

Office of The  
**DISTRICT ATTORNEY**  
JEROME A. GORMAN

Twenty-Ninth Judicial District of Kansas  
Wyandotte County Criminal Justice Complex  
710 North 7th Street, Suite 10 - Kansas City, Kansas 66101-3051  
Telephone: 913-573-2851

Fax:

913-573-2948

913-573-2860

913-573-8151

September 17, 2009

The Honorable Joe Reardon  
Mayor CEO Unified Government of WyCo/KCK  
701 N. 7<sup>th</sup> Street  
Kansas City, KS 66101

RE: Mandatory Furloughs

Dear Joe:

With September being the first month of the mandatory furlough dates for the Unified Government of Wyandotte County/Kansas City it is necessary that I provide you with this letter. You already know my opinion that forced furloughs upon the District Attorney's Office violates K.S.A. 22a-106(a) in two ways. I don't know if I ever expressed why I believe the furloughs violate state statute.

First, K.S.A. 22a-106 requires the county commissioners to determine and provide reasonable sums of money from the county budget in order to provide compensation for staff as may be necessary to carry out the function of the office. Those reasonable sums for the year 2009 were determined in August, 2008 when the FY'09 was voted upon. It is my opinion that once "reasonable sums" are set by the Unified Government Commission, an administrative officer cannot change that determination. The definition of "reasonable sums" needed to carry out the functions of the office cannot be changed by an administrative officer because speculative anticipated funds are no longer available to the County Administrator.

Secondly, I believe that K.S.A. 22a-106 requires that the District Attorney determine the annual salary of each Assistant District Attorney and other staff. When a forced furlough occurs, salary is reduced and someone other than the District Attorney is determining his staff's salary, contrary to K.S.A. 22a-106.

With that said, by authority of this letter I consent to have my salary reduced in an amount equal to one day's salary per month through the remainder of 2009. As I am sure you already are aware, the county commission is required to compensate the District Attorney in an amount at least equal to what a district court judge is paid. This is in

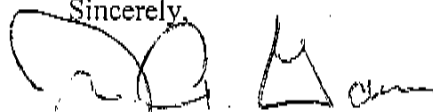
Mayor Joe Reardon  
September 16, 2009  
Page 2

accordance with K.S.A. 22a-105. My office manager will reflect furlough time in one half day increments each pay period of the month in a manner that will accomplish the furlough policy. While legally I am not required to take a furlough, I feel it necessary in order to set the proper example for my employees and to show them that they are not alone during this period of hardship.

While I voluntarily reduce my salary, I will not absent myself from the office during furlough days. As an elected official, my salary is the same whether I spend 24/7 in the office or I never come into the office. Overtime or compensatory time does not apply to my situation.

I have only authorized the reduction in salary for the remainder of 2009. I will address the year 2010 as we get nearer that period. One last comment is that I hope that all of my fellow elected officials, including yourself, the commissioners, the sheriff and the register of deeds are joining me in this furlough.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome A. Gorman", written over a circular stamp.

JEROME A. GORMAN  
District Attorney