

HOUSE BILL No. 2668

By Representatives Whipple, Ballard, Clayton, Concannon, Curtis, Ruiz, Sawyer,
Trimmer and Winn

2-10

1 AN ACT concerning employees; relating to protection of victims of
2 domestic violence; amending K.S.A. 2015 Supp. 44-1132 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 44-1132 is hereby amended to read as
7 follows: 44-1132. (a) An employer may not discharge or in any manner
8 discriminate or retaliate against an employee who is a victim of domestic
9 violence or a victim of sexual assault for *being or having been a victim of*
10 *domestic violence or sexual assault or for taking time off from work to:*

11 (1) Obtain or attempt to obtain any relief, including, but not limited
12 to, a temporary restraining order, restraining order or other injunctive relief
13 to help ensure the health, safety or welfare of the victim or the victim's
14 child or children;

15 (2) seek medical attention for injuries caused by domestic violence or
16 sexual assault;

17 (3) obtain services from a domestic violence shelter, domestic
18 violence program or rape crisis center as a result of domestic violence or
19 sexual assault; ~~or~~

20 (4) *obtain or relocate to other housing for the purpose of helping to*
21 *ensure the health, safety or welfare of the victim or the victim's child or*
22 *children; or*

23 ~~(4)~~ (5) make court appearances in the aftermath of domestic violence
24 or sexual assault.

25 (b) (1) As a condition of taking time off for a purpose set forth in
26 subsection (a), the employee shall give the employer reasonable advance
27 notice of the employee's intention to take time off, unless such advance
28 notice is not feasible. Within 48 hours after returning from the requested
29 time off, the employee shall provide documentation which may include,
30 but is not limited to, that described in subsection (b)(2) to support taking
31 time off for a purpose set forth in subsection (a).

32 (2) When an unscheduled absence occurs, the employer shall not take
33 any action against the employee if the employee, within 48 hours after the
34 beginning of the unscheduled absence, provides a certification to the
35 employer in the form of any of the following:

1 (A) A police report indicating that the employee was a victim of
2 domestic violence or sexual assault;

3 (B) a court order protecting or separating the employee from the
4 perpetrator of an act of domestic violence or sexual assault, or other
5 evidence from the court or prosecuting attorney that the employee has
6 appeared in court; or

7 (C) documentation from a medical professional, domestic violence
8 advocate or advocate for victims of sexual assault, health care provider or
9 counselor that the employee was undergoing treatment for physical or
10 mental injuries or abuse resulting in victimization from an act of domestic
11 violence or sexual assault.

12 (c) To the extent allowed by law, the employer shall maintain the
13 confidentiality of any employee requesting leave under subsection (a), as
14 well as the confidentiality of any supporting documentation provided by
15 the employee to the employer relating to a purpose set forth in subsection
16 (a).

17 (d) An employee may use any accrued paid leave or, if paid leave is
18 unavailable to the employee, unpaid leave, not to exceed a total of eight
19 days per calendar year, as time off for a purpose specified in subsection
20 (a), unless a longer period of time is otherwise available to an employee
21 under the applicable terms of employment or is provided by a collective
22 bargaining agreement. The entitlement of any employee under this section
23 shall not be diminished by any collective bargaining agreement term or
24 condition.

25 (e) *In addition to all other provisions of this section, a public*
26 *employee shall be entitled to one day of paid leave for a purpose specified*
27 *in subsection (a). The day shall be in addition to other leave available to*
28 *the employee under subsection (d) and may be taken before other*
29 *available leave or at the employee's discretion. As used in this subsection,*
30 *"public employee" means an employee of any governmental subdivision,*
31 *including any county, township, city, school district, special district,*
32 *board, commission, or instrumentality or other similar unit whose*
33 *governing body exercises similar governmental powers, and the state of*
34 *Kansas and its state agencies.*

35 Sec. 2. K.S.A. 2015 Supp. 44-1132 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.