



**Testimony on Senate Bill 352**  
**An act concerning the employment security law**  
**Terry Forsyth, President**  
**Working Kansas Alliance**

Chair Wagle and members of the Committee:

Thank you for the opportunity to submit this testimony on behalf of the Working Kansas Alliance.

The changes that Senate Bill 352 makes to the Employment Security Law do nothing more than give businesses a way out of complying with the commonsense provisions of the Law and do it on the backs of Kansas workers and taxpayers. We ask you to oppose this bill.

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

SB 352 completely removes the employer to employee relationship. When a worker who should be classified as an employee is instead classified as an independent contractor they would be deprived of his or her rights to Unemployment Insurance benefits unless they can prove they were misclassified. This places the entire burden on the employee.

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.

SB 352 sets a low bar for employers to meet in order to prevent employees from collecting unemployment benefits. The bill goes even further by preventing any consideration of mitigating circumstances. Regardless of circumstances, SB 352 allows an employer to use lateness or absences as a barrier to the worker accessing otherwise-deserved unemployment benefits.

SB352 also grants the Secretary of Labor the right to intervene on behalf of an employer and appeal a decision of an Unemployment Insurance Judge if the decision is deemed too worker-friendly. Which will be paid for by Kansas taxpayers and not the employer who would benefit from the appeal, regardless of if the employer has any interest in an appeal or not. This effectively transfers the cost of this appeal process from employers to the taxpayers.

Senate Bill 352 does nothing more than allow dishonest employers to deny discharged workers the basic right to access unemployment insurance. It stacks the deck against

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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 leave Kansans left with out any help after losing their jobs. This bill sends the message loud and clear to Kansas workers that they are less important than the interests of big business.

Thank you,

Terry Forsyth  
President  
Working Kansas Alliance