



June 2, 2025

Services

Employment Law

[OSHA Compliance & Defense](#)

[Employment Litigation and Arbitration](#)

[FLSA Litigation and Wage and Hour Defense](#)

[Immigration](#)

[Unfair Competition and Trade Secrets](#)

[Labor Law](#)

[Employment Advice, Counseling, and Risk Management](#)

Kansas Employment Law: 2025 Legislative Update

Kansas Governor Laura Kelly recently signed two bills into law that will affect employers, including one related to enforcement of non-solicitation agreements and one that creates whistleblower protections for municipal employees. This client alert provides an overview of both new laws.

Amendments to the Kansas Restraint of Trade Act

On April 8, 2025, Governor Kelly signed Senate Bill 241, which makes some employer-friendly changes to the Kansas Restraint of Trade Act. These changes take effect on July 1, 2025, and will give Kansas employers a heightened ability to protect their workforce stability and customer relationships.

Non-Solicitation Agreements Will Be Presumed Enforceable

The recent amendment to the Kansas Restraint of Trade Act creates a conclusive presumption that non-solicitation restrictions will be found to be enforceable where they satisfy certain requirements.

Non-Solicitation of Employees or Customers by an Employee

Under the amended law, a written non-solicitation covenant that prevents an employee from soliciting a business's employees is presumed enforceable if it: (1) seeks to "protect confidential or trade secret business information or customer or supplier relationships, goodwill or loyalty," or (2) does not last for more than two years following employment.

Non-solicitation agreements that prevent an employee from soliciting a business entity's customers also are presumptively enforceable if the agreement is limited to "material contact customers" and does not last for more than two years after employment.

Non-Solicitation of Employees or Customers by an Owner

Non-solicitation agreements in which an "owner" agrees not to solicit or otherwise interfere with a business entity's employees, other owners or any "material contact customer" for up to four years after the end of their business relationship are presumptively enforceable.

"Owner" includes any current or former owner or seller of all or any part of the assets of a business entity or any interest in a partnership, limited liability company or other equity or ownership interest. A "material contact customer" is any customer or prospective customer solicited by the employee or owner or about whom the employee or owner had obtained confidential business or proprietary information or trade secrets in the course of the employee's or owner's relationship with the customer.

Mandatory Judicial Reformation of Overbroad Covenants

Previously, judicial reformation (i.e., blue penciling) of overbroad restrictive covenants was permitted under Kansas law only "to the extent reasonably necessary to protect a legitimate business interest." Now, blue penciling is mandatory: "[T]he court shall modify the covenant, enforce the covenant as modified and grant only the relief reasonably necessary to protect such interests."

Kansas Municipal Employee Whistleblower Act

On April 7, 2025, Governor Kelly signed House Bill 2160, titled the Municipal Employee Whistleblower Act (the “Act”), which establishes whistleblower protections for municipal employees who report unlawful or unauthorized conduct committed by a municipality or its officers. The purpose of the Act is to “enhance transparency and accountability in local government, ensuring that municipal employees can report wrongdoing without fear of retaliation.” It will take effect on July 1, 2025.

Key Provisions

The Act protects municipal employees from disciplinary action for engaging in any of the following activities:

- Discussing matters of public concern with any member of the governing body of such municipality or any auditing agency.
- Reporting violations of federal, state or local laws, regulations, or rules to any person.
- Failing to give notice to a supervisor or appointing authority prior to reporting a violation of law.
- Disclosing unlawful conduct or misappropriation of money by any member, officer or employee of the governing body to any person.

Compliance

Kansas municipalities may not prohibit or take disciplinary action against an employee for engaging in any of the above conduct. The Act defines disciplinary action as any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

By no later than July 1, 2025, each municipality must post a copy of the Act in a place where it can reasonably be expected to be seen by employees.

If you have questions about how these new laws may impact your organization, or if you would like to discuss a review of your non-solicitation agreements so that they will be found presumptively enforceable, please contact your Kutak Rock attorney or any of the attorneys in the firm’s [National Employment Law Group](#), and we would be happy to discuss this with you.

