

MINUTES OF THE SENATE COMMITTEE ON LABOR, INDUSTRY AND TOURISM

The meeting was called to order by Sen. Bill Morris at
Chairperson

1:30 ~~xxx~~ p.m. on April 7, 1983 in room 529-S of the Capitol.

All members were present ~~except~~.

Senators Burke, Chaney, Thiessen and Werts were excused.

Committee staff present:

Mark Burghart, Research Department
Bruce Kinzie, Revisor
Louise Cunningham, Secretary

Conferees appearing before the committee:

Sylvia Hougland, Department of Aging
Rob Hodges, Kansas Association of Commerce and Industry
Mike Bailey, Executive Director, Commission on Civil Rights.

H.B. 2523 - Concerning discrimination in employment, prohibiting certain employment-related practices based on a person's age.

Sylvia Hougland explained the need for an age discrimination bill in Kansas and said that Kansas is one of only five states that does not cover age discrimination. A copy of her statement is attached. (Attachment 1.) She also had an amendment to the bill (Attachment 2) which would provide for processing complaints. This would allow for review to see if a case has merit. She also asked that the stricken language on lines 30 and 31 on Page 1 be reinserted and that the stricken words in lines 122 and 123 be reinserted. They had been removed by the House Committee of the Whole. The words related to age 70.

Rob Hodges, KACI, said the current federal law applies to ages 40 - 70. He supported the amendment which would put in a process to determine the merit of a complaint. He also told the Committee that this bill would cover small employers now that employed four or more employees rather than 20.

Mike Bailey, KCCR, said Kansas had always been a leader in anti-discrimination and it was one of a few states not having an age discrimination law. He was concerned about the extra work for the staff to process complaints and said they would need two additional investigators to handle new complaints which would be generated by this bill.

A motion was made by Sen. Arasmith and seconded by Sen. Gordon to reinsert the stricken language on Page 1, lines 30 and 31 and on Page 3, lines 122 and 123. Motion carried.

A motion was made by Sen. Arasmith to amend Page 4, on line 135 by inserting after commission the words ", the commission shall process a complaint in the manner provided for processing complaints of unlawful employment practices, and". The motion was seconded by Sen. Feleciano. The motion carried.

A motion was made by Sen. Feleciano to recommend H.B. 2523, as amended, favorably for passage. Motion was seconded by Sen. Ehrlich. Motion carried.

Meeting was adjourned.

SENATE LABOR, INDUSTRY & TOURISM COMMITTEE

Date 4-7 Place 529-8 Time 1:30

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Hattie Norman	308 Jeff	KDOA
Nancy Zielke		KDOA
Nora Todd		KDOA
Roger Johnson	535 Laur.	KCCR

KANSAS AGE DISCRIMINATION IN EMPLOYMENT ACT

Bill Summary: Establishes as Kansas Age Discrimination in Employment Act by prohibiting certain employment related practices based on age.

Bill Provisions:

1. Prohibits the use of age as the sole criterion for employment decisions for workers
2. Establishes unlawful employment practices based on age for employers, labor organizations, and employment agencies:
 - hiring, termination, compensation
 - classification
 - terms, conditions and privileges.
3. Establishes what can not be considered an unlawful practice
 - Bona-Fide occupational qualification
 - Seniority system
 - Observation of qualified pension or retirement system
 - Mandatory retirement age of 70 years or above.
4. Designates the Kansas Civil Rights Commission to investigate and handle complaints.

Further states "Nothing in the Act...shall mean that an employer shall be forced to hire unqualified or incompetent personnel."

Testimony: Kansas Department on Aging

Age discrimination in employment is a continuing and serious problem which prevents Older Kansans from achieving full and equal employment. It occurs when older people, because of their age are not hired, are passed over for promotions, forced to retire, or are terminated solely because of age.

For every other type of discrimination, with one exception, the Kansas legislature has developed statutes to prohibit those discriminatory practices. That one exception is age discrimination in employment. Kansas is one of only 5 states that does not cover Age in its unlawful employment practices.

Atch. 1

(2)

0124 (5) observe the provisions of a retirement or pension plan
 0125 established by statute, pension or other benefit plan established
 0126 pursuant to permitted by state or federal law or by ordinance or
 0127 resolution.

0128 Sec. 4. Every person subject to this act shall keep posted in a
 0129 conspicuous place or places on the person's premises notices to
 0130 be prepared or approved by the commission, which shall set
 0131 forth excerpts of this act and such other relevant information
 0132 which the commission considers necessary to explain the act.

0133 Sec. 5. Any person aggrieved by any alleged unlawful em-
 0134 ployment practice based on age may file a complaint with the
 0135 commission, and the complaint shall be heard and orders issued,
 0136 in the same manner as provided for unlawful employment prac-
 0137 tices under the Kansas act against discrimination. Rehearing and
 0138 judicial review of the commission's decision in the case shall be
 0139 conducted in the manner provided by K.S.A. 44-1010 and 44-
 0140 1011, and amendments thereto.

0141 Sec. 6. (a) Contractors subject to the provisions of K.S.A.
 0142 44-1030, 44-1031 and 44-1032, and amendments thereto, shall be
 0143 required to agree to the same contract provisions with respect to
 0144 age discrimination and compliance with this act as provided by
 0145 those sections with respect to other types of discrimination and
 0146 compliance with the Kansas act against discrimination.

0147 (b) The commission shall have the powers provided by
 0148 K.S.A. 44-1030, 44-1031 and 44-1032, and amendments thereto,
 0149 to enforce the provisions of this section.

0150 Sec. 7. No person shall willfully resist, prevent, impede or
 0151 interfere with the commission or any of its members or repre-
 0152 sentatives in the performance of duty under this act or shall
 0153 willfully violate any order of the commission.

0154 (b) Violation of this section is a misdemeanor punishable by
 0155 imprisonment for not more than one year or by a fine of not more
 0156 than \$500, or both.

0157 (c) Lawful use of procedures for review of a commission
 0158 order shall not be considered a violation of this section.

0159 Sec. 8. (a) The provisions of this act shall be construed lib-
 0160 erally for the accomplishment of its purposes.

the commission shall process a
 complaint in the manner provided for
 processing complaints of unlawful em-
 ployment practices, and

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