

HOUSE BILL No. 2370

By Representative Swenson

2-9

9 AN ACT concerning employment and labor; relating to overtime pay.
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11 *Be it enacted by the Legislature of the State of Kansas:*
12 Section 1. This act shall be known and may be cited as the “overtime
13 protection act.”
14 Sec. 2. (a) Federal regulations which took effect August 23, 2004,
15 make it easier for employers to classify their employees as exempt from
16 overtime pay. As many as 6,000,000 workers in a wide variety of jobs may
17 lose the right to overtime pay as a result of these regulations.
18 (b) The purpose of this act is to preserve the rights of affected work-
19 ers to overtime pay in this state.
20 Sec. 3. (a) Regulations promulgated by the United States depart-
21 ment of labor at 29 C.F.R. Part 541, effective on August 23, 2004, which
22 revised regulations governing the exemption from overtime pay for ex-
23 ecutive, administrative, professional, outside sales and certain computer
24 employees in effect prior to August 23, 2004, shall apply to such employ-
25 ees employed in this state as follows:
26 (1) Any employee who would have had the right to earn overtime pay
27 under the federal regulations in effect on August 22, 2004, but who would
28 lose the right to earn overtime pay under the federal regulations in effect
29 on and after August 23, 2004, shall continue to have such person’s eligi-
30 bility for overtime pay determined under the regulations in effect on
31 August 22, 2004.
32 (2) The minimum salary an employer must pay an employee before
33 that employee can lose the right to overtime shall be the salary set forth
34 at 29 C.F.R. section 541.600 as that provision was revised effective August
35 23, 2004, or as it may be revised from time to time in the future by the
36 United States secretary of labor.
37 (b) The state secretary of labor shall promulgate such regulations as
38 are necessary to enforce this act.
39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.