

44-1211. Liability of employer for payment of wages and overtime compensation; assignment of wage claim to secretary of human resources; attorney fees and costs. (a) On and after January 1, 1978, any employer who pays an employee less than the wages and overtime compensation to which such employee is entitled, under or by virtue of K.S.A. 44-1201 to 44-1213, inclusive, shall be liable to such employee affected for the full amount of such wages and overtime compensation, less any amount actually paid to such employee by the employer, and for costs and such reasonable attorney fees as may be allowed by the court in an action for the recovery of such wages and overtime compensation. Any agreement between such employee and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of such employee or employees.

(b) On and after January 1, 1978, at the written request of any employee who has been paid less than the amount to which he or she is entitled under the provisions of this act, the secretary may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorneys' fees as may be allowed by the court. The secretary in case of suit shall have power to join various claimants against the same employer in one action.

History: L. 1977, ch. 179, § 13; July 1.