

**HOUSE BILL No. 2560**

By Committee on Appropriations

1-27

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1 AN ACT concerning state employees; relating to working conditions.

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

4 Section 1. (a) (1) No employee of any state agency shall be required  
5 to work a period of more than five hours in any work day without a meal  
6 period lasting at least 30 minutes, except that when a work period of not  
7 more than six hours will complete the work day, the meal period may be  
8 waived by mutual consent of the employer and employee. Such consent  
9 shall be expressed in a written waiver signed by both the supervisor and  
10 the employee and maintained with the employee's time records.

11 (2) No employee of any state agency shall be required to work a  
12 period of more than 10 hours in any work day without two meal periods  
13 lasting at least 30 minutes each, except that if the total hours worked are  
14 no more than 12 hours, the second meal period may be waived by mutual  
15 consent of the employer and the employee. A waiver of the second meal  
16 period may occur only if the first meal period was taken and not waived.  
17 Such consent shall be expressed in a written waiver signed by both the  
18 supervisor and the employee and maintained with the employee's time  
19 records.

20 (3) If a state agency fails to provide an employee a meal period in  
21 accordance with subsections (a)(1) or (a)(2), such agency shall pay the  
22 employee two hours of compensation at the employee's regular rate of  
23 compensation for each such meal period that was not provided.

24 (4) No employee of any state agency shall be required to fulfill any  
25 work duties during their meal period, except that a meal period may be  
26 considered an on-duty meal period in compliance with this subsection. An  
27 on-duty meal period shall be permitted only when the nature of the work  
28 prevents an employee from being relieved of all duties, when the  
29 employee is compensated at the regular rate for the entire time of the on-  
30 duty meal period and when an employee signs a written agreement  
31 consenting to the on-duty meal period. The written agreement shall state  
32 that the employee may, in writing, revoke the agreement consenting to the  
33 on-duty meal period at any time.

34 (5) In all places of state employment where employees are required to  
35 eat on the work premises, a suitable place for that purpose shall be  
36 designated and suitable food storage provided. If a state work premises

1 lacks either a suitable eating area or suitable food storage, employees at  
2 that work premises shall be granted a meal break sufficient for obtaining  
3 and consuming a meal off premises.

4 (b) (1) Each state agency shall permit all employees to take rest  
5 periods, which insofar as practicable, shall be in the middle of each work  
6 period. The rest period time shall be based on the total hours worked per  
7 day at the rate of 15 minutes of total rest time per four hours, or major  
8 fraction thereof, worked. A rest period is not required to be permitted for  
9 employees whose total daily work time is less than 3½ hours. Rest periods  
10 shall be counted as hours worked for which there shall be no deduction  
11 from compensation.

12 (2) If a state agency fails to provide an employee a rest period in  
13 accordance with subsection (b)(1), such agency shall pay the employee  
14 two hours of compensation at the employee's regular rate of compensation  
15 for each such missed rest period.

16 (c) (1) Each state agency shall provide a reasonable amount of time to  
17 accommodate an employee desiring to express breast milk for such  
18 employee's infant child. The time shall, insofar as practicable, run  
19 concurrently with any rest period or meal period already provided to such  
20 employee. A period of time to express breast milk for an employee that  
21 does not run concurrently with such employee's rest period or meal period  
22 authorized pursuant to subsections (a) or (b) shall be unpaid.

23 (2) Each state agency shall make reasonable efforts to provide a state  
24 employee desiring to express breast milk for such employee's infant child  
25 the use of a room or location for such employee to express breast milk in a  
26 private location in close proximity to such employee's work area, other  
27 than a toilet stall. The room or location may be the place where the  
28 employee normally works if it otherwise meets the requirements of this  
29 subsection.

30 (3) If a state agency fails to provide an employee desiring to express  
31 breast milk for such employee's infant child with reasonable time for such  
32 purpose pursuant to subsection (c)(1), or fails to make reasonable efforts to  
33 provide a private lactation space pursuant to subsection (c)(2), such agency  
34 shall pay the employee two hours of compensation at the employee's  
35 regular rate of compensation for each occurrence of such failure.

36 (d) (1) No full-time employee of any state agency shall be required to  
37 work more than 48 hours in a workweek and no part-time employee of any  
38 state agency shall be required to work more than 25 hours in a workweek.  
39 The number of hours of work per workweek counted pursuant to this  
40 subsection shall include any authorized leave time, including, but not  
41 limited to, vacation leave, sick leave and holiday leave.

42 (2) Full-time employees may volunteer to work in excess of 48 hours  
43 in a workweek. Willingness to volunteer for extra hours of work shall not

1 be considered a requirement or condition of employment for any state  
2 agency job.

3 (3) A full-time employee who refuses to work hours in excess of 48  
4 hours per workweek shall not be subjected to any discipline, penalty or  
5 retaliation for such refusal.

6 (4) Any state agency which requires an employee to work more hours  
7 than the maximum defined in subsection (d)(1), or which requires  
8 employees to volunteer for additional work hours, shall pay such employee  
9 a dollar amount equal to 10 times such employee's overtime rate of  
10 compensation for each of the additional hours worked. Such payment shall  
11 be rendered in such employee's next regular paycheck.

12 (e) (1) Employees who are denied meal periods, rest periods or  
13 lactation periods and are not properly compensated for such denial shall  
14 file written notice of the number and dates of such denied meal periods,  
15 rest periods or lactation periods with the state agency's human resource  
16 department. Such agency human resource department shall be responsible  
17 for insuring that proper payment is rendered in such employee's next  
18 paycheck.

19 (2) Full-time employees who are required to work in excess of 48  
20 hours per work week or who are required to volunteer to work more than  
21 48 hours in a workweek shall file written notice of the hours worked and  
22 the dates on which the hours were worked with the state agency human  
23 resource department. Such agency human resource department shall be  
24 responsible for insuring that proper payment is rendered in such  
25 employee's next paycheck.

26 (3) If payment is not made in the next regular paycheck, employee  
27 complaints of such lack of payment shall be filed with the secretary of  
28 labor, who shall investigate each claim and undertake all collection efforts  
29 to make the employee whole for the missed payment.

30 (4) State agencies required to pay employees extra compensation as  
31 described in subsections (a)(3), (b)(2), (c)(3) or (d)(4) shall be required to  
32 email notices of the incidents of such payments to all employees of such  
33 agency, along with a statement describing the employee meal periods, rest  
34 periods, lactation periods and maximum hours required by this section.  
35 Such agency shall also post hardcopy notices containing the information  
36 required by this subsection on all agency public bulletin boards for a four-  
37 week period immediately following any of the incidents of such payments.

38 (5) The secretary of labor shall issue a quarterly report containing the  
39 incidents of employees paid extra compensation as described in  
40 subsections (a)(3), (b)(2), (c)(3) or (d)(4), the costs related to such  
41 payments and the average amount returned to each impacted employee, to  
42 the governor, the president of the senate, the senate minority leader, the  
43 speaker of the house of representatives, the house minority leader and the

1 department of administration. Such report shall also be posted on the  
2 department of labor website.

3 (f) For the purposes of this section, the term "state agency" includes  
4 only executive branch state agencies and "state employment" includes only  
5 employment by an executive branch agency.

6 Sec. 2. This act shall take effect and be in force from and after its  
7 publication in the statute book.