

## 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  
4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

13 (3) the employer has a signed authorization by the employee for  
14 deductions for a lawful purpose accruing to the benefit of the employee; or

15 (4) the deductions are for contributions attributable to automatic  
16 enrollment, as defined in K.S.A. 2011 Supp. 44-319a, and amendments  
17 thereto, in a retirement plan established by the employer described in  
18 sections 401(k), 403(b), 408, 408A or 457 of the internal revenue code.

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

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

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

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

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

31 (c) Nothing in this section shall be construed as prohibiting the  
32 withholding of amounts authorized in writing by the employee to be  
33 contributed by the employee to charitable organizations; nor shall this  
34 section prohibit deductions by check-off of dues to labor organizations or  
35 service fees, where such is not otherwise prohibited by law.

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 K.S.A. 2011 Supp. 44-319 is hereby repealed.

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