to the provisions of K.S.A. 1984 Supp. 72-1107, regarding age of entrance.

(b) Each accredited elementary school shall be organized to include any combination of grades kindergarten through nine. The middle school concept of organization shall be recognized as a consecutive combination of any grades five through nine. Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half clock hours each day when in session. Any closing or changing the use of a school building shall be conducted in compliance with the provisions of K.S.A. 1984 Supp. 72-8213.

(c) Each accredited elementary school shall count no more than two 15 minute supervised recess periods per day, one during the mid-morning and one during the mid-afternoon, as part of the school term.

(d) Principal. Except as provided in S.B.R. 91-31-7(a)(2), each elementary school shall have the services of a principal and shall meet the following requirements:

(1) In school buildings having more than 16 teachers, excluding the principal, the principal shall spend at least 80% of the school day on administrative duties.

(2) In school buildings having six to 16 teachers, excluding the principal, the principal shall spend at least one-half of the school day on administrative duties.

(3) In school buildings having fewer than six teachers, excluding the principal, time during the school week shall be reserved for the principal's administrative duties.

(4) For the purpose of determining the number of teachers in paragraphs (c) (1), (2), and (3), part-time teachers shall be counted on a fractional basis according to the amount of time spent by the teacher in the building.

(5) A district maintaining multi-elementary school attendance centers may assign a principal to serve more than one elementary attendance center provided the assignment is in accordance with subsection (d)(1).

(e) All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment, except that, until May 1, 1987, any middle school may assign one or more teachers to teach computer studies even though those teachers have not been granted the computer studies endorsement.

(f) Elementary schools which have an organized guidance program shall have the services of a certified counselor.

(g) The curriculum of each elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985.)

HAROLD L. BLACKBURN  
Commissioner of Education

## State of Kansas

## DEPARTMENT OF ADMINISTRATION

TEMPORARY ADMINISTRATIVE  
REGULATIONS

(Effective June 17, 1985. Expire May 1, 1986.)

## Article 2.—DEFINITIONS

**1-2-23.** (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985.)

**1-2-24.** (Authorized by and implementing K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985.)

**1-2-25. Compensatory time credits.** Compensatory time credits are leave credits given to employees who work on holidays and who are compensated for such holiday work by receiving time off at a later date, at the rate of one and a half hours off for one hour worked. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985.)

**1-2-51. Pay increase anniversary date.** The pay increase anniversary date shall always be on the first day of the period. If an employee begins employment on a day other than the first day of a pay period, the pay increase anniversary date shall be the first day of the next pay period. If the employee has had a salary change other than a range change or a change resulting from a general revision of the salary plan, the first day of the pay period occurring on or after that change shall be the pay increase anniversary date except as provided in subsection (b) of K.A.R. 1-5-15. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-2-80.** (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; revoked, T-86-17, June 17, 1985.)

**1-2-85. Temporary appointment.** A temporary appointment is an appointment for less than 1,000 hours duration in a 12-month period. A temporary appointment does not affect the position limitation of an agency. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2945, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985.)

## Article 5.—COMPENSATION

**1-5-5. Employees to be paid within range; part-time employees.**

(a) Except as provided otherwise in these regulations, each employee in the classified service shall be paid within the salary range adopted for his or her class of position and at the salary step within the range as prescribed by these regulations.

(b) Whenever an employee works, or is otherwise in pay status, in a pay period fewer than the regularly established number of hours for his or her position,

the amount paid shall be proportionate to the time actually worked or otherwise in pay status.

(c) For the purpose of this regulation, "in pay status" means time worked, and time off work but for which the employee is compensated because of a holiday, because of use of any kind of leave with pay, because of use of compensatory time credits or because of compensatory time off given pursuant to K.A.R. 1-5-24(f). (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended, T-86-17, June 17, 1985.)

**1-5-7. Recommendation and approval of salary changes; effective date; retroactive increases.** (a) Salary changes shall be recommended by the appointing authority in a manner prescribed by the director of personnel services. Before approving the changes, the director shall ascertain that they are in compliance with all applicable personnel regulations and directives approved by the governor.

(b) All salary increases shall be effective on the first day of a payroll period.

(c) Requests for salary changes shall be submitted to the director in advance of the effective date. Salary changes shall not be retroactive except as provided in paragraphs (1) and (2) of this subsection or as otherwise approved by the governor.

(1) If the appointing authority certifies that a clerical or other error resulted in the employee being paid at a salary rate below that for which the employee was eligible, the director may approve a retroactive pay increase, subject to provisions in K.A.R. 1-5-13. Except as otherwise approved by the director, such a retroactive increase shall be limited to three monthly payroll periods, or in the case of an agency with semi-monthly or biweekly payroll periods, to six payroll periods.

(2) If a moratorium on the granting of salary increases has been imposed by action of the governor or if salary increases have otherwise been postponed by action of the governor, salary increases may be granted retroactively to the extent authorized by the governor. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-5-8. Beginning salary.** (a) Original appointments shall be made at step A of the salary range for the class.

(b) Original appointments at higher steps in the range shall be made only under the following circumstances:

(1) When an agency has an applicant for an original appointment with exceptional qualifications, and the agency cannot employ the person at step A, the director of personnel services, upon request of the appointing authority, may approve a starting salary for the individual at some higher step in the range. Such a request shall include information concerning the applicant's education, training, experience, and other qualifications.

(continued)

(2) When there is a lack of eligibles for a class of positions available for employment at step A, the director, upon request of one or more appointing authorities, may establish some higher step in the range as the starting salary for original appointments in the class, or may authorize an agency to select a higher step, within a prescribed limit, as the starting salary for original appointments. Authorization for the higher starting salary may be given to a designated agency or agencies, to all agencies, or for a particular geographical area. Unless an earlier expiration date is specified, the authorization shall expire on the last day of the last payroll period chargeable to the fiscal year during which the authority was granted.

(A) When an agency utilizes authorization granted pursuant to paragraph (2) above, the agency shall, except as provided below, raise the salary of all incumbents in the class who are being paid at a lower step to the step at which it makes original appointments in a class.

(B) If the authorization granted pursuant to paragraph (2) above is only for a particular geographical area, the agency shall not raise the salary of incumbents in other geographical areas.

(C) All increases to incumbents in an agency because of the agency's utilization of a higher salary for original appointments in a class shall be made effective at the beginning of a pay period and no later than one month following the first appointment by the agency at the new, higher starting salary. The increase given an incumbent shall not change his or her pay increase anniversary date.

(D) Within in two weeks of authorizing a higher starting salary for all positions in a class, the director shall provide all agencies which have positions in the class with notice of the authorization. When the director's authorization of a higher starting salary applies only to positions in a particular geographic area, the director shall, within two weeks, provide all agencies which have positions in the class in the particular geographical area, with notice of the authorization. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985.)

**1-5-9. Salary of temporary or emergency employee.**

(a) Except as provided in subsections (b) or (c) that follow, the salary of a temporary or emergency employee shall be step A of the range.

(b) If a higher salary is authorized for an original appointment, pursuant to K.A.R. 1-5-8(b)(2), a temporary or emergency appointment may be made at the higher salary, at the option of the appointing authority.

(c) Any person appointed on a temporary or an emergency appointment who has had, within three years, permanent status in the same class or another class at the same or a higher range may be paid at the same step of the range in the class in which he or she is temporarily employed as the step on which he or she was being paid at the time of his or her most recent employment with permanent status. For persons

whose previous employment ended under a pay plan in effect prior to fiscal year 1986, the step will be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986.

(d) Nothing herein shall prevent the appointing authority from making the appointment at a step in the range lower than permitted by this regulation.

(e) No person appointed on a temporary or an emergency basis shall be eligible for a salary step increase during his or her period of temporary or emergency employment. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985.)

**1-5-10. Salary of employee reinstated or reemployed.** (a) Except as otherwise provided in this subsection, any person appointed by reinstatement may be paid at the same step of the range in the class to which the employee is reinstated as the step on which the employee was being paid in the class which serves as the basis for the employee's eligibility for reinstatement. Nothing in this subsection shall prevent a person from accepting an appointment by reinstatement at a step lower than that on which the person was being paid in the class which serves as the basis for the employee's eligibility for reinstatement. The pay increase anniversary date for any person appointed by reinstatement shall be the date of that person's reinstatement as specified in K.A.R. 1-2-51.

(b)(1) Any person appointed by reemployment to the same class from which the person was laid off, or to a class with the same salary range as that class:

(A) shall be paid at the same step of the range as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds budgeted to fund the position at that step; or

(B) may be paid at a lower step in the range than the step on which the person was being paid on the date the person was laid off, provided the step paid is no lower than the step the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary up to the step the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(2) Any person appointed by reemployment to a class with a salary range lower than the class from which the person was laid off:

(A) may be paid at the same salary rate (dollar amount) as the rate the person was being paid immediately prior to being laid off, if the rate is on a step in the lower range. If that rate is within the range for the class but not on a step, the person may be paid at the next lower step or the next higher step. However, in no case shall the person be paid above the maximum step of the lower salary range; or

(B) may be paid at a lower salary rate (dollar amount) than the person was being paid immediately prior to being laid off. However, such a person shall not be paid at a step less than the same step of the range for the lower class as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds to fund the position at that step. If the agency does not have sufficient funds budgeted, the person may be paid at the step of the range for which the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary to the step the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(c)(1) In determining the pay anniversary date for any person appointed by reemployment to the class from which the person was laid off, or to a class with the same salary range as that class, credit shall be given for the time served in the class on the same salary step prior to the date the person was laid off. If the pay increase anniversary date for such a person falls within six months after the date of reemployment, the agency may use the person's last performance evaluation rating or may give a new performance evaluation rating in determining the person's eligibility for a salary step increase, as provided in K.A.R. 1-5-19b.

(2) The pay anniversary date for any person appointed to a class with a salary range lower than the class from which the person was laid off shall be the first day of the pay period occurring on or after the date of the person's reemployment.

(d) The salary step for persons who are reinstated or reemployed, and whose previous employment ended under a pay plan in effect prior to fiscal year 1986, shall be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 75-2948, K.S.A. 75-3746, as amended by 1985 HB 2125, and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-5-11. Salary of employee returned from military leave.** (a) Except as provided in subsection (b) of this regulation, any employee who returns from military leave to a position in the same class in which the employee was employed when the leave was granted or to a position in the same salary range shall be paid at the same step in the salary range at which the employee was being paid when he or she went on leave. For persons who were granted military leave under a pay plan in effect prior to fiscal year 1986, the step shall be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986. In determining the employee's new pay

increase anniversary date, credit shall be given for the time served in the armed forces.

(b) The appointing authority may grant one or more salary step increases to an eligible employee upon the employee's return from military leave if the authority is reasonably certain the employee would have received the increase had the employee been continuously employed. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2947; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1985; amended, T-86-17, June 17, 1985.)

**1-5-13. Salary of employee appointed to a higher class.** (a) When an employee is promoted or when an employee is appointed on a conditional basis to a class with a higher salary range, the appointing authority shall notify the director of the salary increase to be made.

(b)(1) If the promotion or conditional appointment is from one classified position to another classified position, the appointing authority shall:

(A) pay the employee at the same step of the range for the new class as the step on which the employee was being paid in the lower class; or

(B) pay the employee at any lower step of the range for the new class which gives the employee an increase in pay. The employee's salary in the new class shall be at least step A.

(2) An employee who has been demoted or reemployed at a lower range, and who is promoted within one year following the demotion or reemployment, shall not be paid at a higher step of the range than one step above the step at which the employee was being paid immediately prior to the demotion or layoff. The director may waive or modify this requirement if the promotion is to a class with a range lower than the range of the class from which the employee was demoted.

(c) If the promotional appointment to the higher class is due to reallocation of the position in which the employee was serving at time of reallocation, the salary shall be determined as in paragraph (b)(1) of this regulation.

(d) Nothing in this regulation authorizes a salary above the maximum step of the range.

(e) If an employee is promoted from an unclassified position to a classified position, the salary upon promotion shall be determined pursuant to K.A.R. 1-5-12.

(f) Each employee who is promoted or who is appointed on a conditional basis to a class with a higher salary range shall also receive a salary step increase on the same date, if eligible for such an increase. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-5-15. Salary of employee upon demotion.** (a) An employee who is demoted, in accordance with other sections of these rules, whether voluntarily or for inefficiency or for disciplinary reasons, shall be paid at

(continued)



the same step of the range for the lower class as the step on which the employee was being paid in the higher class, or at any higher step so long as there is a decrease in rate (dollar amount). Nothing in this regulation shall prevent a demotion being made to a step in the range lower than permitted by this regulation, if agreed upon in writing by the employee and appointing authority. However, a promotional employee who is demoted pursuant to K.A.R. 1-10-8(b), shall be paid no less than the same step of the range for the lower class as the step that the employee was on immediately prior to the promotion.

(b) If the employee upon demotion is paid at the same step or at a lower step than the step of the range that the employee was on in the higher class, the pay increase anniversary date shall be unchanged. If the employee is paid at a higher step, the first day of the pay period occurring on or after the date of the demotion shall be the new pay increase anniversary date.

(c) An employee who takes a voluntary demotion may also receive a salary step increase on the same date if eligible for such an increase.

(d) The provisions of K.A.R. 1-5-10, rather than this regulation, shall apply when a former permanent employee who was separated from the service for more than 30 days is reinstated to a class with a lower salary range. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-5-16. Salary of employee in position reallocated to a lower class.** An employee whose position is reallocated to a class with a lower salary range, and who is appointed to the reallocated position as provided in K.A.R. 1-4-8, may continue to be paid by the appointing authority at his or her current salary rate (dollar amount) if that rate is on a step in the lower range. In no case shall an employee be paid above the maximum step of the lower salary range. Nothing herein shall prevent the appointing authority from setting the salary at a lower step than permitted by this regulation, except that the employee shall not be paid at less than the same step of the range for the lower class as the step that he or she was on immediately prior to the reallocation. The employee's pay increase anniversary date shall be unchanged. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985.)

**1-5-19a.** (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2938; effective May 1, 1983; revoked, T-86-17, June 17, 1985.)

**1-5-19b. Individual salary step increases.** (a) Each employee whose latest performance evaluation rating in the preceding 12-month period is at least satisfactory shall receive salary step increases pursuant to this regulation, except as otherwise ordered by the governor.

(b) Each employee who is on step A or 1 of a range

shall receive a one-step salary increase after six full months on that step of the range.

(c) Each employee who is on step B, 2, C, or 3 of a range shall receive a one-step salary increase after 12 full months on that step of the range.

(d) Each employee who is on step D of a range or any higher step except D18, shall receive a one-step salary increase after 36 full months on that step of the range.

(e) Implementation of the pay plan shall be administered as provided for in K.A.R. 1-5-3. During FY 1986, the step movement provided for under K.A.R. 1-5-3 shall supercede the provisions of this regulation. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-5-19c. Effect of range changes on salary.** (a) When the governor has assigned a class of positions to a higher salary range, each employee in the class of positions assigned to the higher salary range shall be placed on the step of the higher range that is the same rate (dollar amount) as the current rate paid to the employee. If the employee is below step A of the range, an increase shall be made to step A. However, if the employee has been employed continuously in the class for at least six months, the increase may be to step 1. In all cases, the employee's pay increase anniversary date shall be unchanged.

(b) Each employee who receives a salary increase due to assignment of the class to a higher range shall also receive a step increase on the same date, if eligible for such an increase. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-5-20. Individual salary decreases.** (a) The appointing authority may reduce the salary of any employee one step (but not below the minimum of the salary range) by reason of less than satisfactory performance according to a current performance evaluation. Approval of the director shall be required for more than one such reduction in any 12-month period. In the event of a salary decrease, the salary may be increased up to the step from which it was reduced on the first day of any later payroll period, if the employee's performance is satisfactory according to a current performance evaluation.

(b) When the governor has assigned a class of positions to a lower salary range, each employee in the class shall continue to be paid at his or her current salary rate (dollar amount). The range change shall not affect the employee's pay increase anniversary date. If the employee's current salary is above the new range, the employee shall not receive a salary increase until the time that an increase may be made within the new range. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-86-17, June 17, 1985.)

**1-5-24. Overtime.** (a) Except as otherwise provided by the statutes or regulations, employees of the state who are eligible to receive overtime pay under the Fair Labor Standards Act of 1938, as amended, shall be compensated for overtime as provided in that act. State employees in agricultural positions shall also be eligible for overtime payment. The director shall make the final determination as to eligibility to receive overtime pursuant to this subsection for all classified employees and all unclassified employees whose salaries are subject to approval by the governor under K.S.A. 75-2935b and amendments thereto.

(b) The rate at which any eligible employee is to be compensated for overtime worked shall be one and a half times the employee's regular rate of pay; this rate shall not include premium pay for holidays worked or any call-in and call-back compensation paid for hours not actually worked.

(c) Each appointing authority shall be responsible for control of overtime in the agency. Overtime, to the extent possible, shall be authorized in advance by the responsible supervisor.

(d) The director may authorize eligibility for overtime for a class or position that is not eligible for overtime under subsection (a).

(e) In determining whether an employee in a position or class determined to be eligible for overtime pay has worked any overtime in a given workweek or work period, all time in pay status shall be considered as time worked. For the purpose of this regulation, "in pay status" shall be defined as in K.A.R. 1-5-5(c).

(f) In lieu of paying an employee at the time and a half rate for overtime worked, an agency may elect to compensate an employee for overtime worked by granting compensatory time off, at the rate of one and a half hours off for each hour of overtime worked, at some time after the workweek or work period in which the overtime was worked. In this case, the agency may grant the compensatory time off, at any time prior to the end of the payroll period in which the overtime was worked. If the compensatory time off is not taken during that payroll period, the employee's pay for that payroll period shall include payment for the overtime. That payment shall be at the time and a half rate, based upon the employee's regular rate of pay.

(g) When an employee who is eligible for overtime works additional time that would result in the employee's receiving overtime compensation, that employee's agency may give the employee equivalent time off, on an hour for hour basis, in the workweek or work period in which the additional time is worked if:

(1) the agency notifies the employee of the change in the employee's normal work schedule for that workweek or work period at least five calendar days in advance of the day in which the employee's normal work schedule is first changed; or

(2) the agency has furnished the employee a written statement of the circumstances under which the employee may be required to take equivalent time off, on an hour for hour basis, in the workweek or work period in which additional time is worked; or

(3) the employee requests or agrees to take equivalent time off during the workweek or work period in

which additional time was worked, and the agency determines that this arrangement is not detrimental to the operations of the agency.

In any case, the equivalent time off shall be taken at a time agreeable with the agency during the workweek or work period in which the additional time is worked. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-5-25. Call-in and call-back pay.** (a) An appointing authority may call an employee in to work on a regular day off or may call an employee back to work after a regular work schedule. Except as provided in subsection (b), employees of the state who are eligible to receive overtime pursuant to K.A.R. 1-5-24, and who are called in to work on a regular day off or are called back to work after a regular work schedule, shall be paid at the appropriate rate of pay for the hours worked. Except as noted below, such employees shall be paid for a minimum of two hours. The minimum of two hours shall not apply if the employee was on stand-by when called in or called back, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. Only the hours actually worked shall be credited in determining eligibility for overtime compensation.

(b) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for call-in and call-back pay as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for call-in and call-back may be modified by the secretary upon recommendation of the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985.)

**1-5-26. Stand-by compensation.** (a) Any appointing authority may require an employee to be on stand-by. Stand-by time means a period of time outside an employee's regularly scheduled work hours, during which the employee is required, at agency direction, to remain available to the agency within a specified response time. Each employee on stand-by shall be available at agency direction for recall to perform necessary work. Standby assignments shall be limited to work situations where a probability of emergency recall of an employee or employees exists. When an employer is able to contact employees by means of a paging device, the employer shall establish a policy stating whether such employees are eligible for stand-by compensation.

(b) Except as provided in subsection (f), each employee of the state who is eligible to receive overtime pursuant to K.A.R. 1-5-24 shall be compensated at the

(continued)

rate of one dollar per hour for each hour the employee is required to serve on stand-by status.

(c) Each employee on stand-by who is called in to work shall be compensated for the actual hours worked at the appropriate rate of pay. Such an employee shall not be paid stand-by compensation for the hours actually worked. Only the hours actually worked by the employee shall be credited in determining eligibility for overtime compensation.

(d) When an employee is restricted to a particular telephone number at a location designated by the employer, or to the employer's premises, in order the remain personally available to the employer, the employee shall be compensated at his or her regular rate of pay and shall not receive stand-by compensation.

(e) Any employee on stand-by, or who is subject to the provisions of subsection (d), who is not available when called, and who does not present reasonable justification for failure to report when called, shall lose stand-by compensation for that stand-by period and may be subject to disciplinary action.

(f) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for stand-by compensation as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for stand-by compensation may be modified by the secretary upon recommendation of the director. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1985; amended, T-86-17, June 17, 1985.)

**1-5-28. Shift differential.** (a) Each agency having multi-shift operations shall designate one or more shifts as a normal day shift. Each agency shall specify no more than 12 consecutive hours in the day from which normal day shifts may be designated. Each normal day shift shall fall entirely within those designated hours.

(b) Except as provided in subsection (g), a shift differential shall be paid to classified employees in positions eligible to receive overtime pursuant to K.A.R. 1-5-24 for hours worked on regularly established shifts other than the normal day shift or shifts. The shift differential shall not be paid to an employee for any time the employee is on any type of leave or holiday.

(c) Upon recommendation of the secretary, the amount of the shift differential shall be that amount set by executive directive of the governor. The secretary shall recommend the amount after consideration of salary survey data and other appropriate and relevant factors, which shall be reviewed at least annually.

(d) With regard to particular classes of employees, or particular agencies, or employees located in particular geographic areas of the state, the director of personnel services may recommend to the governor the extension or denial of the shift differential authorized by this regulation. This extension or denial shall be effective when the same has been approved by executive directive of the governor.

(e) Nursing personnel in the department of nursing services at the university of Kansas medical center receiving shift differential pay as provided by the legislature shall be excluded from the provisions of this regulation.

(f) Each youth service worker I, II, III, IV or V shall be excluded from the provisions of this regulation as a shift differential for employees in these classes who work non-day shifts is built into the class specifications and pay ranges for these classes.

(g) The head of each agency with employees engaged in law enforcement and firefighting activities, as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for shift differential as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for shift differential may be modified by executive directive of the governor. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended, T-86-17, June 17, 1985.)

## Article 6.—RECRUITING AND STAFFING

**1-6-23. Establishment of reemployment list; administration of reemployment list.** (a) The appointing authority shall request that the director place on the reemployment list the name of every permanent employee who is laid off or who, in lieu of layoff, accepts a demotion, or who transfers to a position in another county, agency, program or shift, or to a position with fewer hours.

(b) Ranking on a reemployment list shall be determined by the employee's layoff score, the highest score being first on the list. In the case of identical scores, preference in the ranking shall be given to the person who was laid off first. If further ties remain, preference in the ranking shall be given to any veteran, any surviving spouse of a veteran, and any orphan of a veteran, as defined in K.A.R. 1-14-9(d)(3), in that order. If further ties remain, ranking on the list shall be determined in a manner that is consistent with the state affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in the ranking shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46. Each name on a reemployment list shall be removed three years from the date of the person's layoff, if the person has not been reemployed.

(c) Any person whose name is on the reemployment list may request, in writing, that his or her name be placed on the reemployment list for lower level classes in the same class series in which the layoff occurred, or in any class in which the person previously had permanent status, unless the person had been demoted from that class pursuant to K.S.A. 75-2949 as amended by 1985 HB 2125, 75-2949d, 75-2949e or 75-2949f as amended by 1985 HB 2125. Any



person whose name is on any reemployment list may request, in writing, that the director limit certification to a geographical area, a shift, or one or more designated agencies.

(d) When any appointing authority has indicated an intention of filling a vacancy in a permanent position:

(1) If the agency has had a layoff, the director shall certify the first person on the reemployment list who was laid off from that agency. If that person declines the appointment, the director shall certify the next person on the reemployment list who was laid off from that agency. The director shall continue certifying succeeding names of persons on the reemployment list who have been laid off from that agency until it is determined that no further such persons are on the reemployment list.

(2) If the agency has not had a layoff or if the agency has been unable to fill the position under paragraph (d)(1) of this regulation, the agency may fill the position by an intra-agency demotion, transfer or promotion.

(3) If a reemployment list exists for the class and the agency is unable to fill the position under paragraphs (d)(1) or (2) of this regulation, the director shall certify the first person on the reemployment list. If that person declines the appointment, the director shall certify the next person on the reemployment list. The director shall continue certifying succeeding names on the reemployment list until it is determined that the position cannot be filled from the reemployment list.

(4) If a reemployment list does not exist or the agency is unable to fill the position under paragraphs (d)(1), (2) or (3) of this regulation, the agency may fill the position by either a demotion, transfer, promotion, reinstatement or original appointment.

(e) Only in case of extenuating circumstances and when deemed to be in the best interest of the state service may the use of the reemployment list under subsection (d) of this regulation be waived by the director for any agency having vacancies in a class for which a reemployment list exists.

(f) A name on a reemployment list shall be removed from the appropriate list or lists for any of the following reasons:

(1) When an individual has declined three job offers within the same class;

(2) when an individual is reemployed in the class from which the individual was laid off or when reemployed in the class from which the individual accepted voluntary demotion in lieu of layoff; or

(3) when an individual has failed to respond to the agency within four work days from the date of certification. The date of certification shall be the date the notification of certification is mailed to the individual. If the director determines that the failure to respond is for good cause, the individual's name shall be placed back on the reemployment list.

(g) When an individual is reemployed, the name of the person shall be removed from reemployment lists for all classes having a lower salary range. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2948; effective May 1, 1979;

amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-6-25. Temporary appointments.** (a) Except as otherwise provided by law, an appointing authority may appoint any suitable person who meets the minimum qualifications for the class of positions on a temporary appointment. Such a temporary appointment shall not exceed 999 hours of employment in a 12-month period. All time worked, including overtime, shall count towards the 999 hours. Each temporary appointment shall be ended no later than 12 months after its commencement, even if the appointee works less than 999 hours. Any person may have more than one temporary appointment in an agency in a 12-month period, if the total number of hours worked on such appointments does not exceed 999 hours.

(b) The period served by a person on a temporary appointment shall not be counted as part of the probationary period in case of subsequent appointment to a permanent position, nor shall it count towards the six-month requirement in K.A.R. 1-6-1(c) and any amendments thereto. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2945, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-6-29. Acting assignments.** When a classified position is vacant and requires the temporary assignment of an employee who has permanent status in another position, the appointing authority may proceed, with the approval of the director and based on the following principles:

(a) The appointing authority shall initiate action to fill the position on a permanent basis, if the incumbent has permanently vacated the position.

(b) An acting assignment may be used only when there are no other viable alternatives.

(c) The assignee shall meet the qualifications for the class of positions.

(d) Acting assignments shall not be used to generate a series of acting assignments for an employee.

(e) Except as noted in subsection (f), an acting assignment shall not exceed one year in length unless approved by the director. The acting assignment procedure shall not be used for a short duration; temporary assignment of an employee for less than 30 days.

(f) When a position is vacant due to a leave of absence, the acting assignment may be authorized for the duration of the leave of absence, except that continuation of an acting assignment beyond 12 months shall require approval of the director of personnel services.

(g) Documentation of the acting assignment shall be placed in the employee's permanent record.

(h) If an employee is acting in a position assigned to a salary range higher than that of the employee's normal position, the employee shall be paid at a step on the higher range that gives the employee an increase in pay. Such an increase shall not exceed the highest step possible if the employee were being

(continued)

promoted to the position. For the duration of an acting assignment, the employee may receive salary step increases in accordance with applicable salary step increase regulations. When the acting assignment is terminated, the employee's salary shall revert to whatever rate (dollar amount) it would have been had the employee not received the acting assignment.

(i) If an employee is acting in a position assigned to the same salary range as, or to a salary range lower than, that of the employee's normal position, the employee shall be paid at the normal salary rate. For the duration of an acting assignment, the employee may receive salary step increases in accordance with applicable salary step increase regulations.

(j) The employee's pay increase anniversary date or the employee's status in the normal position shall not be affected by an acting assignment.

(k) Any employee promoted to a position in which the employee has served in an acting assignment may have the time served in that assignment credited towards the promotional probationary period. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

#### Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

**1-7-3. Probationary period.** (a) The probationary period shall be considered as a working test of the appointee's ability to perform adequately in the position to which he or she is appointed. In order to aid the agency in developing efficient employees, the supervisor shall give reasonable instruction and training that may be required throughout the probationary period. Agencies shall establish procedures so that problems with probationary employees will be brought to the attention of the agency management for appropriate action prior to the end of the probationary period.

(b) Prior to the end of the probationary period, the appointing authority shall file with the director results of a performance evaluation for the employee. If the performance evaluation given a probationary employee prior to the end of the probationary period is less than satisfactory, the employee shall not be granted permanent status.

(c) All original, promotional, and reinstatement appointments shall be tentative and subject to a probationary period as authorized by K.A.R. 1-7-4. If the probationary period of an employee is to be extended as authorized by K.A.R. 1-7-4, the appointing authority or the authority's representative, prior to the end of the probationary period, shall furnish the employee with a copy of the performance evaluation which states that probation is extended. Results of the evaluation shall be sent to the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-7-5. Conditional appointments.** Any conditional employee who takes and passes the examination for the class in which the employee has been working may be retained in the position under the following conditions:

(a) The division of personnel services shall certify the employee to the agency in which the person is employed.

(b) The agency shall take positive action either to appoint from the certification or to terminate the employee.

(c) The employee shall serve a probationary period of at least six months.

(1) Each month of service as a conditional employee in the class in the agency which is served immediately prior to the certification shall count as one of the six months of the required probationary period.

(2) The appointing authority shall evaluate the employee prior to the end of the six month probationary period in accordance with K.A.R. 1-7-6. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-7-6. Notices relating to probationary periods and extensions.** (a) Prior to the expiration of each employee's original or extended probationary period, the appointing authority shall notify the employee and the director that:

(1) the employee has been dismissed or demoted;

(2) the probationary period is being extended, if extension is possible under the regulations; or

(3) the employee is being given permanent status.

(b) If the employee is being given permanent status or if probation is being extended, a performance evaluation shall be made.

(c) If the appointing authority or the authority's representative has not notified the employee as required by this regulation by the end of an original or extended probationary period, the employee shall be deemed to have received permanent status and the evaluation shall be at least satisfactory as of the date the probationary period was scheduled to end. In case of dispute as to whether the employee was notified, the director of personnel services shall determine whether the notice was given. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-7-10. Performance evaluation ratings.** (a) Performance evaluation ratings shall be considered:

(1) in determining salary increases and decreases within the limits established in the pay plan;

(2) as a factor in civil service promotional tests;

(3) as a factor in determining the order of layoff and in establishing the order in which names are to be placed on the reemployment lists; and

(4) as a means of discovering employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

(b) The appointing authority shall have performance evaluation ratings made for each employee under the authority's jurisdiction in the classified service. The ratings shall be made, at least annually, in the manner required, and on the forms prescribed by the director. The appointing authority may have a special evaluation made for any employee at any time.

(c) The actual rating of each employee shall be made by the employee's immediate supervisor, or by another qualified person or persons designated by the appointing authority. A qualified person is one who is familiar with the duties and responsibilities of the employee's position and with the job performance of the employee.

(d) The supervisor shall develop, with input from the employee, a list of major duties and responsibilities of the employee's position, and the performance requirements for each of these duties and responsibilities. The employee shall be given a copy of the list and the performance requirements at the beginning of the rating period. When the employee is evaluated, the employee shall be rated as to how well he or she meets the performance requirements for each of the major duties and responsibilities and shall be assigned a final adjective rating. The employee shall be given a copy of the evaluation.

(e) The employee shall be given the opportunity to sign the evaluation as evidence that the employee has been informed of the evaluation; that signature shall not abridge the employee's right of appeal if the employee disagrees with the evaluation. Failure of the employee to sign an evaluation shall not invalidate the evaluation. Employees entitled to appeal an evaluation may do so within seven calendar days after being informed of the rating.

(f) After the seven calendar day period for filing appeals has expired, if no appeal has been filed, the appointing authority or the authority's designated agent shall review the rating, shall make any changes deemed necessary, shall sign the rating form, and shall have copies transmitted to the employee, to the rater or raters and the reviewer or reviewers as the appointing authority deems necessary. If the appointing authority makes any change in the rating, or adds any comment on the rating form, the form shall be returned to the employee to be signed again, and the employee, if eligible to appeal the rating, shall again have seven calendar days to file an appeal to the appointing authority. Final results of evaluation shall be submitted to the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-7-11. Employees entitled to appeal performance evaluations.**

(a) Any classified employee with permanent status may appeal a performance evaluation rating which is lower than the highest possible rating.

(b) Persons serving under conditional, emergency or temporary appointments shall not have the right to appeal an evaluation. Except as authorized by sub-

section (c), a probationary employee shall not have the right to appeal an evaluation.

(c) An employee serving a probationary period on a promotional appointment or a reinstatement shall have the same right to appeal the evaluation as an employee with permanent status, if the employee had permanent status in the class in which the employee most recently served prior to promotion or reinstatement. An employee with permanent status whose position is reallocated, and who is appointed to the reallocated position with probationary status, shall have the same right to appeal the evaluation as an employee with permanent status. When action concerning the end of probation is dependent upon the evaluation, the appeal committee may make a recommendation to the appointing authority concerning whether or not to grant permanent status to the employee. However, the appointing authority, subject to whatever limitations are imposed by the adjective rating of the evaluation prepared by the appeal committee, shall have the right to make the determination as to whether or not to grant permanent status. If the time required to handle an appeal results in the employee having no final evaluation by the end of the probationary period, the appointing authority, with the approval of the director of personnel services, may extend the probationary period for a limited period as is necessary for the appeal committee to prepare the final evaluation. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985.)

**1-7-12. Evaluation appeal procedure.** (a) (1) Any employee who is eligible to appeal a performance evaluation under K.A.R. 1-7-11 and who believes that he or she has been unfairly rated may, within seven calendar days after the employee has been informed of the rating, address an appeal in writing to the appointing authority.

(2) The appointing authority or such authority's designee, within seven calendar days following receipt of the employee's written notice of appeal, shall have the option either to make any changes in the rating deemed appropriate, or to appoint a committee of three or more persons to hear the appeal.

(3) If the appointing authority or the authority's designee makes any change in the rating, or adds any comments to the rating form, the rating form shall be returned to the employee to be signed again. The employee shall be informed that, if he or she disagrees with the revised evaluation, the employee may, within seven calendar days, file an appeal in writing to the appointing authority. If the employee files such an appeal, the appointing authority or the authority's designee shall, within seven calendar days following receipt of the employee's written notice of appeal, appoint a committee of three or more persons to hear the appeal.

(4) If an appeal committee is appointed to hear the appeal, persons shall be appointed who, in the authority's judgment, will be fair and impartial in discharging their responsibilities. Before appointing the

(continued)

appeal committee, the appointing authority shall give the employee a reasonable opportunity for consultation on the matter of appointment of the appeal committee. The appeal committee shall not include the initial rater or raters. Members of the appeal committee shall be officers or employees of the agency. However, the appointing authority may select one or more members of the committee from one or more other state agencies if the appointing authority determines that the objective of a fair and impartial hearing can best be served by doing so.

(b) (1) As soon as the committee has been appointed, the appointing authority shall notify the employee of the names of the members of the committee.

(2) The appeal committee shall consider any relevant evidence that may be offered by the employee and the rater, and shall make available to the employee any evidence it may secure on its own initiative. The employee and rater shall have an opportunity to question any person offering evidence to the appeal committee. The appeal committee may limit the offering of evidence it deems to be repetitious.

(3) Within 14 calendar days of the date the members of the committee were appointed, the committee shall prepare and sign a rating for the employee. That rating shall be final and not subject to further appeal. The appeal committee shall give the rating to the appointing authority, who, within five calendar days, shall transmit copies to the employee, the person or persons who originally rated the employee, and the division of personnel services.

(4) If the appointing authority cannot appoint an appeal committee in the prescribed seven calendar days, or if the appeal committee cannot make its rating within 14 calendar days of the date of its appointment, the appointing authority may extend these time limits. However, such an extension shall not result in the appeal committee making its rating more than 30 calendar days from the date the appeal was filed, except with the approval of the director of personnel services. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended, T-84-20, effective July 26, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-7-13. Utilization of evaluation ratings.** (a) When recommending a salary step increase for an employee, the appointing authority shall consider the performance evaluation record of the employee.

(b) A current performance evaluation rating of less than satisfactory may be considered by the appointing authority as sufficient reason for recommending a decrease in salary within the authorized salary range and in accordance with the provisions of K.A.R. 1-5-20.

(c) Subject to the provisions of K.S.A. 75-2949e, two consecutive evaluations of less than satisfactory may be utilized as a basis for demotion or suspension or dismissal of the employee. Nothing in this subsection shall be construed as limiting the authorization of an appointing authority to take any disciplinary action authorized by K.S.A. 75-2949e and K.S.A. 75-2949f, as amended by 1985 HB 2125.

(d) If the performance evaluation assigned to a pro-

bationary employee at the end of the employee's probationary period is less than satisfactory, the employee shall not be granted permanent status.

(e) For promotional examination purposes, the performance evaluation ratings of each employee shall be combined with a rating of the employee's length of service in related employment by the state, to give a factor which shall constitute one part of each promotional examination. Any employee whose latest performance evaluation rating was less than satisfactory shall not be admitted to a promotional examination and shall not be promoted. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, 75-2944, and 75-2949e, as amended by 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

#### Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS

**1-9-1. Hours of work.** (a) Unless specifically approved by the secretary of administration, no state agency shall operate on less than a 40 hour workweek, except as provided in other sections of these regulations which authorize specific holidays and other activities within the workweek. The standard workday for each fulltime employee shall be eight hours, and the standard workweek shall be 40 hours during a given seven day period, except as provided in subsection (b).

(b) Any agency head may designate a deviation from the standard workday and workweek in subsection (a) for particular classes of employees. A written statement regarding such deviations shall be submitted to the director. Any such deviation shall be subject to modification by the secretary upon recommendation of the director.

(c) It shall be a condition of employment with the state that each employee is required to work the number of hours per day and the number of days per week or month specified for his or her position.

(d) The appointing authority may require employees to work overtime when necessary for the efficient conduct of the business of the state. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985.)

**1-9-8. Jury duty; other required appearance before a court or other public body.** (a)(1) Each permanent, probationary, or conditional employee in the classified service, excluding employees appointed on a temporary or emergency basis, shall be granted leave of absence with pay by their appointing authority for:

(A) required jury duty; or

(B) in order to comply with a subpoena as a witness before the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court.

(2) An employee is not entitled to leave of absence with pay in circumstances where the employee:

(A) is called as a witness on the employee's own behalf in an action in which the employee is a party; or

(B) voluntarily seeks to testify as a witness.

(b) Leave with pay may be granted to any permanent, probationary, or conditional employee for an appearance before a court, a legislative committee, or other public body, if the appointing authority considers the granting of leave with pay to be in the best interest of the state.

(c) When any employee travels for a required appearance before a court, or a legislative committee, or other public body, in a state vehicle, the employee shall turn over to the state any mileage expense payments received.

(d) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except as provided in subsection (c) of this regulation. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-3746, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985.)

**1-9-22. Job injury leave.** (a) Any classified or unclassified employee who sustains a qualifying job injury, as determined by the employee's appointing authority, shall be eligible for job injury leave in accordance with this regulation.

(b)(1) "Qualifying job injury" means an injury which:

(A) renders the employee unable to perform the employee's regular job duties;

(B) arose out of and in the course of employment with the state; and

(C)(i) was sustained as a result of a shooting, stabbing or aggravated battery, as defined in K.S.A. 21-3414, by another against the employee; or

(ii) additionally for law enforcement officers, was sustained while in fresh pursuit of a person or while operating under the provisions of K.S.A. 8-1506.

Qualifying job injuries shall not include injuries sustained as a result of the intentional actions of a co-worker.

(2) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime or who is reasonably suspected of having committed a crime.

(c) Job injury leave shall not exceed six months following the qualifying job injury. While an employee is on an approved job injury leave, the employing state agency shall continue to pay the employee's regular compensation. If the employee is awarded worker's compensation, such state agency shall pay the employee compensation in an amount which, together with worker's compensation pay, equals the regular salary of the employee. The employee shall not lose accrued sick leave or vacation leave credits. Nothing herein shall be construed as providing voluntary or gratuitous compensation payments in addition to temporary total disability com-

pensation payments pursuant to the worker's compensation laws.

(d) The appointing authority may require an employee on approved job injury leave to return to duty of a limited nature if the employee is physically able to perform the duty as determined by a physician selected by the appointing authority or selected by a representative of the state compensation self-insurance fund. However, any limited duty allowed shall not exceed six months from the date of the employee's return. If the employee remains unable to return to full duty, the agency head shall take such action as deemed to be in the best interest of the state.

(e) When an employee is on approved job injury leave, the appointing authority may require the employee to be examined by a physician selected by the appointing authority to determine the capability of the employee to return to full or limited duty.

(f) Employees on approved job injury leave are prohibited from being gainfully employed by any other employer.

(g) Any sick leave or vacation leave credits utilized by a state employee between January 1, 1985 and the effective date of this regulation which were attributable to a qualifying job injury sustained on or after January 1, 1985, shall be restored to the employee. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-3746, as amended by 1985 HB 2125; effective T-86-17, June 17, 1985.)

#### Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

**1-14-8. Computation of layoff scores.** (a) Layoff scores shall be computed by the appointing authority for each employee in the agency in the class or classes of positions identified for layoff and for employees in classes of positions that may be affected by the exercise of bumping rights.

(b) Layoff scores shall be computed according to the formula:  $A \times L$ , where:

A = average performance evaluation rating of the employee, as described in 1-14-8(d); and

L = the length of service, as defined in K.A.R. 1-2-46(a), expressed in months.

The layoff scores shall be prepared in accordance with a uniform score sheet prescribed by the director.

(c) Layoff scores computed by the appointing authority shall be made available for inspection by each employee, upon request, at, or prior to, the time the agency gives written notice of a proposed layoff to the director and the secretary pursuant to K.A.R. 1-14-7. Upon request of any employee, the appointing authority or designee shall review the manner in which the employee's score was calculated. The director shall resolve any dispute as to the proper calculation of a layoff score of any employee.

(d) Except as otherwise authorized by this subsection, the performance evaluation ratings used in computing the layoff score of an employee shall be the most recent ratings for the employee during the employee's length of service, up to and including five

(continued)



ratings, if the employee has as many as five ratings. However, special evaluations that are given for a rating period ending within 90 calendar days of any notice of the layoff to the director shall not be counted. Performance evaluations completed for rating periods ending on or after the date the appointing authority notifies the director in writing that a layoff is to occur shall not be considered in computing layoff scores; however, the appointing authority may designate a uniform earlier cutoff date to identify which performance evaluation ratings shall be used in computing layoff scores.

(1) Point values shall be assigned to evaluations as follows: A rating of outstanding, excellent or exceptional shall have a value of five; a rating of above standard or very good, a value of four; a rating satisfactory, standard or good, a value of three; a rating of below standard or fair, a value of one; and a rating of unsatisfactory, a value of zero.

(2) If an employee has not had a performance rating that may be used to compute a layoff score, the employee shall be deemed to have been given a performance rating of satisfactory and the value of that rating shall be used to compute a layoff score. Employees who are on probationary or conditional status as a result of an original appointment or those who are employed in training classes are addressed in subsections (e), (f), and (g).

(3) In case of identical layoff scores, if some, but not all, of the persons with the same score need to be laid off, preference among such persons shall be given to any veteran, any surviving spouse of a veteran, and any orphan of a veteran, in that order. For the purpose of this regulation:

- (A) "Person who served in the armed forces of the United States" means a person who served in the army, navy, air force or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, Viet Nam or other places under the flags of the United States and the United Nations or under the flag of the United States alone;
- (B) "veteran" means a person who served in the armed forces of the United States and who has been honorably discharged therefrom or who has been discharged under honorable conditions;
- (C) "surviving spouse" means the surviving spouse of a person who served in the armed forces of the United States and who died while in the U.S. armed forces, unless the spouse has remarried;
- (D) "orphan" means a minor who is the child of a person who served in the armed forces of the United States and who died while serving in the U.S. armed forces.

If further ties remain, the secretary shall determine a method of breaking the ties that is consistent with the agency affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in retention

shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46.

(e) No employee serving in probationary or conditional status as a result of an original appointment shall be granted permanent status on or after the date the appointing authority has notified the director of a proposed layoff. However, any probationary employee in a position for which no employee subject to layoff meets minimum qualifications may be given permanent status. Employees who are on probation as a result of an original appointment shall have their probationary period extended until it is certain that no permanent employee whose position is to be vacated by layoff or who otherwise would be laid off through the exercise of bumping rights is claiming the probationary position.

(f) Any employee serving in probationary status as a result of one of the following shall be considered as permanent for layoff purposes only:

- (1) Promotion from a class in which the employee had permanent status;
- (2) reallocation of a position from a class in which the employee had attained permanent status;
- (3) appointment from the unclassified service after six months of continuous service;
- (4) promotion from a classified position after six months of continuous classified service; or
- (5) reinstatement.

(g) Any employee serving in conditional status on a governor's trainee position, or in a probationary or conditional status in any identified training position, for at least six months of continuous employment shall be considered as permanent for layoff purposes only.

(h) In determining the order of names on the layoff list, all employees without permanent status shall be listed first, in the order of their scores, with the person with the lowest score listed first. Permanent employees shall then be listed, in the order of their scores, with the person with the lowest score listed first.

(i) The person first listed on the layoff list shall be laid off first. If more than one person is to be laid off, the persons to be laid off shall be selected in the order in which their names appear on the layoff list. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2948 and 1985 HB 2133; effective May 1, 1984; amended, T-86-17, June 17, 1985.)

#### Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES

**1-18-1a. Mileage rates.** (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 20.5¢ per mile for the use of a privately-owned automobile;

(3) 34¢ per mile for the use of a privately-owned airplane; or

(4) 34¢ per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

(1) parking fees when on an official trip;

(2) toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fares charged in travel:

(1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(e) This regulation shall take effect on and after July 1, 1985. (Authorized by and implementing K.S.A. 75-3203, as amended by 1985 HB 2563, K.S.A. 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985.)

MARVIN A. HARDER  
Secretary of Administration

Doc. No. 003410

**KANSAS REGISTER**  
**Secretary of State**  
**State Capitol**  
**Topeka, KS 66612-1594**

Second Class  
postage paid  
at  
Topeka, Kansas

---

**Use this form (or a copy of it) to enter a  
SUBSCRIPTION**

\_\_\_\_\_ One-year subscriptions @ \$47.50 ea.  
TOTAL ENCLOSED \_\_\_\_\_  
(Make checks payable to Kansas Register)

SEND TO: \_\_\_\_\_  
(Please, no  
more than  
4 address  
lines.) \_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

**THIS SPACE FOR REGISTER OFFICE  
USE ONLY, PLEASE**

CODE \_\_\_\_\_ REC. NO. \_\_\_\_\_  
EXPIRES \_\_\_\_\_ ENTERED BY \_\_\_\_\_

Mail order, with payment, to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594

---

**Use this form (or a copy of it) for  
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address  
here:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594