

HOUSE BILL No. 2007

By Representative Sloan

12-28

1 AN ACT concerning the civil air patrol; relating to leave; emergency
2 service operations.

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

5 Section 1. (a) As used in this section:

6 (1) "Civil air patrol leave" means leave requested by an employee
7 who is a member of the Kansas wing of the federally chartered civil air
8 patrol, commonly known as the civil air patrol, for the purpose of
9 responding to an emergency service operation of the Kansas wing of the
10 civil air patrol;

11 (2) "emergency service operation" means any search and rescue
12 mission, disaster relief, humanitarian service, air force support, homeland
13 security or counter-drug operation, within or outside of the state, as
14 directed or requested by the Kansas civil air patrol wing commander or the
15 wing commander's designated representative;

16 (3) "employee" means an individual employed in this state by an
17 employer for at least a 90-day period immediately preceding the
18 commencement of leave, who is eligible for paid or unpaid personal or
19 medical leave under state or federal law or pursuant to a contract or written
20 policy of the employer; and

21 (4) "employer" means any individual, sole proprietorship,
22 partnership, limited liability company, corporation or any other entity that
23 is legally doing business in this state or any public employer as defined by
24 K.S.A. 75-4322, and amendments thereto, that employs more than 15
25 employees. "Employer" includes an employer's successor in interest.

26 (b) An employer shall be required to grant an employee who is a
27 member of the civil air patrol a civil air patrol leave without pay to allow
28 the employee to participate in an emergency service operation if the
29 employee:

30 (1) Is absent for the purpose of responding to an emergency service
31 operation as a member of the civil air patrol;

32 (2) provides the employer with as much notice as possible of the
33 intended dates the civil air patrol leave will begin and end; and

34 (3) provides the employer with verification from the head or acting
35 head of the Kansas department of civil air patrol of the need for the
36 employee's service in an emergency service operation.

1 (c) (1) An employee may take up to 15 total working days of civil air
2 patrol leave in any calendar year under the provisions of this section. Such
3 leave shall not be more than five consecutive working days of civil air
4 patrol leave for each emergency service operation.

5 (2) A civil air patrol leave shall not count as a break in continuous
6 employment for the purposes of determining seniority, pay advancements
7 or receipt of employment benefits and shall not cause disqualification for
8 purposes of eligibility for employment security benefits under the
9 employment security law, K.S.A. 44-701 et seq., and amendments thereto.

10 (3) An employer shall not require an employee who takes civil air
11 patrol leave under this section to first exhaust any other leave that may be
12 available to such employee.

13 (d) An employer, upon expiration of the civil air patrol leave
14 authorized under this section, shall reinstate or restore the employee to
15 either the position of employment that the employee held at the time the
16 civil air patrol leave began, with no decrease in total compensation, or a
17 position of like seniority, status and pay.

18 (e) An employer shall not:

19 (1) Interfere with, restrain or deny the attempt to exercise a right
20 established by this section; or

21 (2) discharge, threaten to discharge, discipline or in any other manner
22 discriminate against an employee for exercising a right provided by this
23 section or opposing a practice made unlawful by this section.

24 (f) An employee claiming to be entitled to any right or benefit under
25 this section may commence a civil action in the district court of the
26 appropriate county of the employee. If the court determines that the
27 employer has failed to comply with the provisions of this section, the court
28 may order the employer to:

29 (1) Comply with the provisions of this section;

30 (2) compensate the employee for any loss of wages or benefits caused
31 by the employer's violation; or

32 (3) order any equitable relief necessary and appropriate to redress the
33 violation or enforce the provisions of this section.

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