

Proposed Amendments for HB 2638
 February 17, 2012
 Prepared by Ken Wilke
 Office of the Revisor of Statutes

1 subsection ~~(e)(2)(B)~~ ~~(e)(2)(C)~~.
 2 (2) For the purposes of this section, remuneration received under the
 3 following circumstances shall not be construed as wages:
 4 (A) Remuneration received for services performed on a public
 5 assistance work project;
 6 (B) vacation pay, except as set out in subsection (e)(1)(A) above;
 7 (C) ~~holiday pay that was not payable unless the individual completed~~
 8 ~~with a condition of attendance on another regularly-scheduled day or days;~~
 9 (D) severance pay, in lieu of notice, under the provisions of public
 10 law 100-379, the federal worker adjustment and retraining notification act
 11 (29 U.S.C.A. §§ 2101 through 2109);
 12 (E) ~~(D)~~ all other severance pay, separation pay, bonuses, wages in lieu
 13 of notice or remuneration of a similar nature that is payable after the
 14 severance of the employment relationship, except as set out in subsection
 15 ~~(e)(1)(B)~~; and
 16 (F) ~~(E)~~ moneys received as federal social security payments.
 17 (3) For the purposes of this subsection (e), "employment benefits
 18 within the employer's control" means benefits offered by the employer to
 19 employees which are employee benefit plans as defined by section 3 of the
 20 federal employee retirement income security act of 1974, as amended, (29
 21 U.S.C. § 1002) and which the employer has the option to continue to
 22 provide to the employee after the last day that the employee worked for
 23 that employer.
 24 (f) *Duration of benefits.* Any otherwise eligible individual shall be
 25 entitled during any benefit year to a total amount of benefits equal to
 26 whichever is the lesser of 26 times such individual's weekly benefit
 27 amount, or 1/3 of such individual's wages for insured work paid during such
 28 individual's base period. Such total amount of benefits, if not a multiple of
 29 \$1, shall be reduced to the next lower multiple of \$1.
 30 (g) For the purposes of this section, wages shall be counted as "wages
 31 for insured work" for benefit purposes with respect to any benefit year
 32 only if such benefit year begins subsequent to the date on which the
 33 employing unit by whom such wages were paid has satisfied the
 34 conditions of subsection (h) of K.S.A. 44-703, and amendments thereto,
 35 with respect to becoming an employer.
 36 (h) (1) *Notwithstanding any other provisions of this section to the*
 37 *contrary, if the claimant has received a single lump-sum amount which is*
 38 *attributed to separation or severance pay, then the claimant's benefits*
 39 *shall be postponed for the number of weeks as determined in paragraph*
 40 *(2) after the week in which such separation or severance pay is received.*
 41 (2) ~~(4) The lump-sum amount of separation pay or severance pay~~
 42 ~~received shall be divided by the amount of claimant's base period wages to~~
 43 ~~determine the number of weeks benefits shall be delayed.~~

~~(b) If the result of the calculation in subparagraph (A) is not a whole number of weeks, the result shall be rounded up to the next whole number of weeks.~~

Sec. 2. K.S.A. 2011 Supp. 44-710a is hereby amended to read as follows: 44-710a. (a) Classification of employers by the secretary. The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If as of the date such classification of employers is made, the secretary finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) New employers. (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(B) (i) (a) For the rate year ~~2007~~ and each rate year thereafter years 2007 through 2012, each employer who is not eligible for a rate contribution shall pay contributions equal to 4% of wages paid during each calendar year with regard to employment except such employers engaged in the construction industry shall pay a rate equal to 6%.

(b) For the rate year 2013 and each rate year thereafter, except as provided in subclause (c), each employer who is not eligible for a rate contribution shall pay contributions equal to 4% of wages paid during each calendar year with regard to employment except such employers engaged in the construction industry shall pay a rate equal to 6%.

(c) For the rate year 2013 and each rate year thereafter, except for the construction industry, each employer who starts a new business and who is not eligible for a rate contribution shall pay contributions equal to 2.7% of wages paid during each calendar year with regard to employment.

On forms required by the secretary, the employer shall report to the secretary the lump sum amount of severance pay or separation pay received by the employee and the number of weeks such lump sum payment represents in reference to the employee's gross weekly wage or gross weekly salary.

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