

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.

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

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

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

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

12 (3) the employer has a signed authorization by the employee for
13 deductions for a lawful purpose accruing to the benefit of the employee; or
14 (4) the deductions are for contributions attributable to automatic
15 enrollment, as defined in K.S.A. 2011 Supp. 44-319a, and amendments
16 thereto, in a retirement plan established by the employer described in
17 sections 401(k), 403(b), 408, 408A or 457 of the Internal Revenue code.

18 (b) *An employer may withhold, deduct or divert any portion of an*
19 *employee's wages for the following purposes:*

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

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

24 (3) *to compensate the employer for the value of the employer's*
25 *merchandise or uniforms purchased by the employee; and*

26 ~~(4) to compensate the employer for breakage, loss or return of~~
27 ~~merchandise, inventory, shortage or cash shortage caused by the employee~~
28 ~~where the employee was the sole party responsible for the cash or items~~
29 ~~damaged or lost at the time the damage or loss occurred~~

30 (c) *Nothing in this section shall be construed as prohibiting the*

31 withholding of amounts authorized in writing by the employee to be
32 contributed by the employee to charitable organizations; nor shall this
33 section prohibit deductions by check-off of dues to labor organizations or
34 service fees, where such is not otherwise prohibited by law.

35 Sec. 2. K.S.A. 2011 Supp. 44-319 is hereby repealed.
36

Pursuant to a signed written
agreement between the employer
and employee

and

An employer may withhold, deduct or divert any portion
of an employee's final wages for the following purposes:

(1) To recover the employer's property provided to the
employee in the course of the employer's business including,
but not limited to, tools of the trade or profession, computers,
electronic devices, mobile phones, proprietary information,
such as client or customer lists and intellectual property,
security information, keys or access cards or materials until
such time as such property is returned by the employee to the
employer;

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

(3) to allow for the recovery of payroll overpayment; and

(4) to compensate the employer for the value of the
employer's merchandise, uniforms, company property,
equipment, tools of the trade, or other materials intentionally
purchased from the employer by the employee.

(d)

Proposed Amendments for HB 2627
February 16, 2012
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Office of the Revisor of Statutes