

Approved: 4/2/08  
Date

## MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:19 A.M. on March 14, 2008 in Room 784 of the DSOB.

All members were present except:

Kasha Kelley-excused  
Brenda Landwehr- excused  
Ronnie Metsker-excused  
Candy Ruff-excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department  
Renaë Jefferies, Office of Revisor of Statutes  
Stephen Bainum, Committee Assistant

Others attending: See attached list.

**Representative Grant made a motion that the minutes for 3/12/08 and 3/13/08 be approved. It was seconded by Representative Ruiz and the motion carried.**

**The Chairman called for action on SB 461 Employment security law; requiring wage reports, contribution returns and making certain payments.** Renaë Jefferies gave a refresher on the bill.

**Representative Grant made a motion that SB 461 be passed and Representative Roth seconded the motion. There was no discussion and the motion passed.**

**The Chairman called for action on SB 612 Discrimination in employment; victims of domestic violence and sexual abuse; authorizing enforcement and rules and regulations authority for the secretary of labor. Renaë Jefferies gave an overview of SB 612 (Attachment 1).**

**Representative Goico introduced an amendment to SB 612 for racial discrimination.**

Renaë explained that the amendment is mirrored after the domestic violence and sexual assault statute. It adds an insert saying that the victim must supply proof within 48 hours that the violence was based on race, color, ethnicity or national origin of the victim. Such a victim may take off work to obtain a restraining order or to restore the health, safety and welfare of the victim or the victims child or children, to seek medical attention, to obtain therapy services or make court appearances.

Representative Tietze asked if the insert means that female victims are taken out of this bill. Renaë replied that no, the statutes that control domestic or sexual violence are still there. This is a simply a separate section within **SB 612** that deals with racial discrimination.

Representative Ruiz asked a question about FMLA. Is this insert going to allow doctor visits or is this in addition to the unpaid leave in the Family Medical Leave Act? Renaë thought that if a person was taking time off under FMLA the time would count for both of them. Representative Ruiz also mentioned that confidentiality rules can require an employee with a history of absences be seen by the company doctor. Does the insert have that also? Renaë said that there is nothing in the insert about the company doctor, however subsection (c) does state that anything pertaining to this insert is confidential.

Representative Pauls said the Federal Act trumps anything we do. We have had the domestic violence act in place since we passed it in 2006 and we have not heard any complaints or concerns about confidentiality. Any complaint would come up on a hearing of unemployment compensation.

Representative Goico said that if you have a bargaining contract then this bill is not necessary. This is for employees without a union bargaining contract. They often can be fired for not showing up for a couple of days. This bill gives them some protection.

Representative Kiegerl said that he had a conceptual problem with the amendment. Anyone who has been physically attacked should be covered by whatever is in this bill. Could we not say that if you are a victim

## CONTINUATION SHEET

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of violence you are covered?

Representative Goico said that basically this addresses victims of hate crimes.

Representative Kiegerl said that he just wanted to ask if we needed to go into this great detail. I have no problem supporting the amendment.

Representative Pauls said that in 2006 when we passed the domestic violence bill there were a lot of employers that were hostile to that and thought it would be a real burden on them, but it has turned out not to be a problem. If we are going to extend this to people who are victims of physical violence because of racial discrimination it will not be a problem. It might be better to do a small extension like this and see how it works out for employers.

Representative Brunk asked if we are treating racial discrimination the same as domestic violence in the base bill. Renae said that the only difference is the amount of time to supply documentation. Representative Brunk asked if we need to treat them equally so that we don't have different time frames for different offences. Renae said that she would need three amendments to make them all the same time frame.

**Representative Goico said that he would make the motion to amend the bill to expand the time frames of the entire statute.**

Representative Huntington asked if the amendment would change the maximum number of days that can be excused for an absence. Renae said no it does not require an excuse for more than 8 days.

Representative Ruiz said that under the eight days rule the employee often only needs to use a couple of hours or a half of a day at a time. Can we change it to 64 hours?

**Representative Huntington seconded the motion.** The Chairman asked since Representative Pauls was carrying the bill on the floor to explain exactly where we are on the motion. There was no further discussion.  
**The motion carried.**

We are back on the bill as amended.

**Representative Ruiz made a motion to break it down to 8 days and in parenthesis 64 hours.** That way the benefit can be broken down by hours or days. **Representative Tietze seconded the motion.**

Representative Pauls suggested that we make it 8 days as defined by the employment agreement or 64 hours at the option of the employee.

Representative Grange said that some employers have difficulty keeping track of time in their accounting process by hours. If we require it in statutes that you break it down by hours it might be a problem for some companies. We might be micro managing the issue.

Representative Pauls said that we have not heard any complaints from employers about this and we have no indication that it has been a problem for employees.

Representative Goico said that too many details would kill the bill.

**Representative Ruiz withdrew the amendment.**

**Representative Goico made a motion that we pass the bill as amended favorable for passage.**  
**Representative Ruiz seconded the motion. The motion passed.**

The Chairman said that we are on call of chair next week and adjourned the meeting at 10:18 AM.