

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **KANSAS**

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

Under Kansas law ([Kan. Stat. Ann. 44-1132](#)), an employer may not discharge or in any manner discriminate or retaliate against an employee who is the victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain judicial relief such as a restraining order; seek medical attention; obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or make court appearances in the aftermath of domestic violence or sexual assault.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Kansas has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

At the time of publication, Kansas law does not require employers to provide paid sick leave, leave to address domestic violence, sexual assault, or stalking, or leave to participate in the justice system as a crime victim.

However, under Kansas law ([Kan. Stat. Ann. 44-1132](#)), an employer may not discharge or in any manner discriminate or retaliate against an employee who is the victim of domestic violence or a victim of sexual assault for taking time off from work to:

- Obtain or attempt to obtain judicial relief such as a restraining order;
- Seek medical attention;
- Obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or
- Make court appearances in the aftermath of domestic violence or sexual assault.

Regardless of any collective bargaining agreement terms and conditions, an employee may use accrued paid leave for these purposes. If the employee does not have any paid leave available, the employee has a right to up to eight days per year of unpaid leave for these purposes.

An employee shall give the employer reasonable advance notice of his or her intention to take time off, unless such advance notice is not possible. Within 48 hours of returning from an absence for which prior notice was provided, the employee shall provide documentation demonstrating that the time off was used for a covered purpose. When prior notice is not possible, the employer may not take any action against the employee if the employee provides certain specified documentation (a police report, court order, or documentation from a medical professional, health care provider, counselor, domestic violence advocate or advocate for victims of sexual assault) within 48 hours after the beginning of the unscheduled absence. The employee's request for leave and supporting documentation shall be kept confidential to the extent allowed by law.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

Under Kansas law (**Kan. Stat. Ann. 44-706(a)(12)**), an individual shall not be disqualified from benefits for leaving work due to circumstances resulting from domestic violence, including:

- the individual's reasonable fear of future domestic violence at or going to or from the individual's workplace;
  - the individual's need to relocate to another geographic area in order to avoid future domestic violence;
  - the individual's need to address the physical, psychological and legal impacts of domestic violence;
  - the individual's need to leave employment as a condition of receiving services or shelter from an agency that provides support services or shelter to victims of domestic violence; or
  - the individual's reasonable belief that termination of employment is necessary to avoid other situations that may cause domestic violence and to provide for the future safety of the individual or the individual's family.
- *Do I have to show proof of domestic violence?* Under Kansas law (**Kan. Stat. Ann. 44-706(a)(12)**), the individual must provide documentation of the violence in order to qualify for this exemption. Documentation can include a police record, restraining order, court order, medical documentation, a statement by a professional who has helped the individual deal with the violence, a sworn statement, or other evidence of the violence. This documentation will remain confidential unless the individual gives consent that it be disclosed.