

Carpenters' District Council of Greater Saint Louis and Vicinity



Carpenters' Building
625 W. 39th Street
Suite 201
Kansas City, MO 64111-2987
816-931-3414

Testimony In Opposition to House Bill 2179
Joe Hudson
Carpenters' District Council of Greater St. Louis and Vicinity
to Senate Commerce Committee
March 15, 2013

Madame Chair and members of the Committee. Thank you for your consideration of this testimony in opposition to House Bill 2179. The bill before you today poses a dramatic threat to the integrity of the Kansas Wage Payment Act. House Bill 2179 in its current form virtually guarantees that there will be an increase in the number of workers in Kansas who will not be paid for the work they perform. Currently, when employers fail to pay their workers, these individuals can file a claim under the Kansas Wage Payment Act. Once it has been determined that an individual has a valid claim and has not been paid by their employer, the Secretary of Labor is authorized to take action against the employer to try and collect the money owed.

This bill would grant the Secretary of Labor discretion to not pursue valid wage claims on behalf of unpaid and underpaid workers. Under this bill, once the investigation is complete and it has been determined that the employer owes a worker money, that worker will have to go to court to try and collect on that claim if the Secretary of Labor elects to not prosecute the case. Obviously, being forced to go to court to try and collect on a claim costs money. And we're talking about shifting that burden to people who already haven't been



paid wages for the hours they have worked. It's unlikely these workers would have the money to pursue their claim in court individually or be able to afford to hire a lawyer to present the case for them.

So what we'd be creating by passing this bill is a system where employers know that even if they are found to be liable for unpaid wages, it's extremely unlikely that any action will ever be taken against them to collect those funds. Without enforcement, there is no incentive for employers to comply with the law. And it's no secret that many of these claims involve the disadvantaged who are already vulnerable to employers trying to increase their bottom lines by hiring cheap labor supplied by individuals who have few opportunities. If the principles behind the Kansas Wage Payment Act are to have any true meaning, enforcement of these claims must be part of that process and that includes the need for aggressive collection.

We believe the State needs to continue taking an active and aggressive role in ensuring that all who work in Kansas are paid wages for each and every hour they work. Eliminating the Secretary of Labor's mandate to collect on wage claims sends the wrong message to responsible Kansas employers who play by the rules. We don't want Kansas to become a haven for unscrupulous employers who will prey on workers knowing it is unlikely they will face any penalties.

We urge you to think about the impact this change could have both on Kansas' reputation and on the workers who help support our State's economy. We ask that you vote no on this bill in its current form.