

HOUSE BILL No. 2627

By Committee on Commerce and Economic Development

2-3

1 AN ACT concerning certain deductions from wages; amending K.S.A.
2 2011 Supp. 44-319 and repealing the existing section.

3 Be it enacted by the Legislature of the State of Kansas:

4 Section 1. K.S.A. 2011 Supp. 44-319 is hereby amended to read as
5 follows: 44-319. (a) Except as provided in subsection (b), no employer
6 may withhold, deduct or divert any portion of an employee's wages unless:

7 (1) The employer is required or empowered to do so by state or
8 federal law;

9 (2) the deductions are for medical, surgical or hospital care or service,
10 without financial benefit to the employer, and are openly, clearly and in
11 due course recorded in the employer's books;

12 (3) the employer has a signed authorization by the employee for
13 deductions for a lawful purpose accruing to the benefit of the employee; or
14 (4) the deductions are for contributions attributable to automatic
15 enrollment, as defined in K.S.A. 2011 Supp. 44-319a, and amendments
16 thereto, in a retirement plan established by the employer described in
17 sections 401(k), 403(b), 408, 408A or 457 of the internal revenue code.

18 (b) An employer may withhold, deduct or divert any portion of an
19 employee's wages for the following purposes:

20 (1) To allow the employee to repay a loan or advance which the
21 employer made to the employee during the course of and within the scope
22 of employment;

23 (2) to allow for recovery of payroll overpayment;

24 (3) to compensate the employer for the value of the employer's
25 merchandise or uniforms purchased by the employee; and

26 (4) to compensate the employer for breakage, loss or return of
27 merchandise, inventory shortage or cash shortage caused by the employee
28 where the employee was the sole party responsible for the cash or items
29 damaged or lost at the time the damage or loss occurred.

30 (c) Nothing in this section shall be construed as prohibiting the
31 withholding of amounts authorized in writing by the employee to be
32 contributed by the employee to charitable organizations; nor shall this
33 section prohibit deductions by check-off of dues to labor organizations or
34 service fees, where such is not otherwise prohibited by law.

35 Sec. 4. K.S.A. 2011 Supp. 44-319 is hereby repealed.

employees; pertaining to leave policies for employees; certain
deductions from employees wages

Section 1. No city, county or local government unit shall enact or
administer any ordinance, resolution, law, economic development
initiative, program or grant which requires an employer to:

(a) Provide to such employer's employees any leave from work,
either with or without pay, unless such leave is required by state or federal
law;

(b) pay compensation to such employer's employees for any leave
from work unless payment of compensation for such leave is required by
state or federal law;

(c) pay compensation at any rate higher than the minimum wage
required by state or federal law; or

(d) offer an employee benefit other than those required by state or
federal law.

Sec. 2. The administration, enactment or enforcement of any city
ordinance which conflicts with section 1, and amendments thereto, is
hereby declared to be void and against the public policy of this state.

Sec. 3. The administration, enactment or enforcement of any county
resolution which conflicts with section 1, and amendments thereto, is
hereby declared to be void and against the public policy of this state.

Sec. 4. For the purposes of this act, unless the context otherwise
requires:

(a) "Employee" means an individual employed in this state by an
employer.

(b) (1) "Employer" means any individual, sole proprietorship,
partnership, limited liability company, corporation or any other entity that
is legally doing business in this state.

(2) "Employer" shall not include a public employer.

(c) "Public employer" has the meaning specified in K.S.A. 75-4322,
and amendments thereto.

Sec. 5

Sec. 6

- 1 Sec-3. This act shall take effect and be in force from and after its
- 2 publication in the statute book.
- 3

Sec. 7