HOUSE BILL No. 2710
By Representative Whipple

AN ACT concerning employees; relating to protection of victims of domestic violence; amending K.S.A. 2017 Supp. 44-1132 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 44-1132 is hereby amended to read as follows: 44-1132. (a) An employer may not 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; or
(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.

(b) (1) As a condition of taking time off for a purpose set forth in subsection (a), 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. 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 subsection (b)(2) to support taking time off for a purpose set forth in subsection (a).

(2) 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:

(A) A police report indicating that the employee was a victim of
domestic violence or sexual assault;
(B) 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
(C) 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.
(c) To the extent allowed by law, the employer shall maintain the
confidentiality of any employee requesting leave under subsection (a), as
well as the confidentiality of any supporting documentation provided by
the employee to the employer relating to a purpose set forth in subsection
(a).
(d) An employee may 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. The entitlement of any employee under this section
shall not be diminished by any collective bargaining agreement term or
condition.
(e) In addition to all other provisions of this section, a public
employee shall be entitled to one day of paid leave for a purpose specified
in subsection (a). The day shall be in addition to other leave available to
the employee under subsection (d) and may be taken before other
available leave or at the employee's discretion. As used in this subsection,
"public employee" means an employee of any governmental subdivision,
including any county, township, city, school district, special district,
board, commission, or instrumentality or other similar unit whose
governing body exercises similar governmental powers, and the state of
Kansas and its state agencies.
Sec. 2. K.S.A. 2017 Supp. 44-1132 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.