

HOUSE BILL No. 2598

By Representatives Osman, Amyx, Ballard, Boatman, Brownlee Paige, Carlin, Curtis, Hoye, Martinez, Melton, Ohaebosim, Oropeza, Sawyer Clayton, Stogsdill, Vaughn, Woodard and Xu

1-29

1 AN ACT concerning labor and employment; enacting the Kansas paid
2 family leave act; relating to paid family leave for covered individuals;
3 requiring notice by employers; establishing the family and medical
4 leave insurance fund.

5

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

7 Section 1. The provisions of sections 1 through 5, and amendments
8 thereto, shall be known and may be cited as the Kansas paid family leave
9 act.

10 Sec. 2. As used in this act:

11 (a) "Act" means the Kansas paid family leave act.

12 (b) "Covered individuals" means:

13 (1) Any employee of any employer in this state who, during the 12
14 months prior to submitting an application, worked either for 26 weeks at a
15 regular schedule of 20 or more hours per week or for 175 days at a regular
16 schedule of less than 20 hours per week;

17 (2) a self-employed person, including a sole proprietor, partner or
18 joint partner, who may elect coverage pursuant to section 3, and
19 amendments thereto; and

20 (3) a person who meets other requirements of this act and submits an
21 application as prescribed by the secretary.

22 (c) "Department" means the Kansas department of labor, unless
23 otherwise specified.

24 (d) "Family member" means:

25 (1) Regardless of age, a biological, adopted or foster child, stepchild,
26 legal ward, child of a domestic partner, child to whom the employee stands
27 in loco parentis or an individual to whom the employee stood in loco
28 parentis when the individual was a minor;

29 (2) a biological, adoptive or foster parent, stepparent, legal guardian
30 of an employee or an employee's spouse or domestic partner;

31 (3) a person to whom the employee is married or a domestic partner
32 of the employee as registered under the laws of any state;

33 (4) a grandparent, grandchild or sibling, whether of a biological,
34 adoptive, foster or step relationship, of the employee or the employee's

1 spouse or domestic partner;

2 (5) any other individual related by blood or affinity whose close
3 association with the employee is the equivalent of a family relationship;
4 and

5 (6) a designated person, which shall mean one additional person
6 designated by a covered individual for whom the covered individual will
7 provide care under this act if the designated person has a serious health
8 condition. An employer may establish a uniform process for employees to
9 select a designated person. Thereafter, the employer shall permit the
10 employee to make or change such a designation, as applicable, on an annual
11 basis. If an employer does not establish such a uniform process, the
12 employee may make such a designation when filing a claim for benefits.

13 (e) "Needs of military families" includes the needs of the covered
14 individual or family member to address exigencies as outlined in 29 CFR §
15 825.126.

16 (f) "Secretary" means the secretary of labor.

17 Sec. 3. (a) A self-employed person, including a sole proprietor,
18 partner or joint partner, may elect coverage in the Kansas paid family leave
19 act for an initial period of not less than three years. The self-employed
20 person shall file a notice of election in writing with the department, as
21 required by the secretary. The election becomes effective on the date of
22 filing the notice. As a condition of election, the self-employed person shall
23 agree to supply any information concerning income that the secretary
24 deems necessary.

25 (b) A self-employed person who has elected coverage may withdraw
26 from coverage within 30 days after the end of the three-year period of
27 coverage, or at such other times as the secretary may prescribe by rule and
28 regulation, by filing written notice with the department, such withdrawal
29 to take effect not sooner than 30 days after filing the notice.

30 Sec. 4. (a) Beginning July 1, 2027, covered individuals who submit
31 an application shall have access to paid family leave benefits under the
32 following circumstances:

33 (1) To bond with a child within one year of the child's birth or
34 placement for foster care or adoption;

35 (2) to care for a family member with a serious health condition;

36 (3) to recover from the covered individual's own serious health
37 condition; and

38 (4) for certain needs of military families as specified in section 2(e),
39 and amendments thereto.

40 (b) Paid family leave benefits shall be payable as follows:

41 (1) Following a waiting period consisting of the first seven calendar
42 days of leave, benefits are payable when family or medical leave is
43 required. No waiting period is required for leave for the birth or placement

1 of a child. Benefits may continue during the continuance of the need for
2 family and medical leave, subject to the minimum and maximum weekly
3 benefits, duration and other conditions and limitations established in this
4 act. Successive periods of family leave caused by the same or related
5 injury or sickness are deemed a single period of family and medical leave
6 only if separated by less than four months.

7 (2) The weekly benefit shall be prorated by the percentage of hours
8 on leave compared to the number of hours provided as the typical
9 workweek hours.

10 (3) The minimum claim duration payment is for eight consecutive
11 hours of leave.

12 (4) Beginning on January 1, 2028, the maximum duration of paid
13 family leave may not exceed 12 times the typical workweek hours during a
14 period of 52 consecutive calendar weeks. Prior to January 1, 2028, the
15 secretary may set a maximum between eight and 12 times the typical
16 workweek hours.

17 (5) The entitlement to family leave benefits for the birth or placement
18 of a child expires at the end of the 12-month period beginning on the date
19 of such birth or placement. The entitlement to family leave benefits for a
20 family member's serious health condition, or leave for qualifying exigency,
21 expires at the end of the 12-month period beginning on the date when the
22 employee filed an application for the benefits.

23 (6) The weekly benefit for family and medical leave shall be 67% of
24 the employee's average weekly wage during the 12 months preceding
25 submission of the application or the average weekly wages during the time
26 the covered individual worked if the time worked preceding submission
27 was less than 12 months.

28 (7) The maximum weekly benefit for family and medical leave that
29 occurs on or after January 1, 2028, shall be \$1,000. On or before
30 September 30, 2026, and on or before each subsequent September 30, the
31 secretary shall adjust the maximum weekly benefit amount to 90% of the
32 state average weekly wage. The adjusted maximum weekly benefit amount
33 takes effect on the following January 1.

34 (8) The minimum weekly benefit shall not be less than \$100 per
35 week, except that if the employee's average weekly wage at the time of
36 family leave is less than \$100 per week, the weekly benefit shall be the
37 employee's full wage.

38 Sec. 5. (a) Beginning January 1, 2027, the secretary shall assess for
39 each individual in employment with an employer and for each self-
40 employed individual electing coverage a premium based on the amount of
41 the individual's wages and pursuant to a schedule released by the
42 department.

43 (b) The secretary, with advice from the pooled money investment

1 board, shall evaluate and determine on an annual basis the premium
2 schedule of employee contributions necessary to finance the paid family
3 and medical leave program outlined in this act.

4 (c) An employer may deduct from the wages of each employee up to
5 the full amount of the premium required.

6 (d) An employer may elect to pay all or any portion of the employee's
7 share of the premium.

8 (e) Premiums shall be collected through payroll deductions and
9 remitted to the family and medical leave insurance fund.

10 (f) In collecting employee premiums through payroll deductions, the
11 employer shall act as the agent of the employees. Premiums shall be
12 collected in the manner and at such intervals as provided by the secretary.

13 (g) Benefits provided under this act shall be paid periodically and
14 promptly, except when an employer contests a period of family or medical
15 leave. The secretary shall adopt rules and regulations to develop a process
16 that shall allow an employer to contest an initial application for family
17 leave benefits.

18 (h) The secretary shall establish reasonable procedures and forms for
19 filing claims for benefits under this act and shall specify what
20 documentation is necessary to support a claim for benefits, including any
21 documentation required from a healthcare provider for proof of a serious
22 health condition.

23 (i) The family and medical leave insurance fund is created in the state
24 treasury and shall be administered by the pooled money investment board.
25 The fund may be used only to advance the purposes of the family and
26 medical leave insurance benefits program created by this act. The pooled
27 money investment board shall have full power to invest, reinvest, manage,
28 contract, sell or exchange investments acquired with the fund in the
29 manner prescribed by K.S.A. 12-1677a, and amendments thereto.

30 (j) The secretary shall conduct a public education campaign to inform
31 workers and employers regarding the availability of family and medical
32 leave insurance benefits. Outreach information shall be available in
33 English and other languages spoken by significant portions of this state's
34 population.

35 (k) The secretary shall use state data collection and sharing
36 technology to the extent possible and integrate the program with existing
37 state policies, programs and systems.

38 (l) (1) Any covered individual who exercises such individual's right
39 to family and medical leave insurance benefits under this act, upon the
40 expiration of that leave, shall be entitled by the employer to the restoration
41 of the position held by the covered individual when the leave commenced,
42 or to a position with equivalent seniority, status, employment benefits, pay
43 and other terms and conditions of employment including fringe benefits

1 and service credits that the covered individual had been entitled at the
2 commencement of leave.

3 (2) During any leave taken pursuant to this act, the employer shall
4 maintain any healthcare benefits the covered individual had prior to taking
5 such leave for the duration of the leave as if the covered individual had
6 continued in employment continuously from the date the covered
7 individual commenced the leave until the date the family and medical
8 leave insurance benefits terminate, except that the covered individual shall
9 continue to pay the covered individual's share of the cost of health benefits
10 as required prior to the commencement of the leave.

11 (3) This act does not diminish an employer's obligation to comply
12 with any of the following that provide more generous leave:

- 13 (A) A collective bargaining agreement;
- 14 (B) an employer policy; or
- 15 (C) any other law.

16 (4) On and after July 1, 2026, an individual's right to leave under this
17 act shall not be diminished by a collective bargaining agreement entered
18 into or renewed or an employer policy adopted or retained. Any agreement
19 by an individual to waive such individual's rights under this act is void as
20 against public policy.

21 (5) It shall be unlawful for an employer or any other person to
22 interfere with, restrain or deny the exercise of or the attempt to exercise
23 any right protected under this act. Any employer or employer's agent shall
24 not take retaliatory personnel action or otherwise discriminate against a
25 person because such person exercised rights protected under this act. It
26 shall be unlawful for an employer's absence control policy to count paid
27 family and medical leave taken under this act as an absence that may lead
28 to or result in discipline, discharge, demotion, suspension or any other
29 adverse action.

30 (6) Leave taken with wage replacement under this act that also
31 qualifies as leave under the federal family and medical leave act shall run
32 concurrently with leave taken under the federal family and medical leave
33 act. An employer may require that payment made pursuant to this act be
34 made concurrently or otherwise coordinated with payment made or leave
35 allowed under the terms of disability or family care leave under a
36 collective bargaining agreement or employer policy. The employer shall
37 give employees written notice of this requirement.

38 (7) A covered individual shall be entitled, at the option of the covered
39 individual, to take paid family and medical leave on an intermittent or
40 reduced leave schedule in which all of the leave authorized under this act
41 is not taken sequentially. Family and medical leave insurance benefits for
42 intermittent or reduced leave schedules shall be prorated.

43 (8) The covered individual shall make a reasonable effort to schedule

1 paid family and medical leave under this act so as not to unduly disrupt the
2 operations of the employer. The covered individual shall provide the
3 employer with prior notice of the schedule on which the covered
4 individual will be taking the leave to the extent practicable. This paragraph
5 shall not result in a reduction of the total amount of leave to which an
6 employee is entitled beyond the amount of leave taken.

7 (9) If the covered individual uses 10 or more days of family and
8 medical leave insurance benefits in an application year, the covered
9 individual shall be paid for the waiting period. The waiting period need
10 only be served once every application year.

11 (10) Employees should notify their employer of the need to take leave
12 as soon as practicable.

13 (m) (1) Each employer shall provide written notice to each employee
14 upon hiring and annually thereafter of employee rights under this act. The
15 secretary shall make available on the department's website a written notice
16 in English, Spanish and other languages as determined by the secretary or
17 requested by an employer, that may be used by employers. Each employer
18 shall provide such notice in English and any language that is the first
19 language spoken by at least 40% of employer's workforce.

20 (2) An employer shall also provide written notice to an employee
21 when the employee requests leave under this act or when the employer
22 acquires knowledge that an employee's leave may be for a qualifying
23 reason under this act.

24 (3) The secretary may adopt rules and regulations to establish
25 additional requirements concerning the means by which employers shall
26 provide such notice.

27 (n) (1) This act shall be enforced by the secretary as provided in
28 K.S.A. 44-601 et seq., and amendments thereto.

29 (2) The secretary shall establish a system for appeals in the case of a
30 denial of family and medical leave insurance benefits. In establishing such
31 system, the secretary may use any and all procedures and appeals
32 mechanisms established under K.S.A. 44-701 et seq., and amendments
33 thereto.

34 (3) Judicial review of any decision with respect to family and medical
35 leave insurance benefits shall be permitted in a court of competent
36 jurisdiction after a party aggrieved thereby has exhausted all
37 administrative remedies established by the secretary.

38 (4) (A) The secretary shall implement procedures to ensure
39 confidentiality of all information related to any claims filed or appeals
40 taken to the maximum extent permitted by applicable laws.

41 (B) The provisions of this paragraph providing for the confidentiality
42 of public records shall expire on July 1, 2031, unless the legislature
43 reviews and continues such provisions in accordance with K.S.A. 45-229,

1 and amendments thereto.

2 (o) On and after July 1, 2027, the secretary shall submit a report to
3 the legislature by January 1 of each year regarding the effectiveness of the
4 program established by this act and any needed changes, projected and
5 actual program participation by purpose, gender of beneficiary, premium
6 rates and other information useful for research purposes, fund balances and
7 projections and outreach efforts undertaken.

8 (p) The provisions of this act are severable. If any portion of the act
9 is declared unconstitutional or invalid, or the application of any portion of
10 the act to any person or circumstance is held unconstitutional or invalid,
11 the invalidity shall not affect other portions of the act that can be given
12 effect without the invalid portion or application, and the applicability of
13 such other portions of the act to any person or circumstance shall remain
14 valid and enforceable.

15 Sec. 6. This act shall take effect and be in force from and after its
16 publication in the statute book.