

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2771**

As Agreed to April 1, 2008

Brief*

HB 2771 would amend the Kansas Age Discrimination in Employment Act to raise the age protection from the current 18 years of age to 40 years of age. The bill also would add a new provision stating that nothing in the Act could be construed to be inconsistent with the non-discrimination provisions under another provision of state or federal law.

The bill also would allow the Department of Labor to establish rules and regulations necessary to enforce laws against discrimination in employment relating to domestic and sexual abuse victims. Under current law, an employer cannot terminate the employment of a victim of domestic violence or sexual abuse when that termination is based upon the individual missing work for reasons related to domestic or sexual abuse.

The bill also would make two changes to the Employment Security Law. The first amendment would allow the Department of Labor to not make refunds for contributions for less than \$5. Under current law, a refund for contributions, benefit cost payments or interest of less than \$1 is not required by the Department of Labor.

Second, the bill would require employers or third-party administrators to file wage reports and contribution returns electronically and make payment of contributions, benefit cost payments, or reimbursing payments by electronic means as

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well. The requirements would be phased in over the next three years as follows:

- On July 1, 2008, employers or third-party administrators with 250 or more employees, at the time filing or payment is first due;
- On July 1, 2009, employers or third-party administrators with 100 or more employees, at the time filing or payment is first due; and
- On July 1, 2010, third-party administrators with 50 or more employees at the time filing or payment is first due.

This requirement could be waived by the Secretary of Labor if an employer demonstrates a hardship in complying with these requirements.

Conference Committee Action

The Conference Committee agreed to strike the reference to KSA 2007 Supp. 44-1131, as it applies to rule and regulation authority. This statute contains definitions used in the Discrimination in Employment Act.

Background

Support for the original bill before the House Committee on Commerce and Labor was expressed by Trinidad Galdean, Kansas State Council of the Society of Human Resource Management and the Wichita Society of Human Resource Management.

At the hearing before the Senate Committee on Commerce, the bill was supported by a representative from Kutock Rock, a law firm, and a representative of the Kansas Chamber of Commerce.

Written testimony, of a neutral nature, was submitted on behalf of the Kansas Human Rights Commission to both committees.

The Senate Committee on Commerce amended the bill to include the provisions of SB 612 as it left the Senate, which would give the Department of Labor the authority to establish rules and regulations to enforce laws against discrimination against victims of domestic and sexual abuse.

The Senate Committee of the Whole amended the bill to include the provisions of SB 461 as it left the Senate, which would make amendments to the Employment Security Law regarding refunded contributions and electronic filing.

The fiscal note for the original bill indicates no fiscal effect. The Kansas Department of Labor had indicated it could implement the provisions originally in SB 612 within its current staff and operating expenditures. The fiscal note for SB 461 said the Department of Labor expected cost savings and improved efficiencies to the agency because of reductions in paper reports, processing time, mailing costs, storage, and data entry. The amount of savings was not known.

Kansas age discrimination in employment act