

## HOUSE BILL No. 2257

By Representative Talia

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9 AN ACT concerning labor and employment; relating to compensatory  
10 time off; family time flexibility agreements.

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

13 Section 1. (a) An employee may receive, in lieu of monetary overtime  
14 compensation, compensatory time off at a rate not less than one and one-  
15 half hours for each hour of employment for which overtime compensation  
16 is required pursuant to K.S.A. 44-1204, and amendments thereto.

17 (b) For purposes of this section, the term “employee” does not in-  
18 clude an employee of a public agency.

19 (c) An employer may provide compensatory time to an employee un-  
20 der subsection (a) only if such time is provided in accordance with:

21 (1) Applicable provisions of a collective bargaining agreement be-  
22 tween the employer and the labor organization which has been certified  
23 or recognized as the representative of the employee under applicable law;  
24 or

25 (2) in the case of an employee who is not represented by a labor  
26 organization which has been certified or recognized as the representative  
27 of such employees under applicable law, an agreement arrived at between  
28 the employer and the employee before the performance of the work and  
29 affirmed by a written and signed family-time flexibility agreement in  
30 which:

31 (A) The employer has offered and the employee has chosen to receive  
32 compensatory time in lieu of monetary overtime compensation; and

33 (B) the employee has entered into the agreement knowingly and vol-  
34 untarily and not as a condition of employment.

35 (d) No employee may receive or agree to receive compensatory time  
36 off unless the employee has worked at least 1,000 hours for the em-  
37 ployee’s employer during a period of continuous employment with the  
38 employer in the 12-month period before the date of the family-time flex-  
39 ibility agreement or receipt of compensatory time off.

40 (e) An employee may accrue not more than 160 hours of compen-  
41 satory time.

42 (f) An employer which provides compensatory time under a family-  
43 time flexibility agreement to an employee shall not directly or indirectly

1 intimidate, threaten, coerce or attempt to intimidate, threaten or coerce  
2 any employee for the purpose of:

3 (1) Interfering with such employee's rights under this act to request  
4 or not request compensatory time off in lieu of payment of monetary  
5 overtime compensation for overtime hours; or

6 (2) requiring any employee to use such compensatory time.

7 (g) An employee who has accrued compensatory time off authorized  
8 to be provided under subsections (a) and (c) shall, upon the voluntary or  
9 involuntary termination of employment, be paid for the unused compen-  
10 satory time in accordance with subsection (h).

11 (h) (1) If compensation is to be paid to an employee for accrued  
12 compensatory time off, such compensation shall be paid at a rate of com-  
13 pensation not less than:

14 (A) The regular rate received by such employee when the compen-  
15 satory time was earned; or

16 (B) the final regular rate received by such employee, whichever is  
17 higher.

18 (2) Any payment owed to an employee under this subsection for un-  
19 used compensatory time shall be considered unpaid overtime  
20 compensation.

21 (i) An employee who has accrued compensatory time off authorized  
22 to be provided under subsection (c) and who has requested the use of  
23 such compensatory time, shall be permitted by the employee's employer  
24 to use such time within a reasonable period after making the request if  
25 the use of compensatory time does not unduly disrupt the operations of  
26 the employer.

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