

EMPLOYMENT LAW SUMMARY

Kansas Employee Leave Laws – Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave.

In general, employers have flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws such as the Family and Medical Leave Act (FMLA) require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Kansas has employee leave laws regarding:

- Jury duty leave;
- Voting leave;
- Pregnancy leave;
- Domestic violence leave; and
- Military and National Guard leave.

This Employment Law Summary includes a chart that provides a high-level overview of these laws and suggests compliance steps for employers.

Please note that the information in this document focuses on statewide laws only. Employers should be aware that numerous cities and counties across the country have enacted local ordinances that mandate employers to provide paid sick leave to employees. An employer that is located in a city with a local leave law must generally comply with the local ordinance and statewide law, as applicable.

Employers should also be aware that similar federal laws may also apply to them. In situations where federal and state leave laws apply, employers generally must comply with the provisions of each law that are more favorable to employees.

STATE RESOURCES

Kansas Department of Labor [website](#)

Overview of employee leave laws

The table below provides an overview of Kansas' employee leave laws.

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	An employer must provide unpaid leave for all time an employee spends completing jury service. An employer may not discharge or threaten to discharge an employee due to his or her jury service. Employees must be reinstated to their same positions without loss of seniority or benefits following jury service.

TYPE OF LEAVE	REQUIREMENTS
<p>Voting Leave</p>	<p>Employees must be allowed up to two consecutive hours of <i>paid</i> time off from work to vote in an election. However, if polls are open outside an employee’s working hours, the employee must only be allowed leave that provides at least two consecutive hours when added to the employee’s non-working hours.</p> <p>An employer may specify the hours an employee may leave work to vote, but may not designate the employee’s lunchtime for voting.</p>
<p>Pregnancy Leave</p>	<p>Employers with four or more employees must treat pregnant employees experiencing complications (miscarriage, abortion and childbirth) as temporarily disabled. These employees must be treated in the same manner as any other temporarily disabled employees under any health or temporary disability insurance or sick leave plans made available by employers.</p> <p>Additionally, employers must allow female employees a leave of absence for a reasonable period of time due to childbirth. Once an employee notifies the employer of her intent to return following leave for childbirth, the employer must reinstate the employee to her original position or a position with similar status and pay, without loss of seniority or other benefits.</p>
<p>Domestic Violence Leave</p>	<p>An employer cannot discharge, discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault and who takes time off from work to:</p> <ul style="list-style-type: none"> • Obtain (or attempt to obtain) a temporary restraining order, a normal restraining order or other injunctive relief for the employee’s safety or the safety of his or her child(ren); • Seek medical attention for any injuries resulting from domestic violence or sexual assault; • Obtain services from a domestic violence shelter or program or rape crisis center as a result of domestic violence or sexual assault; or • Attend court appearances related to the domestic violence or sexual assault. <p>An employee seeking domestic violence leave must give his or her employer advance notice of the intention to take time off of work, whenever possible.</p> <p>Within 48 hours of the employee’s return, the employee must provide documentation that supports the requested time off. An employer may not take adverse action against an employee for an unscheduled absence if the employee provides sufficient documentation (such as a police report) to support the absence within 48 hours.</p> <p>Employees are permitted up to eight days of domestic violence leave per calendar year. Leave taken is unpaid. However, employees may substitute any accrued paid leave for the otherwise unpaid leave.</p>
<p>Military and National Guard Leave</p>	<p>In addition to USERRA, Kansas law provides job protections for state and U.S. military service members. Employers must grant eligible employees an unpaid leave of absence if called to active duty or to perform annual drills (unless the employer provides paid leave in similar leave situations). Employees are entitled to leave for the period of military duty plus 72 hours after release from duty or recovery from disease or injury resulting from military duty.</p> <p>To be reinstated, returning military members must demonstrate satisfactory completion of military duty, including honorable release. If these conditions are met, employers must reinstate employees to their original positions, pay and benefits without loss of seniority, or positions of like seniority, status and pay.</p> <p>Employers may not discriminate against or discharge employees due to military status. In addition, employers may not discharge employees who returned from military leave without cause for one year following reinstatement.</p>

Compliance steps

It is important for Kansas employers to understand when their employees are entitled to take time off from work, and the legal protections associated with such leaves. Employers that violate state or federal leave law requirements may be subject to government investigations, fines, employee lawsuits and significant penalties, fees and damage awards.

To minimize these risks, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review, employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and receive ongoing training;
- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.

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