

HOUSE BILL No. 2186

By Committee on Children and Seniors

2-7

1 AN ACT concerning employment; relating to sick leave benefits and the
2 care of family members.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) If an employer provides personal sick leave benefits to
6 an employee, the employee may use the sick leave benefits provided by
7 the employer for absences due to an illness, injury or medical appointment
8 of the employee's child, stepchild, spouse, domestic partner, sibling,
9 parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent
10 on the same terms upon which the employee is able to use sick leave
11 benefits for the employee's own illness, injury or medical appointment,
12 except as limited by an employer as permitted by subsection (b).

13 (b) An employer may limit the use of personal sick leave benefits
14 provided to an employee by the employer for absences due to an illness,
15 injury or medical appointment of the employee's child, stepchild, spouse,
16 domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild,
17 grandparent or stepparent to an amount not less than the personal sick
18 leave that would be accrued during six months at the employee's then-
19 current rate of entitlement to sick leave benefits.

20 (c) For purposes of this section, "personal sick leave benefits" means
21 time accrued and available to an employee to be used as a result of
22 absence from work due to personal illness, injury or medical appointment
23 but does not include absences from work for which compensation is
24 provided through an employer's short or long-term disability plan.

25 (d) For purposes of this section, "employer" means any public or
26 private employer, including any individual or type of organization,
27 including, but not limited to, any partnership, association, limited liability
28 company, agency or department of the state of Kansas and political
29 subdivisions thereof, municipality, institution, trust, estate, joint-stock
30 company, insurance company or corporation, whether domestic or foreign,
31 including nonprofit corporations, or the receiver, trustee in bankruptcy,
32 trustee or successor thereof, or the legal representatives of a deceased
33 person that has in its employ one or more individuals performing services
34 for it within this state.

35 (e) The rights and remedies provided in this section are cumulative
36 and nonexclusive and are in addition to any other rights or remedies

1 afforded by contract or under any other provision of law. This section shall
2 not be construed to limit any rights provided to an employee under any
3 other provision of law or to prevent an employer from providing greater
4 sick leave benefits than those required under this section. This section shall
5 not be construed to extend the maximum period of leave to which an
6 employee is entitled under the family and medical leave act of 1993, 29
7 U.S.C. §§ 2601 et seq., whether or not the employee receives sick leave
8 compensation during the leave taken by the employee under the federal
9 law.

10 (f) An employer shall not deny an employee the right to use personal
11 sick leave benefits as provided by this section and shall not discharge,
12 threaten to discharge, demote, suspend or in any manner discriminate
13 against an employee for:

- 14 (1) Using or requesting to use the personal sick leave benefits;
- 15 (2) opposing any policy, practice or act of an employer that is not in
16 compliance with or is prohibited by this section;
- 17 (3) filing a complaint with a state or federal agency or authority
18 alleging a violation of this section; or
- 19 (4) cooperating in an investigation or prosecution of an alleged
20 violation of this section.

21 (g) The department of labor shall adopt rules and regulations to
22 implement the provisions of this section, including, but not limited to,
23 rules and regulations setting forth procedures for employee recourse in
24 cases of violations of this section.

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