

FILE

Subject

*State Boards  
of  
Education  
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STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

June 24, 1974

Opinion No. 74- 210

James R. Cobler, Director  
Division of Accounts and Reports  
Department of Administration  
State Capitol  
Topeka, Kansas 66612

Dear Mr. Cobler:

Section 1 of 1974 Senate Bill No. 925 states thus in pertinent part:

"Persons retiring from the classified, classified exempt or unclassified service of the state of Kansas who have accumulated one hundred (100) days or more of sick leave shall receive compensation for their accumulated days of sick leave not to exceed thirty (30) days at the time of retirement."

Your attention is invited to opinion no. 74-162, dated May 17, 1974, addressed to Mr. Henry Schwaller, Secretary of the Department of Administration, concerning this act.

You inquire, first, whether payment for sick leave pursuant to this bill may be made from appropriations made to agencies for salaries and wages, or from an appropriation made for a special purpose, such as maintenance, salaries and wages. In the absence of other specific appropriation language, moneys for payment of claims under Senate Bill 925 should derive from salary and wage account appropriations, inasmuch as the bill treats such payments of additional compensation to the employee, as compensation for days accumulated by and credited to the employee during which he was privileged to be, but was not in fact, absent from work with pay.

You inquire, secondly, how the days of accumulated sick leave are to be determined for employees in the unclassified service in which no formal sick leave policy has been heretofore es-

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tablished and institutionalized. If no sick leave policy is in existence and is implemented, payments may be made only when supported by records which support the required accumulation of days necessary to entitle the employee to payment therefor.

The third question which you pose is discussed and answered in the opinion referred to above.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm