



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

June 24, 1975

Opinion No. 75-269

The Honorable Robert Whittaker
State Representative
Augusta Plaza
Augusta, Kansas 67010

Dear Representative Whittaker:

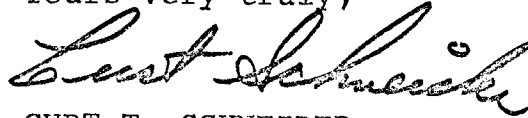
You inquire concerning a practice of Beech Aircraft Company, whereby a company nurse is dispatched to visit the homes of employees who are absent from work more than one day due to illness. The nurse's travel is limited to those communities surrounding Wichita, which, of course, includes Augusta. As a result, the nurse does not visit the residence of all employees, but only those living within the designated area. The company explains the visitations by saying the nurse calls to volunteer to help the employee and to assist him in applying for sick leave. It is apparently suggested in other quarters, however, that the purpose of the visits is to verify the employee's claim to illness.

You suggest that this constitutes a company "policing action" which violates employees' rights, and further, that the visitation policy only in a certain geographical area raises a question of possible discrimination based on residence. The visitation policy does not violate any Kansas laws regarding the employer-employee relationship. The Kansas Act against Discrimination, K.S.A. 44-1001 *et seq.*, prohibits discrimination based on race, religion, color, sex, physical handicap, and national origin and ancestry. It provides no basis for complaint based on residence within the State of Kansas. Moreover, the geographical limitations on the visitation program to communities surrounding the City of Wichita do not appear to be based on any invidiously discriminatory ground, but only, so far as appears, on the practical limits involved in administering the program. We can only suggest that this program be discussed in

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the ordinary channels for dealing with employer-employee relationships, such as collective bargaining procedures.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Curt Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj