

ALERTS: June 23, 2010
Employers must act by July 1 to comply with new Kansas no-smoking laws;
Kansas DOL audits increasing

Kansas Indoor Clean Air Act

Kansas' new no-smoking law requires that almost all businesses take specific steps to be in compliance on July 1, 2010. On that date, smoking becomes prohibited by state law in public places and most places of employment.

The new law requires that businesses:

- Create and communicate to all employees a written smoking policy prohibiting smoking in all enclosed areas of the workplace and within 10 feet of any entrance or air intake to those areas where smoking is prohibited.
- Post signs in a "conspicuous place" stating smoking is prohibited by state law.

A few businesses, such as tobacco shops, gaming facilities, and a few other exceptions, may allow smoking because they are exempt from the Clean Air Act. All others may be fined for violations, with the **third violation within a year resulting in a \$500-per-violation penalty (one smoker = one violation)**. **Organizations can be fined for smoker violations even if they are not aware the smoking is occurring.**

Employees interested in quitting smoking can get help through the Kansas Tobacco Quitline at 1-800-QUIT-NOW (1-800-784-8669), offering help and counseling 24 hours a day.

More information about the Indoor Clean Air Act, including a copy of the new law, downloadable no-smoking signs, and sample smoking policies, is available online at <http://www.kssmokefree.org/>.

Kansas DOL audits on the rise

The Kansas Department of Labor has hired a number of additional auditors and, based on our experience, appears to be stepping up auditing and enforcement activity in several areas. Among the areas under particular scrutiny are employee classification (to deter misclassification of employees as independent contractors), payroll, and especially for organizations with Federal contracts or who are subcontractors, affirmative-action plans. All organizations should review their human resource policies and procedures, records, filings and other related activities to ensure they can withstand a DOL audit.

For more information about the Kansas Indoor Clean Air Act or other HR issues, please contact AGH vice president of organizational development and family business services Marjorie Engle at (316) 291-4166 or Marjorie.engle@aghlc.com.

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