

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY.

The meeting was called to order by Chairman David Heinemann at 9:00 a.m. on March 17, 1994, 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:

Tom Hanna, Key Temporary Personnel
Wayne Maichel, AFL-CIO

Others attending: See attached list

Continuation of Hearing on SB 738 - Employment security law, benefit eligibility and disqualification conditions, certification period for fund solvency.

Tom Hanna, Key Temporary Personnel, appeared in support of SB 738 with the deletion of the six words "and when comparable work is available" as passed by the Senate. He explained that not all temporary employees contact them when they have completed their temporary assignment as requested in advance. Too often when the employee's temporary assignment is completed, they go directly to sign up for unemployment compensation even though there may be over 300 job openings available. Many of their temporary employees do not have telephones, so they are out of contact with them until the employee contacts them. They do not feel they should be obligated to pay unemployment benefits when they could place that applicant if he/she would report back after completing an assignment. (Attachment 1)

Mr. Wayne Maichel, AFL-CIO, testified in opposition to SB 738. The only complaint they have with the legislation is the six words on Page 2, Line 37. They want these six words back in the bill. The August, 1993, case was in District Court and pertains only to that particular case. The 1986 Court of Appeals case is the law in Kansas. When those six words are removed, the referee can go no further in fact finding. You have to have a job available in order to quit a job. The AFL-CIO feels the six words should be put back in, or strike all of Lines 33-37 on Page 2. Mr. Maichel suggested an interim study of part-time employees and independent contractors.

Representative Lane asked Mr. Maichel the meaning or significance of the three words "or evil design" on Page 5, Lines 4 and 5, of SB 738. Mr. Maichel said they had recommended that those words be removed; however, the Senate left them in. He suggested that the committee delete them from the bill.

Representative Carmody moved that HB 2268, introduced last session, be amended into SB 625. HB 2268 adds a new subsection (h) on Page 2, Lines 35-40. This amendment states that no employer shall require an injured employee to use accumulated sick leave, vacation, or any other accumulated leave before collecting workers compensation benefits. However, the employee may elect to take vacation or sick leave before taking workers compensation benefits, as the pay would be more. Workers compensation is only two-thirds of weekly wage. Representative Standifer seconded the motion to incorporate HB 2268 into SB 625. Motion was adopted.

Chairman Heinemann asked if there was a motion to amend HB 2839, Representative Krehbiel's bill, into SB 625. The bill dealt with confidentiality of financial information and corrected a technical error in the workers compensation legislation of last year. Representative Pauls moved that HB 2839 be amended into SB 625. Representative Standifer seconded, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY, Room 526-S Statehouse, at 9:00 a.m. on March 17, 1994.

Representative Packer moved that SB 625 be passed as amended. Representative Nichols seconded. Motion carried.

Representative Webb moved that SB 766 be passed. SB 766 concerns the weekly benefit amount of unemployment compensation an individual can receive. Severance pay within the employer's control will be included as wages in the calculation of a reduction of benefits under the provisions of this bill. Representative Packer seconded. Motion carried.

The meeting adjourned at 9:40 a.m. The next meeting is scheduled for March 21, 1994.

GUEST LIST

COMMITTEE; HOUSE LABOR AND INDUSTRY

DATE: 3-17-94

[illegible]

Testimony of Tom Hanna appearing for Patti Bossert, Key Personnel, 400 SW Croix, Topeka, KS 66611.

RE: S.B. 738

Sec. 2, K.S.A. 44-706 is hereby amended to read as follows: An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work of the employer, subject to the other provisions of this subsection (a). After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding work day, if required by the employment agreement, after completion of a given assignment ~~and when comparable work is available~~, shall constitute leaving work voluntarily.

We are in favor of these six words being deleted because all temporary job assignees do NOT contact us, as requested in advance of their assignment, when their temporary assignments are completed. In many cases they go directly to sign up for unemployment compensation, when in fact, Key Personnel has over 300 openings that we could send them to the following day.

We cannot on short notice know when all 300 "Temps" have completed their assignments only to find out several weeks later that they have completed their assignment and are seeking unemployment benefits. Many temporary employees do NOT maintain a telephone and we are out of contact until the "Temp" contacts us as they did originally.

We are always anxious to place employees into new assignments since that is the way we stay in business, no placements--no profit!

We would like the words "and when comparable work is available" deleted because it is ambiguous, confusing and unnecessary since we have over 300 job openings awaiting qualified, eager applicants at all times.

However, we would have no objection to a person receiving benefits so long as Key Personnel isn't charged for the benefits when the Applicant has unemployment benefits from a previous Employer. We do NOT believe we should be obligated to pay unemployment benefits when we know we could place that applicant into another temporary position if he/she would check into our office upon completing an assignment.

Any questions??

Sincerely,



Tom Hanna
Key Personnel

House Labor and Industry

Attachment 1

3-17-94