

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 612**

As Amended by House Committee on  
Commerce and Labor

**Brief\***

SB 612 would allow the Department of Labor to establish rules and regulations necessary to enforce discrimination in employment relating to domestic and sexual abuse victims. Under current law, an employer cannot terminate the employment of a victim of domestic violence or sexual abuse when that termination is based upon the individual missing work for reasons related to domestic or sexual abuse.

In addition, the bill would do the following:

- Clarify employment discharge protections for physical violence offenses based on race, color, religion, ethnicity, or national origin, such as:
  - Obtaining or attempting to obtain any relief including a restraining order or other injunctive relief to help ensure the health, safety, or welfare of the victim or the victim's child or children;
  - Seek medical attention;
  - Obtain therapy services; or
  - Make court appearances.
  
- Clarify that, when an unscheduled absence occurs, the employer could not take any action against the employee, if the employee, within seven days, provides certification to the employer of:
  - A police report;
  - A court order;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Documentation from medical professionals that the victim was undergoing treatment for physical or mental injuries or abuse;
  - Clarify that the time provisions also would apply to domestic violence situations.
- Clarify that a victim also could:
    - Use accrued paid leave; or
    - Use unpaid leave not to exceed eight days or 64 hours.
- Clarify the duties of a victim to the employer, such as:
    - Provide reasonable advance notice of time off;
    - Provide documentation of time off when advance notice is not feasible within 48 hours after returning from time off; and
    - Allow for 30 days to provide needed documentation.

Further, the definition of physical violence would include the following crimes:

- Battery;
- Domestic battery;
- Battery against a law enforcement officer;
- Aggravated battery; and
- Aggravated battery against a law enforcement officer.

## **Background**

A representative of the Kansas Coalition Against Sexual and Domestic Violence appeared as a proponent and the only conferee for the bill. The Senate Committee requested that the bill be placed on the Consent Calendar.

The House Committee amended the bill by inserting the physical violence provisions.

The fiscal note indicates that enactment of the bill could be completed within the current budget of the Kansas Department of Labor.