



KANSAS STATE COUNCIL
SOCIETY FOR HUMAN RESOURCE MANAGEMENT



Written Testimony in favor of HB 2022
Senate Commerce Committee
Presented by Natalie S. Bright
January 22, 2013

Chairman Lynn and honorable committee members:

I am Natalie Bright and I am submitting this written testimony in favor of HB 2022 on behalf of the Kansas Society for Human Resource Management (KS SHRM). For those unfamiliar with KS SHRM, it is a professional organization comprised of 2,300+ Human Resource (HR) professionals in Kansas. KS SHRM serves the needs of HR professionals and advances the interests of the HR profession in the state.

HB 2022 proposes to set out specific items in which an employer may withhold, deduct or divert any portion of an employee's wages. HB 2022 provides a balanced approach between the employer and employee by (1) requiring a written agreement for withholdings during the course of employment; or (2) requiring written notice by the employer before making a withholding from the final paycheck. Furthermore, once the property is returned, the employee would be entitled to the funds under the second scenario. If the employee disputes the amount withheld or that a withholding should have occurred, then the employee may file a complaint with the Kansas Department of Labor.

By setting out these provisions in statute, both employees and employers are provided guidance as to when an employer may deduct from paychecks. It also allows employers to collect money rightfully owed to them without incurring the burdensome expense of litigation or being forced to resort to the criminal system. This is particularly true when the employee is no longer employed by the employer. The bill also provides protection for the employee by requiring employers follow the fair labor standards.

As today's work tools and accessories become more mobile and used for both business and personal reasons, which also stores proprietary business information, the collection of such items can be difficult for the employer when the employment relationship is terminated. If passed, HB 2022 will assure employers an avenue for recouping the cost of the items not returned in good, working condition or, more frequently, when the employee refuses to return the item at all.

Again, thank you for the opportunity to appear in favor of HB 2022. I am will stand for questions at the appropriate time.