

**SENATE BILL No. 216**

By Senators Corson, Holscher, Pettey, Schmidt and Sykes

2-5

1 AN ACT concerning labor and employment; establishing the Kansas paid  
2 sick time act; requiring earned paid sick time to be compensated at the  
3 same hourly rate and benefits as normally earned; detailing the accrual  
4 of earned paid sick time, with different limits based on the size of the  
5 employer; allowing carryover of up to 80 hours of unused paid sick  
6 time or payment for unused time at year-end; requiring employers to  
7 provide employees with written notice regarding earned paid sick time;  
8 mandating that earned paid sick time be available for various health-  
9 related and safety-related reasons; prohibiting employers from  
10 requiring employees to find replacement workers when using paid sick  
11 time; allowing employers to require reasonable documentation for  
12 earned paid sick time used for three or more consecutive days; making  
13 it unlawful for employers to retaliate against employees exercising  
14 rights under the act; granting employees the right to bring civil action  
15 for violations; ensuring confidentiality of health and safety information;  
16 affirming that the act does not apply to employees under a collective  
17 bargaining agreement until such agreement's expiration; affirming that  
18 the act provides minimum requirements and does not preempt greater  
19 benefits than provided by this act.

20  
21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. (a) Sections 1 through 15, and amendments thereto, shall  
23 be known and may be cited as the Kansas paid sick time act.

24 (b) As used in the Kansas paid sick time act:

25 (1) "Act" means sections 1 through 15, and amendments thereto.

26 (2) "Department" means the department of labor.

27 (3) "Domestic violence" means abuse as defined in K.S.A. 60-3102,  
28 and amendments thereto.

29 (4) "Earned paid sick time" means time that is compensated at the  
30 same hourly rate and with the same benefits, including healthcare benefits,  
31 as the employee normally earns during hours worked and is provided by  
32 an employer to an employee for the purposes described in section 3, and  
33 amendments thereto, but in no case shall this hourly amount be less than  
34 what is required pursuant to K.S.A. 44-1203, and amendments thereto.

35 (5) "Employee" means any individual employed in this state by an  
36 employer. "Employee" does not include any individual:

1 (A) Engaged in the activities of an educational, charitable, religious  
2 or nonprofit organization in which the employer-employee relationship  
3 does not, in fact, exist or the services rendered to the organization are on a  
4 voluntary basis;

5 (B) standing in loco parentis to foster children in such individual's  
6 care;

7 (C) employed for less than four months in any year in a resident or  
8 day camp for children or youth, or any individual employed by an  
9 educational conference center operated by an educational, charitable or  
10 not-for-profit organization;

11 (D) engaged in the activities of an educational organization in which  
12 employment by the organization is in lieu of the requirement that the  
13 individual pay the cost of tuition, housing or other educational fees of the  
14 organization or in which earnings of the individual employed by the  
15 organization are credited toward the payment of the cost of tuition,  
16 housing or other educational fees of the organization;

17 (E) employed on or about a private residence on an occasional basis  
18 for six hours or less on each occasion;

19 (F) employed on a casual basis to provide baby-sitting services;

20 (G) employed by an employer subject to the provisions of part A of  
21 subtitle IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seq.;

22 (H) employed on a casual or intermittent basis as a golf caddy,  
23 newsboy or similar occupation;

24 (I) who is employed in any government position defined in 29 U.S.C.  
25 §§ 203(e)(2)(C)(i)-(ii);

26 (J) employed by a retail or service business whose annual gross  
27 volume sales or business is less than \$5,000;

28 (K) who is an inmate, as defined in K.S.A. 75-5202, and amendments  
29 thereto, in any correctional facility operated by the department of  
30 corrections, including offenders who provide labor or services on the  
31 grounds of such correctional facility; or

32 (L) described by the provisions of section 29 U.S.C. § 213(a)(8).

33 (6) "Employer" means any person acting directly or indirectly in the  
34 interest of an employer in relation to an employee. "Employer" does not  
35 include the United States government, the state or a political subdivision  
36 of the state, including a department, agency, officer, bureau, division,  
37 board, commission or instrumentality of the state or a county, city, town,  
38 village, school district, public higher education institution or other political  
39 subdivision of the state.

40 (7) "Family member" means any of the following individuals:

41 (A) Regardless of age, a biological, adopted or foster child, stepchild  
42 or legal ward, a child of a domestic partner, a child to whom the employee  
43 stands in loco parentis or an individual to whom the employee stood in

1 loco parentis when the individual was a minor;

2 (B) a biological, foster, stepparent or adoptive parent or legal  
3 guardian of an employee or an employee's spouse or domestic partner or  
4 an individual who stood in loco parentis when the employee or employee's  
5 spouse or domestic partner was a minor child;

6 (C) an individual to whom the employee is legally married under the  
7 laws of any state, a domestic partner who is registered as such under the  
8 laws of any state or political subdivision or an individual with whom the  
9 employee is in a continuing social relationship of a romantic or intimate  
10 nature;

11 (D) a grandparent, grandchild or sibling, whether of a biological,  
12 foster, adoptive or step relationship, of the employee or the employee's  
13 spouse or domestic partner; or

14 (E) a person for whom the employee is responsible for providing or  
15 arranging health or safety-related care, including, but not limited, to  
16 helping such person to obtain diagnostic, preventative, routine or  
17 therapeutic health treatment or ensuring that such person is safe following  
18 domestic violence, sexual assault or stalking.

19 (8) "Healthcare professional" means any individual licensed under  
20 federal or any state law to provide medical or emergency services,  
21 including, but not limited to, doctors, nurses, certified nurse midwives,  
22 mental health professionals and emergency room personnel.

23 (9) "Person" means any individual, partnership, association,  
24 corporation, business, business trust, legal representative or any organized  
25 group of persons.

26 (10) "Retaliatory personnel action" means denial of any right  
27 guaranteed under this act, or any threat, discharge, suspension, demotion,  
28 reduction of hours or any other adverse action against an employee for the  
29 exercise of any right guaranteed in this act. "Retaliatory personnel action"  
30 includes any interference with or punishment for, in any manner,  
31 participating in or assisting an investigation, proceeding or hearing under  
32 this act.

33 (11) "Same hourly rate" means the following:

34 (A) For employees paid on the basis of a single hourly rate, the same  
35 hourly rate shall be the employee's regular hourly rate;

36 (B) for employees who are paid multiple hourly rates of pay from the  
37 same employer, the same hourly rate shall be consistently throughout the  
38 entire year, either:

39 (i) The wages that the employee would have been paid, calculated by  
40 the hours that such employee was absent while using earned paid sick  
41 time, if the employee had worked; or

42 (ii) the weighted average of all hourly rates of pay during the  
43 previous pay period;

1 (C) for employees who are paid a salary, the same hourly rate shall be  
2 determined by dividing the wages that the employee earns in the previous  
3 pay period by the total number of hours worked during the previous pay  
4 period. For determining total number of hours worked during the previous  
5 pay period, employees who are exempt from overtime requirements under  
6 29 U.S.C. § 213(a)(1) shall be assumed to work 40 hours in each work  
7 week unless any such employee's normal work week is less than 40 hours,  
8 in which case, earned paid sick time shall accrue and the same hourly rate  
9 shall be calculated based on the employee's normal work week. Regardless  
10 of the basis used, the same hourly rate shall not be less than the effective  
11 minimum wage specified in K.S.A. 44-1203, and amendments thereto;

12 (D) for employees paid on a piece rate or a fee-for-service basis, the  
13 same hourly rate shall be a reasonable calculation of the wages or fees that  
14 the employee would have received for the piece work, service or part  
15 thereof, if the employee had worked. Regardless of the basis used, the  
16 same hourly rate shall not be less than the effective minimum wage  
17 specified in K.S.A. 44-1203, and amendments thereto;

18 (E) for employees who are paid on a commission basis, whether base  
19 wage plus commission or commission only, the same hourly rate shall be  
20 the greater of the base wage or the effective minimum wage specified in  
21 K.S.A. 44-1203, and amendments thereto; and

22 (F) for employees who receive and retain compensation in the form  
23 of gratuities in addition to wages, the same hourly rate shall be the greater  
24 of the employee's regular hourly rate or 100% of the effective minimum  
25 wage specified in K.S.A. 44-1203, and amendments thereto, without  
26 deduction of any tips as a credit.

27 (12) "Secretary" means the secretary of labor.

28 (13) "Sexual assault" means the same as defined in K.S.A. 60-31a02,  
29 and amendments thereto.

30 (14) "Stalking" means the same as defined in K.S.A. 60-31a02, and  
31 amendments thereto.

32 (15) "Year" means a regular and consecutive 12-month period as  
33 determined by the employer, except that for the purposes of sections 6 and  
34 10, and amendments thereto, "year" means a calendar year.

35 Sec. 2. (a) Employees of an employer with 15 or more employees  
36 shall accrue a minimum of one hour of earned paid sick time for every 30  
37 hours worked, except that such employees shall not be entitled to use more  
38 than 56 hours of earned paid sick time per year, unless the employer  
39 selects a higher limit.

40 (b) Employees of an employer with fewer than 15 employees shall  
41 accrue a minimum of one hour of earned paid sick time for every 30 hours  
42 worked, except that such employees shall not be entitled to use more than  
43 40 hours of earned paid sick time per year, unless the employer selects a

1 higher limit.

2 (c) (1) In determining the number of employees of an employer, all  
3 employees performing work in the state for an employer for compensation  
4 on a full-time, part-time or temporary basis shall be counted.

5 (2) (A) In situations in which the number of employees performing  
6 work in the state for an employer for compensation per week fluctuates  
7 above and below 15 employees per week over the course of one year, an  
8 employer is required to provide earned paid sick time pursuant to  
9 subsections (a) and (b) if such employer maintained 15 or more employees  
10 in the state on the payroll for some portion of a working day in each of 20  
11 or more different calendar weeks, including any periods of leave.

12 (B) The provisions of subparagraph (A) shall apply whether or not  
13 the weeks were consecutive, in either the current or the preceding year,  
14 regardless of whether the same employees were in employment in each  
15 working day.

16 (d) All employees shall accrue earned paid sick time as follows:

17 (1) Earned paid sick time as provided in this section shall begin to  
18 accrue at the commencement of employment or January 1, 2026,  
19 whichever is later. An employee shall be entitled to use earned paid sick  
20 time as it is accrued. An employer may provide all earned paid sick time  
21 that an employee is expected to accrue in a year at the beginning of the  
22 year.

23 (2) (A) Employees who are exempt from overtime requirements  
24 under 29 U.S.C. § 213(a)(1) shall be assumed to work 40 hours in each  
25 work week for purposes of earned paid sick time accrual.

26 (B) The provisions of subparagraph (A) shall not apply if the normal  
27 work week is less than 40 hours, in which case, earned paid sick time  
28 accrues based upon such normal work week.

29 (3) (A) Up to 80 hours of earned paid sick time shall be carried over  
30 to the following year if the employee has any unused accrued earned paid  
31 sick time at the end of the year, except that an employer shall not be  
32 required to permit an employee to use more than the applicable number of  
33 hours of earned paid sick time per year as set forth in subsections (a) and  
34 (b).

35 (B) Alternatively, in lieu of carryover of unused earned paid sick time  
36 from one year to the next, an employer may:

37 (i) Pay an employee for unused earned paid sick time at the end of a  
38 year that otherwise could be carried over; and

39 (ii) provide an employee with an amount of paid sick time that meets  
40 or exceeds the requirements of this act and that is available for the  
41 employee's immediate use at the beginning of the subsequent year.

42 (4) (A) If an employee is transferred to a separate division, entity or  
43 location, but remains employed by the same employer, the employee is

1 entitled to:

2 (i) All earned paid sick time accrued at the prior division, entity or  
3 location; and

4 (ii) use all earned paid sick time as provided in this section.

5 (B) When there is a separation from employment and the employee is  
6 rehired within nine months of separation by the same employer:

7 (i) Previously accrued earned paid sick time that had not been used  
8 shall be reinstated; and

9 (ii) the employee shall be entitled to use such accrued earned paid  
10 sick time and accrue additional earned paid sick time at the  
11 recommencement of employment.

12 (5) When a different employer succeeds or takes the place of an  
13 existing employer, all employees of the original employer who remain  
14 employed by the successor employer are entitled to all earned paid sick  
15 time that each accrued while employed by the original employer and use  
16 such earned paid sick time previously accrued.

17 (6) An employer may loan earned paid sick time to an employee in  
18 advance of accrual by such employee.

19 (e) Any employer with a paid leave policy, such as a paid time off  
20 policy, who makes available an amount of paid leave that is sufficient to  
21 meet the accrual requirements of this section and may be used for the same  
22 purposes and under the same conditions as earned paid sick time under this  
23 act is not required to provide additional paid sick time under this section.

24 (f) Except as specifically provided in this section, nothing in this  
25 section shall be construed as requiring an employer to provide financial or  
26 other reimbursement to an employee for accrued earned paid sick time that  
27 has not been used upon such employee's termination, resignation,  
28 retirement or other separation from employment.

29 (g) Employees shall not accrue earned paid sick time before January  
30 1, 2026.

31 (h) The department may develop model posters and notices, engage  
32 in rulemaking, initiate outreach programs and engage in other activities for  
33 the implementation of the provisions of this act before January 1, 2026.

34 Sec. 3. (a) Earned paid sick time shall be provided to an employee by  
35 an employer for any of the following:

36 (1) (A) An employee's mental or physical illness, injury or health  
37 condition;

38 (B) an employee's need for medical diagnosis, care or treatment of a  
39 mental or physical illness, injury or health condition; and

40 (C) an employee's need for preventative medical care;

41 (2) (A) care of a family member with a mental or physical illness,  
42 injury or health condition;

43 (B) care of a family member who needs medical diagnosis, care or

1 treatment of a mental or physical illness, injury or health condition; and

2 (C) care of a family member who needs preventative medical care;

3 (3) (A) closure of the employee's place of business by order of a  
4 public official due to a public health emergency; and

5 (B) an employee's need to care for:

6 (i) A child whose school or place of care has been closed by order of  
7 a public official due to a public health emergency; or

8 (ii) oneself or a family member if it has been determined by the  
9 health authorities having jurisdiction or by a healthcare provider that the  
10 employee's or family member's presence in the community may jeopardize  
11 the health of others because of such employee's or family member's  
12 exposure to a communicable disease, whether or not such employee or  
13 family member has actually contracted the communicable disease; and

14 (4) absence necessary due to domestic violence, sexual assault or  
15 stalking if the leave is to allow the employee to obtain for the employee or  
16 the employee's family member:

17 (A) Medical attention needed to recover from physical or  
18 psychological injury or disability caused by domestic violence, sexual  
19 assault or stalking;

20 (B) services from a victim services organization;

21 (C) psychological or other counseling;

22 (D) relocation or taking steps to secure an existing home due to the  
23 domestic violence, sexual assault or stalking; or

24 (E) legal services, including preparing for or participating in any civil  
25 or criminal legal proceeding related to or resulting from the domestic  
26 violence, sexual assault or stalking.

27 (b) Earned paid sick time shall be provided upon the request of an  
28 employee. Such request may be made orally, in writing, by electronic  
29 means or by any other means acceptable to the employer. When possible,  
30 the request shall include the expected duration of the absence.

31 (c) If the use of earned paid sick time is foreseeable, the employee  
32 shall make a good faith effort to provide notice of the need for such time to  
33 the employer in advance of the use of the earned paid sick time and make a  
34 reasonable effort to schedule the use of earned paid sick time in a manner  
35 that does not unduly disrupt the operations of the employer. If such a need  
36 is not foreseeable, an employer may require an employee to provide notice  
37 of the need for the use of earned paid sick time as soon as practicable.

38 (d) An employer that requires notice of the need to use earned paid  
39 sick time for a need that is not foreseeable shall provide a written policy  
40 that contains procedures for the employee to provide notice. An employer  
41 that has not provided to the employee a copy of its written policy for  
42 providing such notice shall not deny earned paid sick time to the employee  
43 based on noncompliance with such a policy.

1 (e) An employer shall not require, as a condition of an employee's  
2 taking earned paid sick time, that the employee search for or find a  
3 replacement worker to cover the hours during which the employee is using  
4 earned paid sick time.

5 (f) Earned paid sick time may be used in the smaller of hourly  
6 increments or the smallest increment that the employer's payroll system  
7 uses to account for absences or use of other time.

8 (g) For earned paid sick time of three or more consecutive work days,  
9 an employer may require reasonable documentation that the earned paid  
10 sick time has been used for a purpose covered by subsection (a).

11 (1) Documentation signed by a healthcare professional indicating that  
12 earned paid sick time is necessary shall be considered reasonable  
13 documentation for purposes of this section.

14 (2) In cases of domestic violence, sexual assault or stalking, if the  
15 employer so requests, one of the following types of documentation  
16 selected by the employee shall be considered reasonable documentation:

17 (A) A police report indicating that the employee or the employee's  
18 family member was a victim of domestic violence, sexual assault or  
19 stalking;

20 (B) a written statement from an employee or agent of a victim service  
21 provider affirming that the employee or employee's family member is or  
22 was receiving services from a victim service provider;

23 (C) documentation signed by a healthcare professional from whom  
24 the employee or employee's family member sought assistance relating to  
25 domestic violence, sexual assault or stalking or the effects thereof;

26 (D) a court document indicating that an employee or employee's  
27 family member is or was involved in a legal action related to domestic  
28 violence, sexual assault or stalking; or

29 (E) a written statement from the employee affirming that the  
30 employee or employee's family member is taking or took earned paid sick  
31 time for a qualifying purpose under subsection (a).

32 (3) An employer shall not require that the documentation explain the  
33 nature of the illness, details of the underlying health needs or the details of  
34 the domestic violence, sexual assault or stalking, unless otherwise required  
35 by law.

36 Sec. 4. (a) It shall be unlawful for an employer or any other person to  
37 interfere with, restrain or deny the exercise of or the attempt to exercise  
38 any right protected under this act.

39 (b) (1) An employer shall not take retaliatory personnel action or  
40 discriminate against an employee or former employee because the  
41 individual has exercised rights protected under this act.

42 (2) Such rights shall include, but not be limited to, the right to:

43 (A) Request or use earned paid sick time pursuant to this act;



1 (B) file a complaint or inform any person regarding any employer's  
2 alleged violation of this act;

3 (C) participate in any investigation, hearing or proceeding or  
4 cooperate with or assist the department in any investigations of alleged  
5 violations of this act; and

6 (D) inform any person of such person's rights under this act.

7 (c) It shall be unlawful for an employer's absence control policy to  
8 count earned paid sick time taken under this act as an absence that could  
9 lead to or result in discipline, discharge, demotion, suspension or any other  
10 adverse action.

11 (d) Protections of this section shall apply to any individual who  
12 mistakenly but in good faith alleges violations of this act.

13 Sec. 5. (a) (1) Employers shall give employees a written policy  
14 regarding earned paid sick time within 14 calendar days of the  
15 commencement of employment or on December 15, 2025, whichever is  
16 later. Such notice shall include the following information:

17 (A) Beginning on January 1, 2026, employees accrue and are entitled  
18 to earned paid sick time at the rate of one hour of earned paid sick time for  
19 every 30 hours of work and may use earned paid sick time, subject to the  
20 limits and terms under this act;

21 (B) it is prohibited for an employer to take retaliatory personnel  
22 action against employees who request or use earned paid sick time as  
23 allowed by this act; and

24 (C) each employee has the right to bring a civil action if earned paid  
25 sick time as required by this act is denied by the employer or the employee  
26 is subjected to retaliatory personnel action by the employer for exercising  
27 such employee's rights under this act.

28 (2) The contact information for the department shall be provided by  
29 the employer to the employee on a single sheet of paper at least 8.5" x 11"  
30 and printed, in no less than 14-point font.

31 (b) Beginning on January 1, 2026, employers shall display a poster  
32 that contains the information required in subsection (a) in a conspicuous  
33 and accessible place in each establishment where such employees are  
34 employed if such poster has been made available by the department.

35 (c) The department may create and make available to employers  
36 model notices and posters that contain the information required under  
37 subsection (a) for employers to use in complying with the requirements of  
38 subsections (a) and (b). Nothing in this subsection shall be interpreted to  
39 require the department to create or make available notices or posters if the  
40 department requires the appropriation of funds to cover the costs of  
41 creating or making such notices.

42 Sec. 6. (a) Employers shall:

43 (1) Retain records documenting hours worked by employees and

1 earned paid sick time taken by employees for a period of not less than  
2 three years; and

3 (2) allow the department access to such records, with appropriate  
4 notice and at a mutually agreeable time, to monitor compliance with the  
5 requirements of this act.

6 (b) (1) To the extent permitted by law, the secretary may inspect such  
7 records, and such records shall be open for inspection by the secretary by  
8 appointment.

9 (2) If the records required under this section are kept outside the state,  
10 such records shall be made available to the secretary upon demand.

11 (3) Upon demand, every employer shall furnish to the secretary a  
12 sworn statement of time records and information upon forms prescribed or  
13 approved by the secretary.

14 (4) All the records and information obtained by the department are  
15 confidential and shall be disclosed only on order of a court of competent  
16 jurisdiction. The provisions of this paragraph shall expire on June 30,  
17 2030, unless the legislature acts to reenact such provisions. The provisions  
18 of this paragraph shall be reviewed by the legislature prior to July 1, 2030.

19 (c) Nothing in this section shall be interpreted to require the  
20 department to access or inspect records or create forms relating to the  
21 inspection of records if the department requires the appropriation of funds  
22 to cover the costs of accessing or inspecting such records or creating such  
23 forms.

24 Sec. 7. The secretary may adopt rules and regulations to implement  
25 the provisions of this act.

26 Sec. 8. (a) The department may:

27 (1) Investigate the compliance of this act;

28 (2) establish and implement a system to receive complaints regarding  
29 noncompliance with this act;

30 (3) investigate and attempt to resolve complaints between the  
31 complainant and the subject of the complaint; and

32 (4) establish additional means of enforcement, including, but not  
33 limited to:

34 (A) Requiring by subpoena the testimony of witnesses and the  
35 production of books, records and other evidence related to any matter  
36 under investigation or hearing; and

37 (B) issuing notices of violation, holding hearings on notices of  
38 violation, making determinations, recovering unpaid earned paid sick time  
39 and imposing fines for willful violations of up to \$500 per day of each day  
40 of a continuing violation.

41 (b) A final order of the department shall be subject to the provisions  
42 of the Kansas administrative procedure act.

43 (c) The department may develop and implement an outreach program

1 to inform employees, parents and persons who are under the care of a  
2 healthcare provider regarding the availability of earned paid sick time  
3 under this act. Such program may include the distribution of notices and  
4 other written materials to child care and elder care providers, domestic  
5 violence shelters, schools, hospitals, community health centers and other  
6 healthcare providers in Kansas.

7 (d) (1) A municipality, county, city, town or village may adopt  
8 ordinances, rules and regulations to:

9 (A) Investigate and ascertain compliance with this act;

10 (B) establish and implement a system to receive complaints regarding  
11 noncompliance with this act;

12 (C) investigate and attempt to resolve complaints between the  
13 complainant and the subject of the complaint; and

14 (D) establish additional means of enforcement among employers  
15 located within or employees performing work while physically present in  
16 the geographic boundaries of the municipality, county, city, town or  
17 village.

18 (2) (A) Any such ordinance, rule or regulation shall be consistent  
19 with this act and any department rules and regulations or policies.

20 (B) The municipality, county, city, town or village may exercise such  
21 powers as allowed by any applicable ordinance, rule or regulation  
22 including requiring by subpoena the testimony of witnesses and the  
23 production of books, records and other evidence related to any matter  
24 under investigation or hearing, issuing notices of violation, holding  
25 hearings on notices of violation, making determinations, recovering unpaid  
26 earned sick time and imposing fines for willful violations of up to the  
27 maximum allowed for an ordinance violation.

28 (C) (i) Before investigating or seeking to resolve any complaint  
29 between the complainant and the subject of the complaint, the  
30 municipality, county, city, town or village shall give notice to the  
31 department and provide a copy of the complaint within 14 days of such  
32 notice.

33 (ii) The department may intervene and participate in the matter to  
34 ensure that a complaint is being investigated and resolved in the interest of  
35 effective enforcement of this act or, alternatively, the department may  
36 institute its own proceedings, in which case, the municipality, county, city,  
37 town or village shall cease from acting on such matter so long as the  
38 complaint is being investigated and resolved in the interest of effective  
39 enforcement of this act.

40 (D) If the department does not, within 14 days of receiving a copy of  
41 the complaint intervene or instigate its own proceedings, the municipality,  
42 county, city, town or village may, without the department, investigate and  
43 attempt to resolve the complaint and take additional means within its

1 power to enforce this act against the subject of the complaint that is found  
2 to not be complying with this act. In no event shall an employer be subject  
3 to compliance proceedings arising out of a single set of facts after having  
4 already been subjected to a final compliance order by another  
5 governmental entity.

6 (e) Nothing in this section shall be interpreted to require the  
7 department, a municipality, county, city, town or village to conduct  
8 investigations and ascertain compliance with this act, establish and  
9 implement a system to receive or resolve complaints, establish additional  
10 means of enforcement or conduct outreach and education, including the  
11 creation of notices and other written materials concerning this act if such  
12 actions require the appropriation of funds to cover the costs of such  
13 actions.

14 Sec. 9. (a) Any employer who willfully violates or fails to comply  
15 with any of the provisions and requirements of this act shall be guilty of a  
16 class C nonperson misdemeanor.

17 (b) For purposes of this section, each day of violation or failure to  
18 comply and each employee affected shall constitute a separate offense.

19 Sec. 10. (a) Any individual who claims to have been aggrieved by a  
20 failure of an employer to comply with any portion of this act, including,  
21 but not limited to, the failure to provide earned paid sick time or allow  
22 employees to use such time consistent with this act, or who claims to have  
23 suffered a retaliatory personnel action shall have a right of action and may  
24 commence a civil action in the appropriate court of jurisdiction within  
25 three years of the accrual of the cause of action to obtain appropriate relief  
26 with respect to such unlawful violation. Such action may be brought  
27 without first filing an administrative complaint.

28 (b) In a civil action under this section, if the court finds a violation  
29 has occurred, the court may grant as relief, as it deems appropriate and to  
30 the extent permitted by law:

31 (A) Any permanent or temporary injunction;

32 (B) the full amount of any unpaid earned paid sick time, plus any  
33 actual damages suffered as the result of the employer's violation of this  
34 act;

35 (C) an additional amount equal to two times any unpaid earned paid  
36 sick time as liquidated damages, costs and reasonable attorney fees as may  
37 be allowed by the court; and

38 (D) other legal or equitable relief as may be appropriate to remedy the  
39 violation, including, without limitation, reinstatement to employment and  
40 back pay.

41 Sec. 11. (a) Except as otherwise required by law, an employer shall  
42 not require disclosure of details relating to an employee's or an employee's  
43 family member's health information, domestic violence, sexual assault or

1 stalking as a condition of providing earned paid sick time under this act.

2 (b) Unless as otherwise required by law, any health or safety  
3 information possessed by an employer regarding an employee or  
4 employee's family member shall:

5 (1) Be maintained on a separate form and in a separate file from other  
6 personnel information;

7 (2) be treated as confidential medical records; and

8 (3) not be disclosed except to the affected employee or with the  
9 express written permission of the affected employee.

10 Sec. 12. (a) With respect to employees covered by a valid collective  
11 bargaining agreement in effect on July 1, 2025, no provision of this act  
12 shall apply until the stated expiration date in the collective bargaining  
13 agreement, except that the provisions of this act shall apply upon any such  
14 agreement's renewal, extension, amendment or modification in any respect  
15 after July 1, 2025.

16 (b) Nothing in this act shall be deemed to interfere, impede or  
17 otherwise diminish the right of employees to bargain collectively through  
18 representatives of their own choosing in order to establish earned paid sick  
19 time or other conditions of work in excess of the applicable minimum  
20 standards under the provisions of this act.

21 (c) Any waiver by an employee of rights under this act shall be  
22 deemed contrary to public policy and shall be void.

23 Sec. 13. Nothing in this act shall be construed:

24 (a) To discourage or prohibit an employer from the adoption or  
25 retention of an earned paid sick time policy that provides greater benefits  
26 than provided in this act;

27 (b) as diminishing the obligation of an employer to comply with any  
28 contract, collective bargaining agreement, employment benefit plan or  
29 other agreement providing more paid sick time to an employee than  
30 required by this act; or

31 (c) as diminishing the rights of public employees regarding paid sick  
32 time or use of paid sick time as provided in the laws of Kansas and  
33 ordinances of political subdivisions pertaining to public employees.

34 Sec. 14. (a) This act provides minimum requirements pertaining to  
35 earned paid sick time and shall not be construed to preempt, limit or  
36 otherwise affect the applicability of any other law, regulation, requirement,  
37 policy or standard that provides for greater accrual or use by employees of  
38 earned paid sick time or that extends other protections to employees.

39 (b) Nothing in this act shall be interpreted or applied to create a  
40 power or obligation contrary to any federal law, rule or regulation.

41 Sec. 15. If any provision or clause of this act or application thereof to  
42 any person or circumstance is held invalid, such invalidity shall not affect  
43 other provisions or applications of this act that can be given effect without

- 1 the invalid provision or application, and to this end, the provisions of this
- 2 act are declared to be severable.
- 3       Sec. 16. This act shall take effect and be in force from and after its
- 4 publication in the statute book.