

HOUSE BILL No. 2123

By Representatives Sawyer Clayton, Carr, Featherston, Haskins, Hoye, Martinez, McDonald, Melton, Meyer, Miller, Mosley, Oropeza, Simmons and Woodard

1-28

1 AN ACT concerning labor and employment; increasing the minimum
2 wage for employees receiving tips and gratuities; amending K.S.A. 44-
3 1203 and repealing the existing section.

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

6 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-
7 1203. (a) Except as otherwise provided in the minimum wage and
8 maximum hours law, every employer shall pay to each employee wages at
9 a rate as follows:

10 ~~(1) Prior to January 1, 2010, employee wages shall be paid at a rate of~~
11 ~~not less than \$2.65 an hour; and~~

12 ~~(2) on and after January 1, 2010, employee wages shall be paid at a~~
13 ~~rate of not less than \$7.25 an hour.~~

14 (b) In calculating such minimum wage rate, an employer may include
15 tips and gratuities received by an employee if such tips and gratuities have
16 customarily constituted part of the remuneration of the employee and if the
17 employee concerned actually received and retained such tips and
18 gratuities. For employees receiving tips and gratuities, the employer shall
19 pay a minimum wage of at least ~~\$2.13~~ \$6.15 an hour. If when combined
20 with the minimum wage rate prescribed in this subsection the amount of
21 the employee's tips and gratuities are:

22 (1) At least equal to \$7.25 an hour, no further payment is required by
23 the employer; or

24 (2) less than \$7.25 an hour, the employer must pay the employee the
25 difference between \$7.25 an hour and the actual hourly amount received
26 by the employee determined by combining the amount of tips and
27 gratuities received by the employee with the minimum wage prescribed by
28 this subsection paid by the employer.

29 (c) The provisions of this section shall not apply to any employers
30 and employees who are covered under the provisions of the federal fair
31 labor standards act ~~(, 29 U.S.C.A. U.S.C. § 201 et seq.)~~, and any other acts
32 ~~amendatory thereof or supplemental thereto.~~

33 Sec. 2. K.S.A. 44-1203 is hereby repealed.

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