

HOUSE BILL No. 2665

By Representative Parker

2-12

1 AN ACT establishing the Kansas paid sick leave act; concerning employer
2 obligation to pay sick leave; relating to employee or employee's family
3 member's illness; sick leave carryover.
4

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

6 Section 1. The provisions of sections 1 through 3, and amendments
7 thereto, shall be known and may be cited as the Kansas paid sick leave act.

8 Sec. 2. As used in the Kansas paid sick leave act:

9 (a) "Act" means the Kansas paid sick leave act.

10 (b) "Employer" means the same as defined in K.S.A. 44-313(a), and
11 amendments thereto, and does not include the federal government.

12 (c) "Employee" means the same as defined in K.S.A. 44-313(b), and
13 amendments thereto, and does not include independent contractors.

14 (d) "Family member" means:

15 (1) Regardless of age, a biological, adopted or foster child, stepchild,
16 legal ward, child of a domestic partner, child to whom the employee stands
17 in loco parentis or an individual to whom the employee stood in loco
18 parentis when the individual was a minor;

19 (2) a biological, adoptive or foster parent, stepparent, legal guardian
20 of an employee or an employee's spouse or domestic partner;

21 (3) a person to whom the employee is married or a domestic partner
22 of the employee as registered under the laws of any state;

23 (4) a grandparent, grandchild or sibling, whether of a biological,
24 adoptive, foster or step relationship, of the employee or the employee's
25 spouse or domestic partner; and

26 (5) any other individual related by blood or affinity whose close
27 association with the employee is the equivalent of a family relationship.

28 Sec. 3. (a) Employees shall accrue paid sick leave at a minimum rate
29 of one hour of paid sick leave for every 30 hours worked.

30 (b) Employers shall pay employees for using accrued paid sick leave
31 for qualified purposes at the same hourly rates and with the same benefits,
32 including medical benefits, that the employees normally earn during hours
33 worked. In no case shall employers pay less than the minimum wage
34 required by law.

35 (c) Employees shall begin to accrue paid sick leave upon starting
36 employment for an employer. Employees are entitled to use accrued paid

1 sick leave beginning 90 calendar days after starting employment for an
2 employer or on July 1, 2020, whichever is later.

3 (d) Unused paid sick leave of 24 hours or less shall be carried over to
4 the following year, except an employer is not required to allow the use of
5 more than 40 hours of paid sick leave in one calendar year of service.

6 (e) Employers may provide employees with more generous carryover
7 and accrual policies.

8 (f) Employers shall allow employees to use accrued paid sick leave
9 for the following qualified purposes:

10 (1) To diagnose, care for or treat the employee's or the employee's
11 family member's mental or physical illness, injury or health condition;

12 (2) to obtain preventive medical care for the employee or the
13 employee's family member;

14 (3) closure of the employee's place of employment by order of a
15 public official due to a public health emergency;

16 (4) to care for an employee's family member whose school or place of
17 care has been closed by order of a public official due to a public health
18 emergency; and

19 (5) additional purposes determined by the employer.

20 (g) An employer may not retaliate against an employee for requesting
21 or using paid sick leave as provided under this act.

22 (h)(1) Employees may request to use accrued paid sick leave orally,
23 in writing, by electronic means or by any other means acceptable to the
24 employer. When possible, the request shall include the expected duration
25 of the absence from work.

26 (2) When the use of accrued paid sick leave is foreseeable, the
27 employee shall make a good faith effort to provide notice of the need for
28 the paid sick leave to the employer in advance of the use of the paid sick
29 leave and shall make a reasonable effort to schedule the use of paid sick
30 leave in a manner that does not unduly disrupt the operations of the
31 employer.

32 (3) An employer that requires notice of the need to use paid sick
33 leave when the need is not foreseeable shall provide a written policy that
34 contains procedures for the employee to provide notice. An employer that
35 has not provided to an employee a copy of its written policy for providing
36 notice under this paragraph may not deny the use of accrued paid sick
37 leave to the employee based on noncompliance with the policy.

38 (4) For use of paid sick leave for more than three consecutive days,
39 an employer may require reasonable documentation from the employee in
40 order to verify that the paid sick leave has been used for a purpose
41 permitted under this act. Upon the employer's request, the employee shall
42 provide the documentation to the employer in a timely manner. The
43 employer may not delay the employee's use of accrued paid sick leave on

1 the basis that the employer has not yet received documentation.

2 (i) The department of labor shall be responsible for enforcing these
3 provisions and for adopting rules and regulations regarding notice and
4 recordkeeping.

5 (j) Any employee or former employee aggrieved by a violation of this
6 act, the department of labor or attorney general may bring a civil action in
7 a court of competent jurisdiction against an employer violating this act.
8 Upon prevailing in an action brought pursuant to this section, employees
9 and former employees shall be entitled to such legal or equitable relief as
10 may be appropriate to remedy the violation, including, but not limited to,
11 reinstatement to employment, back pay and injunctive relief.

12 (k) Nothing in this act shall be construed to discourage or prohibit an
13 employer from the adoption or retention of a paid sick leave policy more
14 generous than the policy required in this act.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.