

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for HB 2365**, on page 66, following line 40, by inserting:

"Sec. 119. (a) During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence or a victim of sexual assault for being or having been a victim of domestic violence or sexual assault or for taking time off from work to: (1) Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children; (2) seek medical attention for injuries caused by domestic violence or sexual assault; (3) obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; (4) obtain or relocate to other housing for the purpose of helping to ensure the health, safety or welfare of the victim or the victim's child or children; or (5) make court appearances in the aftermath of domestic violence or sexual assault: *Provided*, That as a condition of taking time off for a purpose set forth in this subsection, the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless such advance notice is not feasible: *Provided further*, That within 48 hours after returning from the requested time off, the employee shall provide documentation which may include, but is not limited to, that described in this subsection to support taking time off for a purpose set forth in this subsection: *And provided further*, That when an unscheduled absence occurs, the employer shall

not take any action against the employee if the employee, within 48 hours after the beginning of the unscheduled absence, provides a certification to the employer in the form of any of the following: (1) A police report indicating that the employee was a victim of domestic violence or sexual assault; (2) a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or (3) documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault: *And provided further*, That to the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under this subsection, as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in this subsection.

(b) During the fiscal years ending June 30, 2018, and June 30, 2019, in addition to the other purposes from which expenditures may be made from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature by each state agency, expenditures shall be made from such moneys for all state agencies to allow an employee to use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available to an employee under the applicable terms of employment or is provided by a collective bargaining agreement: *Provided*, That the entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition: *Provided further*, That in addition to all other provisions of this section, an employee shall be entitled to one day of paid leave for a purpose specified in subsection (a): *And provided further*, That

the day shall be in addition to other leave available to the employee under this subsection and may be taken before other available leave or at the employee's discretion: *And provided further*, That as used in this subsection, "employee" means any appointed or elected officer or an employee of any state agency.";

And by renumbering sections accordingly

_____ District.