

HOUSE BILL No. 2294

By Committee on Appropriations

2-5

9 AN ACT concerning the minimum wage and maximum hours law;
10 amending K.S.A. 44-1203 and 44-1211 and repealing the existing
11 sections.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-
15 1203. (a) Except as otherwise provided in the minimum wage and maxi-
16 mum hours law, every employer shall pay to each employee wages at a
17 rate ~~of not less than \$2.65 an hour.~~ *as follows:*

18 (1) *Prior to September 1, 2009, employee wages shall be paid at a*
19 *rate of not less than \$2.65 an hour; and*

20 (2) *on and after September 1, 2009, employee wages shall be paid at*
21 *a rate of not less than \$7.25 an hour.*

22 (b) In calculating such minimum wage rate, an employer may include
23 tips and gratuities received by an employee in an amount equal to not
24 more than 40% of the minimum wage rate if such tips and gratuities have
25 customarily constituted part of the remuneration of the employee and if
26 the employee concerned actually received and retained such tips and
27 gratuities. The secretary shall require each employer desiring approval of
28 an allowance for gratuities to provide substantial evidence of the amounts
29 of such gratuities on account of which the employer has taken an allow-
30 ance pursuant to this section.

31 ~~(b)~~ (c) The provisions of this section shall not apply to any employers
32 and employees who are covered under the provisions of section 6 of the
33 fair labor standards act of 1938 as amended (29 U.S.C.A. § 206), and as
34 amended by the fair labor standards amendments of 1974 and any other
35 acts amendatory thereof or supplemental thereto.

36 Sec. 2. K.S.A. 44-1211 is hereby amended to read as follows: 44-
37 1211. (a) On and after January 1, 1978, any employer who pays an em-
38 ployee less than the wages and overtime compensation to which such
39 employee is entitled, under or by virtue of K.S.A. 44-1201 to 44-1213,
40 inclusive, *and amendments thereto*, shall be liable to such employee af-
41 fected for ~~the full~~ *triple the* amount of such wages and overtime com-
42 pensation, less any amount actually paid to such employee by the em-
43 ployer, and for costs and such reasonable attorney fees as may be allowed

1 by the court in an action for the recovery of such wages and overtime
2 compensation. Any agreement between such employee and the employer
3 to work for less than the applicable wage rate shall be no defense to such
4 action. Such action may be maintained in any court of competent juris-
5 diction by any one or more employees for and in behalf of such employee
6 or employees.

7 (b) On and after ~~January 1, 1978~~ *July 1, 2009*, at the written request
8 of any employee who has been paid less than the amount to which ~~he or~~
9 ~~she~~ *such employee* is entitled under the provisions of this act, the secretary
10 may take an assignment of such wage claim in trust for the assigning
11 employee and may bring any legal action necessary to collect such claim,
12 and the employer shall be required to pay the costs and such reasonable
13 attorneys' fees as may be allowed by the court. The secretary in case of
14 suit shall have power to join various claimants against the same employer
15 in one action.

16 Sec. 3. K.S.A. 44-1203 and 44-1211 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the statute book.