



Kansas State Council of SHRM, Inc.  
825 S. Kansas, Suite 502 • Topeka, KS 66612  
(888) 332-6248 • office@ksshrm.com



House Commerce, Labor & Economic Development Committee  
February 13, 2018  
Opposing Testimony on HB 2461

Chairman Mason and Honorable Committee Members,

I am Dina Cox appearing on behalf of Kansas Society for Human Resource Management (KS SHRM). I have nearly 35 years of HR experience in a variety of industries. For those unfamiliar with KS SHRM, it is a professional organization comprised of 2,300+ HR professionals in Kansas. KS SHRM serves the needs of HR professionals and advances the interests of the HR profession throughout the state. Our members are responsible for developing and implementing workplace policies and practices that comply with federal, state, and local laws and provide guidance to managers at all levels about fair and effective people management practices. Our members serve in the public and private sectors representing unionized and non-unionized businesses of all sizes.

On behalf of KS SHRM and its members, I am here to provide opposition on HB 2461 and would like to offer my professional expertise on the proposal. Below are a few points I would like for you to consider as you contemplate action on HB 2461:

- KS SHRM opposes HB 2461 because it is unnecessary. There is an affordable process already in place for employees to pursue wage claims.
  - The Kansas Department of Labor has a wage claim process in place for employees who want help pursuing wages they may be owed. This process is easy, efficient and low cost unless the plaintiff has an attorney represent them.
  - The claim form (see attached) is extensive and could be particularly educational to employees who do not completely understand how their wages are calculated.
  - Once this form is completed, the KDOL reviews the form and then notifies the employer that a claim has been filed against them. Most employers are very responsive to KDOL letters and very aware that compliance is necessary and required.
  - If the employer does not comply, the KDOL will seek legal remedy on behalf of the employee.
  - This process is working well and to essentially privatize this process seems unnecessary.
- KS SHRM asked the KDOL if they had seen an increase in employers not paying wages appropriately, they responded, "...We have not seen a notable change in wage claims that would lead to the legislation. If KDOL takes assignment of a claim and prevails in getting a judgment, we are awarded attorney fees."

- KS SHRM has historically taken the position that state legislation be consistent with the federal law. In this case, Kansas law is already consistent with the federal law.
- KS SHRM believes that this proposed legislation will increase the cost to all parties and subject employers to more liability.

We respectfully ask the committee to oppose this legislation. Thank you for the opportunity to appear before you today. I am happy to answer questions.

Employment Standards  
401 SW Topeka Blvd.  
Topeka, KS 66603-3182

Lana Gordon, Secretary



phone: (785) 296-5000, opt. 0, ext. 1068  
fax: (785) 368-6462  
KDOL.EmploymentStandards@ks.gov  
www.dol.ks.gov

Governor Jeff Colyer, M.D.

Dear Wage Claimant:

Thank you for contacting the Kansas Department of Labor for help regarding your unpaid wages. Kansas law provides a procedure for our Office of Employment Standards to help you collect your unpaid wages. This letter outlines the steps you must take to collect your unpaid wages.

1. If you have not been paid all of your earned wages, please complete the enclosed *Claim for Wages* form and mail it to the Kansas Department of Labor, Employment Standards, 401 SW Topeka Blvd., Topeka, KS 66603-3182. A labor conciliator will review your claim and contact you to ask more questions if necessary.
2. When your *Claim for Wages* form is complete, your labor conciliator will forward a copy of your claim to the employer, requesting that they provide a response within 14 days.
3. If payment is not made by your employer, the Employment Standards office will conduct an investigation pursuant to the Kansas Wage Payment Law (K.S.A. 44-313 et seq.).
4. If your claim cannot be settled through the investigative process, a hearing will be scheduled before a presiding officer and a *Notice of Hearing* will be mailed to you and your employer.
5. If there is a hearing, the presiding officer will decide whether the employer owes the wages and any applicable penalty and interest. If the decision is in your favor, the presiding officer will order the employer to pay your wages.
6. If the employer does not pay as ordered, you may request the Kansas Department of Labor legal staff to enforce the presiding officer's order in court. If you prefer, your private attorney may file the court action at your expense.

The more information you can provide on the claim form, the quicker we can resolve your claim. However, if you don't know all of the answers and can't get the information or the document requested, complete as much information as possible and submit the form.

If you have any questions about this process, please contact our Employment Standards staff at 785-296-5000, opt. 0, ext. 1068.

# CLAIM FOR WAGES

K-ESLR 105 (Rev. 2-18)

**PLEASE PRINT: Complete as much information as possible to help us resolve your claim quickly.  
Use additional space provided on Page 4 or add more pages if necessary.**

## CLAIMANT

1. Ms. \_\_\_\_\_  
Mr. \_\_\_\_\_  
First name Middle Last Age Social Security number
2. Mailing address (Street or P.O. Box) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
3. (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Home phone Cell phone Name and phone number of other contact (relative, friend, neighbor)

YOU MUST notify the Office of Employment Standards if your address or phone number changes.

## EMPLOYER WHO OWES WAGES

4. Business Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_
5. Mailing Address: Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Corporate address if different: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
6. List the name, position and address of all people in supervision who had the authority to make decisions about your pay.
- | Name  | Position | Address (street, city, state, ZIP) |
|-------|----------|------------------------------------|
| _____ | _____    | _____                              |
| _____ | _____    | _____                              |
| _____ | _____    | _____                              |
| _____ | _____    | _____                              |
7. Address where work was performed: \_\_\_\_\_
8. Address where employer maintains payroll and personnel records, if different than above: \_\_\_\_\_
9. While you were working, was this employer serving as a SUB CONTRACTOR?  YES  NO  
If Yes, name and address of general contractor: \_\_\_\_\_
10. Employer is: (select one)  PARTNERSHIP  CORPORATION  INDIVIDUAL PROPRIETORSHIP  DON'T KNOW  
IF THE EMPLOYER IS A CORPORATION, complete the following if you know:
11. Licensed in Kansas?  YES  NO
- Name of Resident Agent: \_\_\_\_\_ Address: \_\_\_\_\_
- Name of President: \_\_\_\_\_ Address: \_\_\_\_\_
- Name of Secretary: \_\_\_\_\_ Address: \_\_\_\_\_
- Name of Treasurer: \_\_\_\_\_ Address: \_\_\_\_\_
- Other Corporate Manager: \_\_\_\_\_ Address: \_\_\_\_\_

**Claim for Wages**

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**TERMS OF EMPLOYMENT**

12. Did you work under a WRITTEN CONTRACT?  YES  NO If YES, **attach a copy** if possible.

13. \_\_\_\_\_  
Type of work Your specific job or title mo/day/yr started mo/day/year ended

14. How did employer compute your pay? By the:  HOUR  WEEK  TWO WEEKS  MONTH  PIECE WORK  COMMISSION

15. At the time you earned the unpaid wages, what was your RATE OF PAY? \$ \_\_\_\_\_

16. How many days in your PAYPERIOD? \_\_\_\_\_ 17. What was the last day of your pay period? \_\_\_\_\_ 18. What was your pay day? \_\_\_\_\_

19. Explain your agreement if you were paid by COMMISSION or PIECEWORK:

20. Union Agreement?  YES  NO If YES, what is the name and address of local, national, international union? \_\_\_\_\_  
Business agent? \_\_\_\_\_

21. Are you still working for this employer?  YES  NO If NO:  QUIT  FIRED  LAID-OFF  
Explain: \_\_\_\_\_

**WAGES CLAIMED**

22. Type of wages claimed:  REGULAR PAY  OVERTIME  VACATION  BONUS  COMMISSION  
 DEDUCTIONS  PROFIT SHARING  SEVERANCE  OTHER \_\_\_\_\_

23. **TOTAL DOLLAR AMOUNT CLAIMED:** \$ \_\_\_\_\_

PERIOD OF TIME FOR WHICH YOU WERE NOT PAID: \_\_\_\_\_

24. **EXPLAIN DETAILS:** What did employer promise to pay you that was not paid? How do you calculate the amount owed? Use additional pages if necessary.

**Claim for Wages**

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25. If witnesses SAW or HEARD conversations or other events that support your claim that the wages were promised but not paid, list them.

Name	Position	Address (street, city, state, ZIP)
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Name	Position	Address (street, city, state, ZIP)
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26. Did you demand payment?  YES  NO

27. Did the employer agree to pay part?  YES  NO If YES, how much? \$\_\_\_\_\_ Date Paid:\_\_\_\_\_

28. Did employer pay part of your demand?  YES  NO If YES, how much? \$\_\_\_\_\_ Date Paid:\_\_\_\_\_

29. List each demand. Give the best date you can. If your demand was in writing, ATTACH A COPY with the response if possible.

Date	Name	Position	Address (street, city, state, ZIP)
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Date	Name	Position	Address (street, city, state, ZIP)
------	------	----------	------------------------------------

30. What reason did the employer give for refusing to pay?

**WILLFUL AND KNOWING VIOLATIONS OF THE WAGE PAYMENT LAW**

31. Did anyone in management KNOW that you were entitled to receive the wages but refused to pay?  YES  NO

If YES, list their names and position. If corporate officers or agents, list each by title.

Name	Position	Address (street, city, state, ZIP)
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Name	Position	Address (street, city, state, ZIP)
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32. EXPLAIN what conversations, documents and other events convinced you that the above employers KNEW the employer was legally required to pay the wages and WILLFULLY chose not to do so.

**ANSWER ONLY IF YOUR CLAIM IS FOR:**

33. VACATION PAY: Does employer have a written policy?  YES  NO If YES: Attach a copy if possible.

If No: What did the employer tell you in regard to vacation earning and usage including payment at separation of employment?

34. SEVERANCE PAY: Did employer have a written policy about severance pay?  YES  NO If YES: Attach a copy if possible.

If NO: What did employer tell you about severance pay?

35. **RELEASE OF INFORMATION:** I do hereby authorize the employees of the Department of Labor to release this information to any person including the employer herein to authenticate and to collect this claim.

36. **TRUTHFULNESS AND ACCURACY:** I do hereby swear or affirm that the foregoing information is the truth, the whole truth and nothing but the truth to the best of my knowledge and belief.

37. Claimant's Signature:\_\_\_\_\_ 38. Date Signed:\_\_\_\_\_

**Claim for Wages**

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39. MORE SPACE FOR ANSWERS: Please begin with the NUMBER OF THE QUESTION.