

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.

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4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

14 (3) the employer has a signed authorization by the employee for  
15 deductions for a lawful purpose accruing to the benefit of the employee; or

16 (4) the deductions are for contributions attributable to automatic  
17 enrollment, as defined in K.S.A. 2011 Supp. 44-319a, and amendments  
18 thereto, in a retirement plan established by the employer described in  
19 sections 401(k), 403(b), 408, 408A or 457 of the internal revenue code.

20 (b) **{Subject to the provisions of subsection (e),}** pursuant to a  
21 **signed written agreement between the employer and employee**, an  
22 employer may withhold, deduct or divert any portion of an employee's  
23 wages for the following purposes:

24 (1) *To allow the employee to repay a loan or advance which the*  
25 *employer made to the employee during the course of and within the scope*  
26 *of employment;*

27 (2) *to allow for recovery of payroll overpayment; and*

28 (3) *to compensate the employer for the ~~value~~ cost or unpaid balance*  
29 **of the cost** *of the employer's merchandise or uniforms purchased by the*  
30 *employee; and*

31 ~~(4) to compensate the employer for breakage, loss or return of~~  
32 ~~merchandise, inventory shortage or cash shortage caused by the employee~~  
33 ~~where the employee was the sole party responsible for the cash or items~~  
34 ~~damaged or lost at the time the damage or loss occurred.~~

1       (c) **{Subject to the provisions of subsection (e),}** upon providing a  
2 written notice and explanation, an employer may withhold , deduct or  
3 divert any portion of an employee’s final wages for the following  
4 purposes:

5       **(1) to recover the employer’s property provided to the employee**  
6 **in the course of the employer’s business including, but not limited to,**  
7 **tools of the trade or profession, personal safety equipment, computers,**  
8 **electronic devices, mobile phones, proprietary information such as**  
9 **client or customer lists and intellectual property, security information,**  
10 **keys or access cards or materials until such time as such property is**  
11 **returned by the employee to the employer. {Upon return of the**  
12 **employer’s property the employer shall relinquish the wages withheld**  
13 **to the employee.}**

14       **(2) To allow an employee to repay a loan or advance which the**  
15 **employer made to the employee during the course of and within the**  
16 **scope of employment;**

17       **(3) To allow for the recovery of payroll overpayment;**

18       **(4) To compensate the employer for the value of the employer’s**  
19 **merchandise, uniforms, company property, equipment, tools of the**  
20 **trade, or other materials intentionally purchased by the employee.**

21       **(d)** Nothing in this section shall be construed as prohibiting the  
22 withholding of amounts authorized in writing by the employee to be  
23 contributed by the employee to charitable organizations; nor shall this  
24 section prohibit deductions by check-off of dues to labor organizations or  
25 service fees, where such is not otherwise prohibited by law.

26       **{(e) Amounts withheld under this section shall not reduce wages**  
27 **paid to below the minimum wage required under the federal fair labor**  
28 **standards act, 29 U.S.C.A. § 201 et seq., or the minimum wage**  
29 **required under K.S.A. 44-1203, and amendments thereto, whichever is**  
30 **applicable.}**

31       Sec. 2. K.S.A. 2011 Supp. 44-319 is hereby repealed.

32       Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.

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