AN ACT concerning the civil air patrol; relating to leave; emergency service operations.

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

Section 1. (a) As used in this section:

(1) "Civil air patrol leave" means leave requested by an employee who is a member of the Kansas wing of the federally chartered civil air patrol, commonly known as the civil air patrol, for the purpose of responding to an emergency service operation of the Kansas wing of the civil air patrol;

(2) "emergency service operation" means any search and rescue mission, disaster relief, humanitarian service, air force support, homeland security or counter-drug operation, within or outside of the state, as directed or requested by the Kansas civil air patrol wing commander or the wing commander's designated representative;

(3) "employee" means an individual employed in this state by an employer for at least a 90-day period immediately preceding the commencement of leave, who is eligible for paid or unpaid personal or medical leave under state or federal law or pursuant to a contract or written policy of the employer; and

(4) "employer" means any individual, sole proprietorship, partnership, limited liability company, corporation or any other entity that is legally doing business in this state or any public employer as defined by K.S.A. 75-4322, and amendments thereto, that employs more than 15 employees. "Employer" includes an employer's successor in interest.

(b) An employer shall be required to grant an employee who is a member of the civil air patrol a civil air patrol leave without pay to allow the employee to participate in an emergency service operation if the employee:

(1) Is absent for the purpose of responding to an emergency service operation as a member of the civil air patrol;

(2) provides the employer with as much notice as possible of the intended dates the civil air patrol leave will begin and end; and

(3) provides the employer with verification from the head or acting head of the Kansas department of civil air patrol of the need for the employee's service in an emergency service operation.
(c) (1) An employee may take up to 15 total working days of civil air patrol leave in any calendar year under the provisions of this section. Such leave shall not be more than five consecutive working days of civil air patrol leave for each emergency service operation.

(2) A civil air patrol leave shall not count as a break in continuous employment for the purposes of determining seniority, pay advancements or receipt of employment benefits and shall not cause disqualification for purposes of eligibility for employment security benefits under the employment security law, K.S.A. 44-701 et seq., and amendments thereto.

(3) An employer shall not require an employee who takes civil air patrol leave under this section to first exhaust any other leave that may be available to such employee.

(d) An employer, upon expiration of the civil air patrol leave authorized under this section, shall reinstate or restore the employee to either the position of employment that the employee held at the time the civil air patrol leave began, with no decrease in total compensation, or a position of like seniority, status and pay.

(e) An employer shall not:

(1) Interfere with, restrain or deny the attempt to exercise a right established by this section; or

(2) discharge, threaten to discharge, discipline or in any other manner discriminate against an employee for exercising a right provided by this section or opposing a practice made unlawful by this section.

(f) An employee claiming to be entitled to any right or benefit under this section may commence a civil action in the district court of the appropriate county of the employee. If the court determines that the employer has failed to comply with the provisions of this section, the court may order the employer to:

(1) Comply with the provisions of this section;

(2) compensate the employee for any loss of wages or benefits caused by the employer's violation; or

(3) order any equitable relief necessary and appropriate to redress the violation or enforce the provisions of this section.

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