

HOUSE BILL No. 2597

By Representatives Osman, Amyx, Ballard, Boatman, Curtis, Martinez, Melton, Neighbor, Ohaebosim, Olopeza, S. Ruiz, Sawyer Clayton, Stogsdill, Weigel and Woodard

1-29

1 AN ACT concerning employment; establishing a right to paid sick leave
2 for Kansas employees and setting forth minimum requirements and
3 rules for the provision of such paid sick leave.

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

6 Section 1. (a) Notwithstanding any other provision of law, all
7 employees working in Kansas shall have the right to paid sick leave as
8 specified in this section and section 2, and amendments thereto.

9 (b) Notwithstanding any other provision of law, effective on January
10 1, 2027, each employer shall provide each employee paid sick leave as
11 provided in this section and section 2, and amendments thereto.

12 (c) Each employee shall earn at least two hours of paid sick leave for
13 every 30 hours worked by such employee and shall be entitled to earn or
14 use at least 40 hours of paid sick leave each year. The maximum required
15 total annual accrual of paid sick leave shall be 40 hours. An employer may
16 provide a higher rate of paid sick leave accrual or a higher annual paid sick
17 leave accrual limit or may satisfy the paid sick leave accrual requirements
18 of this section by providing the employee with an amount of paid sick
19 leave that meets or exceeds the requirements of this subsection at the
20 beginning of each year.

21 (d) Nothing in this section and section 2, and amendments thereto,
22 shall be construed to discourage or prohibit an employer from providing
23 paid sick leave that accrues at a faster or more generous rate than required
24 by this section or from providing employees more paid sick leave than the
25 amounts specified in this section.

26 (e) An employee who is exempt from overtime shall accrue paid sick
27 leave based on the assumption that such employee works 40 hours per
28 week. If the employee's normal workweek consists of less than 40 hours,
29 such employee shall accrue paid sick leave based upon the number of
30 hours that comprise the employee's normal workweek.

31 (f) (1) An employee shall begin to accrue paid sick leave when
32 employment with the employer begins and may use accrued paid sick
33 leave as it is accrued.

34 (2) Up to 40 hours of paid sick leave that an employee accrues in a

1 year but does not use shall carry forward to and may be used in a
2 subsequent year. An employer shall not be required to allow an employee
3 to use more than 40 hours of paid sick leave in a year.

4 (g) (1) Except as specified in paragraph (2), nothing in this act shall
5 require an employer to provide financial or other reimbursement of unused
6 paid sick leave to an employee upon termination, resignation, retirement or
7 other separation from employment, except that an individual may recover
8 paid sick leave as a nonexclusive remedy for a retaliatory personnel action
9 that prevented the individual from using such paid sick leave.

10 (2) If an employee separates from employment and is rehired by the
11 same employer within six months after such separation, such employer
12 shall reinstate any paid sick leave that such employee had accrued but not
13 used during such employee's previous employment with such employer
14 and had not been converted to monetary compensation to such employee at
15 the time of separation from employment.

16 (h) An employer may loan paid sick leave to an employee in advance
17 of accrual of paid sick leave by the employee.

18 (i) If an employee is transferred to a separate division, entity or
19 location but remains employed by the same employer, such employee shall
20 be entitled to all paid sick leave accrued at the prior division, entity or
21 location and to use all paid sick leave as provided in this section.

22 (j) If a successor employer succeeds an original employer, all
23 employees of the original employer who remain employed by such
24 successor employer shall be entitled to all paid sick leave that such
25 employees accrued when employed by the original employer and to use
26 previously accrued paid sick leave as specified in section 2, and
27 amendments thereto.

28 (k) The secretary of labor shall adopt rules and regulations necessary
29 to implement the provisions of this act, including rules and regulations
30 regarding compensation and accrual of paid sick leave for employees who
31 are compensated on a fee-for-service basis, and rules differentiating such
32 employment from work as an independent contractor.

33 (l) For purposes of this section and section 2, and amendments
34 thereto, "employment" includes employees who are compensated on a fee-
35 for-service basis as specified in rules and regulations adopted by the
36 secretary of labor. "Employment" does not include independent
37 contractors.

38 Sec. 2. (a) An employer shall allow an employee to use such
39 employee's accrued paid sick leave pursuant to section 1, and amendments
40 thereto, to be absent from work when:

41 (1) The employee:

42 (A) Has a mental or physical illness, injury or health condition that
43 prevents the employee from working;

1 (B) needs to obtain a medical diagnosis, care or treatment of a mental
2 or physical illness, injury or health condition;
3 (C) needs to obtain preventive medical care; or
4 (D) needs to grieve, attend funeral services or a memorial or deal
5 with financial and legal matters that arise after the death of a family
6 member;

7 (2) the employee needs to care for a family member who:
8 (A) Has a mental or physical illness, injury or health condition;
9 (B) needs to obtain a medical diagnosis, care or treatment of a mental
10 or physical illness, injury or health condition; or
11 (C) needs to obtain preventive medical care;
12 (3) the employee or the employee's family member has been the
13 victim of domestic abuse, sexual assault or harassment and the use of leave
14 is to:
15 (A) Seek medical attention for the employee or the employee's family
16 member to recover from a mental or physical illness, injury, or health
17 condition caused by the domestic abuse, sexual assault or harassment;
18 (B) obtain services from a victim services organization;
19 (C) obtain mental health or other counseling;
20 (D) seek relocation due to the domestic abuse, sexual assault or
21 harassment; or
22 (E) seek legal services, including preparation for or participation in a
23 civil or criminal proceeding relating to or resulting from the domestic
24 abuse, sexual assault or harassment;

25 (4) due to a public health emergency, a public official has ordered
26 closure of:
27 (A) The employee's place of business; or
28 (B) the school or place of care of the employee's child and such
29 employee needs to be absent from work to care for such employee's child;
30 (5) the employee needs to care for a family member whose school or
31 place of care has been closed due to inclement weather, loss of power, loss
32 of heating, loss of water or other unexpected occurrence or event that
33 results in the closure of such family member's school or place of care; or
34 (6) the employee needs to evacuate such employee's place of
35 residence due to inclement weather, loss of power, loss of heating, loss of
36 water or other unexpected occurrence or event that results in the need to
37 evacuate such employee's residence.

38 (b) An employer shall allow an employee to use paid sick leave upon
39 the request of an employee. The request may be made orally, in writing,
40 electronically or by any other means acceptable to the employer. If
41 possible, the employee shall include the expected duration of the absence.
42 An employer may provide a written policy that contains reasonable
43 procedures for the employee to provide notice if the use of paid sick leave

1 is foreseeable. An employer shall not deny paid sick leave to an employee
2 based on noncompliance with such a policy.

3 (c) An employee shall use paid sick leave in hourly increments unless
4 the employee's employer allows paid sick leave to be used in smaller
5 increments of time.

6 (d) An employer shall not require, as a condition of providing paid
7 sick leave pursuant to this act, an employee who uses paid sick leave to
8 search for or find a replacement worker to cover the time during which
9 such employee is absent from work.

10 (e) When the use of paid sick leave is foreseeable, the employee shall
11 make a good faith effort to provide the employer with a notice of such
12 employee's need for paid sick leave in advance of the use of such paid sick
13 leave and a reasonable effort to schedule the use of such paid sick leave in
14 a manner that does not unduly disrupt the operations of the employer.

15 (f) If an employee uses paid sick leave of four or more consecutive
16 workdays, an employer may require reasonable documentation that such
17 paid sick leave is for a purpose authorized by this section.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.