

Approved: 4-5-93

Date

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY.

The meeting was called to order by Chairman David Heinemann at 9:14 a.m. on March 23, 1993, in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Jim Wilson, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Heinemann opened the meeting by explaining the Court of Appeals decision in Manpower, Inc., of Wichita v. State of Kansas Employment Security Board of Review as it relates to the proposed amendment to SB 145 page 26, lines 4-10. If the committee wants the bill to reflect the Court of Appeals decision, a period should be placed after the word "assignment" on page 26, line 9, and the remainder of the paragraph deleted.

Representative Mayans moved to put a period after the word "assignment" on page 26, line 9, of SB 145 and to strike the rest of line 9 and all of line 10. Representative Cornfield seconded the motion.

Much discussion ensued concerning conditions under which a temporary employee would or would not receive unemployment compensation -- comparable work, comparable wage, failure to report for another assignment. Under this section the temporary agency would not be charged if the employee failed to report for another work assignment. There was concern that this section would treat temporary agency employers more favorably than other employers.

This particular section has to do with the charging of a base period employer. The issue of whether or not the employee would qualify for unemployment benefits is covered in another section. There was concern that changing this section would affect other sections of the bill; in the past the same standard has been used in all sections. It was suggested language be added to state that what was stated in this section for non-charge did not apply to the section for disqualification for benefits.

Representative Pauls offered a substitute motion to keep the language on page 26, lines 4-10, of SB 145 and add Jim Wilson's language "except that a determination pursuant to this clause (iii) shall not affect or be considered in a determination of whether an individual shall be disqualified for benefits pursuant to K.S.A. 44-706 and amendments thereto." Representative Webb seconded the motion. The motion failed.

Following further discussion, a vote was taken on Representative Mayans original motion to put a period after the word "assignment" on page 26, line 9, of SB 145 and strike the rest of line 9 and all of line 10. The motion carried.

As time was limited, it was decided to meet tomorrow to continue work on SB 145.

The meeting adjourned at 10:02 a.m. The next meeting is scheduled for March 24, 1993.

GUEST LIST

COMMITTEE: HOUSE LABOR AND INDUSTRY

DATE: 3-23-93

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