

HOUSE BILL No. 2022

By Committee on Commerce, Labor and Economic Development

1-17

1 AN ACT concerning certain deductions from wages; amending K.S.A.
2 2012 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. 2012 Supp. 44-319 is hereby amended to read as
6 follows: 44-319. (a) *Except as provided in subsections (b) and (c)*, no
7 employer may withhold, deduct or divert any portion of an employee's
8 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. 2012 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 signed*
21 *written agreement between the employer and employee, an employer may*
22 *withhold, deduct or divert any portion of an employee's wages for the*
23 *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 replacement cost or unpaid*
29 *balance of the cost of the employer's merchandise or uniforms purchased*
30 *by the employee.*

31 (c) *Subject to the provisions of subsection (e), upon providing a*
32 *written notice and explanation, an employer may withhold, deduct or*
33 *divert any portion of an employee's final wages for the following*
34 *purposes:*

35 (1) *To recover the employer's property provided to the employee in*
36 *the course of the employer's business including, but not limited to, tools of*

1 *the trade or profession, personal safety equipment, computers, electronic*
2 *devices, mobile phones, proprietary information such as client or*
3 *customer lists and intellectual property, security information, keys or*
4 *access cards or materials until such time as such property is returned by*
5 *the employee to the employer. Upon return of the employer's property, the*
6 *employer shall relinquish the wages withheld to the employee;*

7 *(2) to allow an employee to repay a loan or advance which the*
8 *employer made to the employee during the course of and within the scope*
9 *of employment;*

10 *(3) to allow for the recovery of payroll overpayment; or*

11 *(4) to compensate the employer for the replacement cost or unpaid*
12 *balance of the cost of the employer's merchandise, uniforms, company*
13 *property, equipment, tools of the trade or other materials intentionally*
14 *purchased by the employee.*

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

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

24 Sec. 2. K.S.A. 2012 Supp. 44-319 is hereby repealed.

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