



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

April 11, 1977

ATTORNEY GENERAL OPINION NO. 77- 113

Mr. Oliver Kent Lynch  
Cherokee County Attorney  
Cherokee County Courthouse  
Columbus, Kansas 66725

Re: Counties--Officers--Employees

Synopsis: The board of county commissioners is authorized to determine the number of persons to be employed in the offices of other county elected offices, to fix their compensation, to prescribe the operating hours for such offices and their personnel, and to prescribe other conditions of employment, such as sick leave policies and rules concerning absenteeism.

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Dear Mr. Lynch:

As county attorney of Cherokee County, you inquire concerning the authority of the board of county commissioners to prescribe conditions of employment involving such matters as absenteeism and sick leave for persons employed in your office.

In Whitmer v. House, 198 Kan. 629, 426 P.2d 100 (1967), the court upheld the authority of the board of county commissioners to prescribe the operating hours of the county officers and their employees. K.S.A. 1976 Supp. 28-167 states thus:

"When in any county having a population of not more than one hundred thousand (100,000), it is necessary, the board of county commissioners

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shall allow such reasonable sums for assistants, deputies, clerical and stenographic hire as may be necessary to properly expedite the business of the offices of the county attorney, county clerk, county treasurer, clerk of the district court, judge of the district court, register of deeds, sheriff . . . ."

Thus, the board is empowered to determine the number of persons to be employed in the offices of other county elected officers, to fix their compensation, to prescribe the operating hours for such offices and their personnel, and to prescribe other conditions of employment, such as sick leave policies and rules concerning absenteeism.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj