

HOUSE BILL No. 2011

By Representative Swenson

12-17

9 AN ACT concerning employment security law; relating to layoffs and
10 separations because of lack of work in Kansas.

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

13 Section 1. (a) As used in this section, the following words and phrases
14 shall have the following meanings unless a different meaning clearly ap-
15 pears from the content:

16 (1) "Affected employee" means an employee who loses, or may rea-
17 sonably be expected to lose, such employees' employment with an
18 employer.

19 (2) "Department" means the department of labor.

20 (3) "Employee" means any person employed by an employer, except
21 that "employee" does not include an officer or director of a corporation,
22 a member or manager of a limited liability company, a partner of a part-
23 nership or a joint venture, the owner of a sole proprietorship, an inde-
24 pendent contractor or a person employed in a managerial, executive or
25 commissioned sales capacity or in a capacity in which the person is privy
26 to confidential matters involving the employer-employee relationship.

27 (4) "Employer" means any person engaged in any activity, enterprise
28 or business employing one or more persons within Kansas, including the
29 state and its political subdivisions and charitable, nonprofit or tax-exempt
30 organizations and institutions.

31 (5) "State" means a department, office, commission, institution,
32 board or other agency of state government, including an institution of
33 higher education.

34 (b) An employer, who lays off or separates any individual because the
35 task performed by the affected individual will be performed outside the
36 United States, shall furnish notice to the department and affected em-
37 ployees of the date of layoff or separation and notice to the department
38 of the approximate number of individuals being laid off or separated. The
39 notice shall be furnished at least 180 days prior to the date of the first
40 day of such layoff or separation. At the time of the layoff or separation,
41 the employer shall furnish to the affected employee and to the depart-
42 ment information necessary to determine the affected employee's eligi-
43 bility for unemployment compensation. An employer required to give

1 notice as required in this subsection shall include in its notice the ele-
2 ments required by the federal Worker Adjustment and Retraining Noti-
3 fication Act, 29 U.S.C. Sec. 2101 et seq.

4 (c) The department shall post on its internet site the information it
5 receives pursuant to this subsection (b). The posting shall include all the
6 elements required by the federal Worker Adjustment and Retraining No-
7 tification Act, 29 U.S.C. Sec. 2101 et seq.

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