

Testimony in favor of HB 2022
Presented by Dina Cox, SPHR
January 22, 2013



Chairman Kleeb and honorable committee members:

I am Dina Cox and I am appearing in favor of HB 2022 on behalf of my colleagues of the Kansas Society for Human Resource Management. This organization is a professional one comprised of 2,300+ HR professionals in Kansas. KS SHRM is an integral part of advancing HR professionals in Kansas and their businesses as well. I have nearly 30 years of experience in HR and can tell you that this is a positive amendment in support of both employers and employees.

For example,

- Most employers in Kansas are small business owners. They know their employees intimately. If an employee needs an advance or loan to keep food on the table at home or a roof over their heads, most employers want to help them. This bill would allow the employee to repay this advance or loan over time. Why shouldn't employers have the right to do that if they want to? Perhaps I'm naïve or too trusting, but I believe that most of our Kansans are solid citizens who want to pay their debts and the risk is up to the employer if they want to take it.
- I can tell you from years of experience in HR and payroll that wage overpayments happen, a lot. It is a mistake sometimes by the employee and sometimes by the employer. As long as the employee is informed of the issue and agrees that what was originally paid was incorrect, that should not be unlawful. In fact, if we look at it from 180 degrees, why is it not stealing by the employee if they don't pay it back when they know it is an overpayment? No. None of us want that. To make matters even more interesting, even if the employee wants to repay the overpayment, it is problematic because no business wants to run afoul of the law. What a crazy paradox!
- All too often I have seen employers lose valuable property because employees did not return company property when they terminated. In this day of high tech gadgets and equipment that can fit into a briefcase or even a pocket, employers need the ability to recover the property or cost of the property without having to engage in legal remedies—the only option under the current law. To withhold an employee's final pay would do four things in my opinion:
 1. It would help the business recover the cost of the property, reducing expenditures and increasing revenue. And, whenever businesses can keep the costs of products and services down, that boosts the economy as a whole.
 2. Signing an agreement ahead of time sends the message to the employee that this property will be tracked and they will be held responsible for it.
 3. It would act as an incentive to the former employee to return the property to the rightful owner and thus receive their full wages.
 4. Finally, it reduces the chance of identity theft and disclosure of other sensitive information. Hard drives and other peripheral equipment cannot be wiped clean remotely. There is risk when this property is not recovered correctly and timely.

I sincerely ask you to support HB 2022 and thank you for allowing me to appear today. I am available for questions.