



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

April 22, 1975

Opinion No. 75- 174

Mr. Max Bickford
Executive Officer
Kansas Board of Regents
Suite 1416 - Merchants National
Bank Tower
Topeka, Kansas 66612

Dear Mr. Bickford:

You forwarded to us an inquiry concerning a proposed sick leave policy, under consideration by the University of Kansas. This proposal stems from Opinion No. 75-85, issued by this office, which held that a claim for sick leave pay could not lawfully be honored, there being no institutional policy for accumulating and granting sick leave having been theretofore adopted.

Under the proposed policy, a faculty member with ten or more years will be entitled to a maximum of 100 days of leave, provided that his or her supervisor(s) certify that the member in question has always substantially performed assigned duties during that period. Faculty members with nine years service will have 90 days of leave, subject to the same condition, and so forth, down to ten days' leave for one-year members. Under this policy, a faculty member with ten years of service would immediately be entitled to 100 days sick leave, not based upon any accumulation of unused sick leave credits, but on the basis of a present grant of credit based on past years of service.

K.S.A. 1974 Supp. 76-712 states thus:

"The universities and colleges of this state are state agencies and state institutions and shall be controlled by, and operated and managed under the supervision of the board of regents. For such control, operation, management or supervision, the board of regents may make contracts and adopt orders, policies or

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rules and regulations and do or perform
such other acts as are authorized by law
or are appropriate for such purposes."

This provision is intentionally broad and general in its terms, and vests equally broad and general authority in the State Board of Regents to adopt policies for the operation of institutions under its control. Adoption of a sick leave policy is clearly an appropriate, and indeed necessary, policy for the management and operation of institutions under its jurisdiction. The nature of that policy is to be decided by the Board or administration of the institution under its authority, so long as it is not contrary to law, and so long as it is "appropriate." We cannot conclude that the proposed policy is contrary to law, or is "inappropriate" in any factual fashion. Accordingly, we conclude that the policy is one within which it is in the authority of the Board to approve for the University of Kansas.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

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