Session of 2025

SENATE BILL No. 120

By Senator Shallenburger

1-30

AN ACT concerning municipalities; enacting the Kansas municipal employee whistleblower act; establishing legal protections for certain municipal employees who report or disclose unlawful or dangerous conduct.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known and may be cited as the Kansas municipal employee whistleblower act.

(b) As used in this section:

(1) "Auditing agency" means:

(A) The legislative post auditor;

(B) any employee of the division of post audit;

(C) any firm performing audit services pursuant to a contract with the post auditor;

(D) any state agency or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities; or

(E) the inspector general established under K.S.A. 75-7427, and amendments thereto.

(2) "Disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(3) "Municipality" means any county, city or unified school district or any office, department, division, board, commission, bureau, agency or unit thereof.

(c) No supervisor or appointing authority of any municipality shall prohibit any of the following or take any disciplinary action against an employee of such municipality because such employee:

(1) Discussed the operations of the municipality or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the legislature or any auditing agency;

(2) reported a violation of state or federal law, municipal resolution or ordinance or any rules and regulations adopted pursuant such law, resolution or ordinance to any person, agency or organization;

(3) failed to give notice to the supervisor or appointing authority prior

to making any report described in paragraph (2);

(4) disclosed malfeasance or other misappropriation of moneys held by such municipality to any person, agency or organization; or

(5) disclosed a substantial and specific danger to public health or safety to any person, agency or organization.

(d) This section shall not be construed to:

(1) Prohibit a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority regarding legislative or auditing agency requests for information submitted to such municipality or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency on behalf of such municipality;

(2) permit an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to employee leave unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorize an employee to represent the employee's personal opinions as the opinions of such municipality; or

(4) prohibit disciplinary action of an employee who discloses information that:

(A) The employee knows to be false or that the employee discloses with reckless disregard for the truth or falsity of such information;

(B) the employee knows to be exempt from required disclosure under the open records act; or

(C) is confidential or privileged under state or federal law or court rule.

(e) Any officer or employee of a municipality who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring an action in a court of competent jurisdiction within 90 days after the occurrence of the alleged violation seeking damages and any other equitable relief the court deems necessary. The court may award the prevailing party in the action all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

(f) Each municipality shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of such municipality.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.