

# Kansas Leave Laws

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*This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.*

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## Paid Time Off (PTO) in Kansas

There are no state laws in Kansas that govern the number of vacation days and payment, except the obligation to comply with company policy or employment contract.

### Leave Quota

Kansas law requires 0 vacation days. Employers aren't required to provide vacation leave.

Kansas doesn't have a statute for vacation time, so private-sector employers are not required to provide paid or unpaid vacation. Anyhow, if an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, established company policy, and employment contract.

Employers have the freedom to develop vacation leave policies that fit the needs of their workplace and employees. Regardless, employers must understand that if their practice, company policy, or statements rise to the level of creating a “promise” of vacation, then the employer may have a binding legal obligation to provide vacation leave—even when state law would not otherwise require it to do so.

### Accrual

Accruals are not mandated in Kansas but are widely used by companies.

Employers are generally free to design their own vacation accrual system, such as weekly, semi-monthly, or monthly increments. It is usually based on the pay period.

An employer may cap the amount of leave (set the limit) an employee may accrue to prevent an employee from accruing vacation over a certain number of hours.

U.S. federal or state law does not require employers to provide accrued time off.

## Roll Over

A Use-It-or-Lose-It policy is not prohibited. Hence, an employer is not obligated to let employees roll over unused leave into the following year.

A Use-It-or-Lose-It vacation policy implies that an employer doesn't have to pay employees for unused vacation leave at the end of the year. That way, an employee loses the remaining vacation days, unpaid. Nevertheless, employees must be allowed to take a vacation and be aware of this policy.

## Statutory Provisions Addressing Vacation Pay

There is no requirement for vacation time in any state law.

If a worker asks for information about a vacation policy or practice, it must be given in writing or posted.

## Payment of Accrued, Unused Vacation on Termination

There is no obligation to pay, except if there is a policy or practice to do so.

No federal or state law in Kansas requires employers to pay out an employee's accrued vacation, sick leave, or other paid time off (PTO) at the termination of employment.

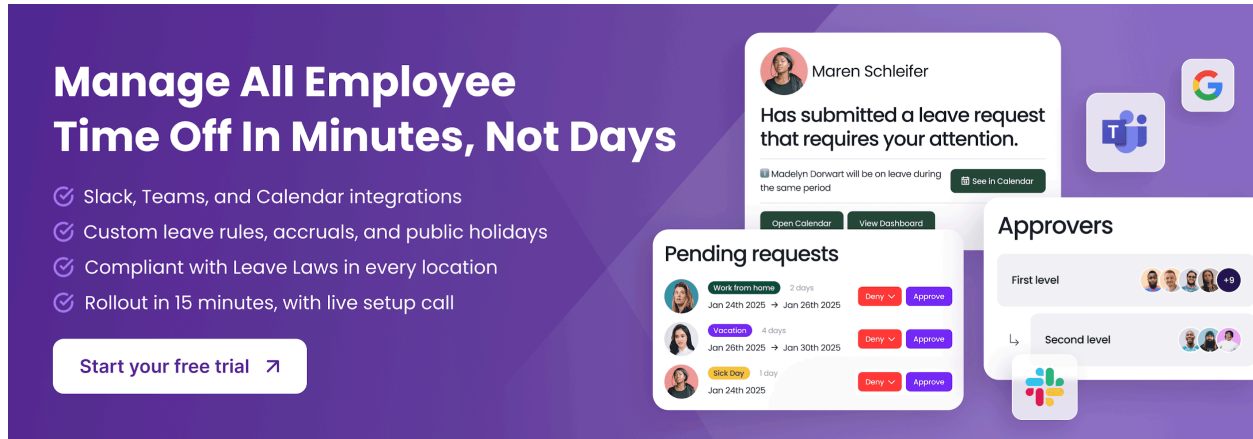
Employers are required to pay vacation pay in accordance with their policy or practice.

Employers may implement a vacation policy that permits employees to earn vacation pay only when they reach an anniversary date. If so, companies may also choose not to pay a worker who leaves their position before the anniversary date.

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## Payout

An employer pays accrued, unused vacation on termination, if there is an obligation in company policy or practice.



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**Notification:** Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period. [See In Calendar](#)

[Open Calendar](#) [View Dashboard](#)

**Pending requests**

Request Type	Duration	Start Date	End Date	Actions
Work from home	2 days	Jan 24th 2025	Jan 26th 2025	<a href="#">Deny</a> <a href="#">Approve</a>
Vacation	4 days	Jan 26th 2025	Jan 30th 2025	<a href="#">Deny</a> <a href="#">Approve</a>
Sick Day	1 day	Jan 24th 2025		<a href="#">Deny</a> <a href="#">Approve</a>

**Approvers**

First level: [User 1] [User 2] [User 3] +9

Second level: [User 4] [User 5]

## Sick Leave in Kansas

Federal law requires up to 12 weeks of unpaid sick leave. No additional sick leave laws.

### Federal Laws – Leave Quota

The federal Family and Medical Leave Act (FMLA) entitles qualified employees to take up to 12 weeks off for personal medical reasons, to care for a close family member suffering from a severe illness, or for maternity or paternity leave.

Employees qualify for FMLA benefits if they:

- have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- work in a location where at least 50 people are employed by the company (in a 75-mile radius)

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Check out [our article on FMLA](#) to learn more.

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

## Kansas State Laws

Eligible employers in Kansas must comply with FMLA, but there are no additional sick leave laws. Employers in Kansas aren't required to provide either paid or unpaid sick leave, except for FMLA. Nevertheless, they must comply with established policies in their employee handbook if they decide to implement one.

## Maternity, Paternity, FMLA in Kansas

### Federal law

FMLA provides 12 weeks of unpaid maternity or paternity leave.

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child. Unless otherwise specified by an employer, the leave must be contiguous.

In general, employees are qualified to take FMLA leave if they have worked for their employer for at least 12 months and at a location where they employ at least 50 employees within 75 miles. For more information about eligibility for FMLA benefits, look above under the section [Sick Leave in Kansas: Federal Laws – Leave Quota](#).

Another federal law that protects pregnant employees is the Pregnancy Discrimination Act (PDA). The PDA is a law that forbids discrimination based on pregnancy in any aspect of employment, including hiring, firing, job assignments, pay, promotions, layoffs,

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training, fringe benefits, leave, and health insurance. The PDA only applies to companies that have more than 15 employees.

## Additional State Laws in Kansas

The Kansas Act Against Discrimination (KAAD) requires employers with 4 or more employees to provide employees with reasonable leave due to a temporary disability related to pregnancy and childbirth. The Act protects against sex discrimination and pregnancy discrimination. Under the Kansas Act Against Discrimination, pregnancy-related disabilities such as miscarriage, abortion, or childbirth are to be treated the same as any other temporary disability. Employees must be reinstated. Employees are allowed to use their accrued vacation, sick, or PTO days to get paid during the leave.

## Payout

Maternity or paternity leave in Kansas is unpaid.

## Bereavement Leave in Kansas (Funeral Leave)

Employers in Kansas are not required to give bereavement leave.

Bereavement leave is time off provided to employees who have lost a loved one, such as a parent, child, spouse, or another close family member.

No federal or Kansas state law requires an employer to provide employees with bereavement leave, paid or unpaid, or time off to organize or attend a close family member's funeral. If an employer decides to give bereavement leave to employees, they may be required to do it according to a bereavement policy they have in place.

## **Payout**

Bereavement leave in Kansas is unpaid.

## **Jury Duty Leave in Kansas**

Employees must be excused from work to serve on a jury; employers are not required to compensate them.

Employers are required to provide employees with unpaid, job-protected leave to perform their jury duty. Employees are entitled to keep the same position, seniority, and other benefits after jury service. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

## **Payout**

The court pays:

Employees who serve as jurors in Kansas are paid \$10.00 a day (juror pay is a token amount).

The employer pays:

Employers in Kansas are not required to pay employees for jury duty leave. But due to the significance of jury duty, many firms pay their staff.

## Military Leave in Kansas

Employers must let their employees take unpaid leave for military duties.

### Federal Law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, provides reinstatement rights, protection from discrimination, and unlimited leave for active duty. Employees are entitled to continue receiving group health insurance for 24 months after taking a leave. When employees return from military leave, they must be assigned to their previous (or equivalent) position.

### Kansas State Law

In addition to benefits provided under USERRA, any employee called up for active duty will be:

- granted unlimited leave
- entitled to reinstatement to the same or a comparable employment position (seniority, status, and pay). However, employers don't have to reinstate employees if that reinstatement would be considered unreasonable, impossible, or would impose an excessive hardship on the employer. For a year, employees who have been reinstated may not be fired without cause.

In addition to military duty leave, employees are provided with 3 more days of leave after release from duty, for recovery from disease or injury resulting from military duty.

Employers must provide unpaid leave to members of the Kansas National Guard to attend drills, annual muster, or perform active service. Members of the Kansas National Guard are also entitled to unpaid leave between 5 and 10 days every 12 months to



attend training camp. It is a misdemeanor to refuse to permit an employee to take time off for these reasons or to penalize an employee for using leave.

Employers may not fire or discriminate against an employee who is on military leave.

Public employees have the right to limited paid leave and retention of benefits.

## **Payout**

Military leave is unpaid in the private sector.

## **Voting Leave in Kansas**

Employers are required to provide up to 2 consecutive hours of paid leave.

Any person entitled to vote in an election has the right to be absent from work for a period of not more than two hours between the opening and closing of polls. However, if polls are open outside of an employee's working hours, the employee must only be granted leave that provides at least two consecutive hours when added to the employee's non-working hours.

The employer may specify the time during the day at which the employee may be absent, provided that such time does not include time during the regular lunch period.

An employer may not financially penalize or discharge an employee for being absent to vote.

Obstruction of voting rights is a class A misdemeanor.

## **Payout**

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An employer pays regular wages for the time taken for voting leave.