



**Testimony on Senate Bill 352
An act concerning the employment security law
Bruce Tunnell, Executive Vice President Kansas AFL-CIO**

Chair Wagle and members of the Committee:

Thank you for the opportunity to submit this testimony on behalf of the Kansas AFL-CIO.

The changes that Senate Bill 352 makes to the Employment Security Law appear designed to free businesses from some of the burdens of complying with the commonsense provisions of the Law and put unnecessary burdens on Kansas workers and taxpayers. We ask you to oppose this bill.

Currently, all work performed in Kansas for wages is presumed to be "employment" for the purposes of the Employment Security Law. Every worker is presumed eligible for Unemployment Insurance benefits upon discharge unless the worker was actually an independent contractor.

SB 352 deliberately removes that assumption and requires a worker to prove he or she was an employee. When a worker who should properly be classified as an employee is instead classified as an independent contractor that employee would be deprived of his or her rights to Unemployment Insurance benefits unless they can prove they were misclassified.

SB 352 also removes the Department of Labor's discretion to grant UI benefits in a situation where an employee was discharge because of repeated absences or lateness.

There are many reasons a worker might be absent or late to work including personal or family sickness, transportation issues or any other number of situations. SB 352 sets a low bar for employers to meet in order to disqualify employees from collecting unemployment benefits. The bill then takes it one step further by preventing any consideration of mitigating circumstances. Regardless of what is going on in the life of a worker, SB 352 allows an employer to use lateness or absences as a barrier to the worker accessing otherwise-deserved unemployment benefits.

SB352 also appears to allow the Secretary of Labor to intervene on behalf of an employer and appeal a decision of an Unemployment Insurance Judge if the decision is deemed too worker-friendly. Furthermore, the costs of this appeal - regardless of whether or not the employer wants to appeal - will be borne by Kansas taxpayers and not the employer who stands to benefit from the appeal. This effectively transfers the cost of this appeal process from employers to the taxpayers.

Senate Commerce Committee

Date: February 7, 2012

Attachment 4

Senate Bill 352 appears designed to make it easier for unscrupulous employers to deny discharged workers the basic right to access unemployment insurance. It stacks the deck against the worker, and even gives employers a taxpayer-funded appeal avenue if somehow the worker does manage to prove their case to an Unemployment Insurance Judge.

The changes proposed in Senate Bill 352 would essentially leave working Kansans out in the cold upon losing their jobs. This bill sends the wrong message to Kansas workers and proves to be another example of big business interests coming first over the hard working Kansas families that fuel our State's economy.

Thank you,

Bruce Tunnell
Executive Vice President,
Kansas AFL-CIO