

SENATE BILL No. 512

By Committee on Assessment and Taxation

2-16

1 AN ACT concerning unemployment insurance; removing the eight-week
2 return to work expectation from the definition of temporary
3 unemployment; deleting the eight-week cap on temporary
4 unemployment; removing the secretary's authority and criteria to grant
5 eight-week extension increments, employer reporting duties for
6 extensions and the industry-specific eligibility for extensions;
7 excluding payments under compliant employer-sponsored supplemental
8 unemployment benefit plans from the definition of wages; removing
9 the negative debt write-off and forgiveness mechanism that
10 conditionally moved employers to rate groups N11 for three years and
11 the related option to avoid a negative debt write-off through voluntary
12 contributions; prohibiting charging contributing employers in ready-
13 mixed concrete and specified construction industries for benefit charges
14 arising from temporary layoffs; amending K.S.A. 2025 Supp. 44-703,
15 44-710, 44-710a and 44-775 and repealing the existing sections.
16

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

18 Section 1. K.S.A. 2025 Supp. 44-703 is hereby amended to read as
19 follows: 44-703. As used in this act, unless the context clearly requires
20 otherwise:

21 (a) (1) "Annual payroll" means the total amount of wages paid or
22 payable by an employer during the calendar year.

23 (2) "Average annual payroll" means the average of the annual
24 payrolls of any employer for the last three calendar years immediately
25 preceding the computation date as hereinafter defined if the employer has
26 been continuously subject to contributions during those three calendar
27 years and has paid some wages for employment during each of such years.
28 In determining contribution rates for the calendar year, if an employer has
29 not been continuously subject to contribution for the three calendar years
30 immediately preceding the computation date but has paid wages subject to
31 contributions during only the two calendar years immediately preceding
32 the computation date, such employer's "average annual payroll" shall be
33 the average of the payrolls for those two calendar years.

34 (3) "Total wages" means the total amount of wages paid or payable
35 by an employer during the calendar year, including that part of
36 remuneration in excess of the limitation prescribed as provided in

1 subsection (o)(1).

2 (b) "Base period" means the first four of the last five completed
3 calendar quarters immediately preceding the first day of an individual's
4 benefit year, except that the base period in respect to combined wage
5 claims means the base period as defined in the law of the paying state.

6 (1) If an individual lacks sufficient base period wages in order to
7 establish a benefit year in the manner set forth above and satisfies the
8 requirements of subsection (hh) and K.S.A. 44-705(g), and amendments
9 thereto, the claimant shall have an alternative base period substituted for
10 the current base period so as not to prevent establishment of a valid claim.
11 For the purposes of this subsection, "alternative base period" means the
12 last four completed quarters immediately preceding the date the qualifying
13 injury occurred. In the event the wages in the alternative base period have
14 been used on a prior claim, then they shall be excluded from the new
15 alternative base period.

16 (2) For the purposes of this chapter, the term "base period" includes
17 the alternative base period.

18 (c) (1) "Benefits" means the money payments payable to an
19 individual, as provided in this act, with respect to such individual's
20 unemployment.

21 (2) "Regular benefits" means benefits payable to an individual under
22 this act or under any other state law, including benefits payable to federal
23 civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85,
24 other than extended benefits.

25 (d) "Benefit year" with respect to any individual, means the period
26 beginning with the Sunday of the first week for which such individual files
27 a valid claim for benefits, and such benefit year shall continue for one full
28 year. In the case of a combined wage claim, the benefit year shall be the
29 benefit year of the paying state. Following the termination of a benefit
30 year, a subsequent benefit year shall commence on the Sunday of the first
31 week with respect to which an individual next files a claim for benefits.
32 Any claim for benefits made in accordance with K.S.A. 44-709(a), and
33 amendments thereto, shall be deemed to be a "valid claim" for the
34 purposes of this subsection if the individual has been paid wages for
35 insured work as required under K.S.A. 44-705(e), and amendments
36 thereto.

37 (e) "Commissioner" or "secretary" means the secretary of labor.

38 (f) (1) "Contributions" means the money payments to the state
39 employment security fund that are required to be made by employers on
40 account of employment under K.S.A. 44-710, and amendments thereto,
41 and voluntary payments made by employers pursuant to such statute.

42 (2) "Payments in lieu of contributions" means the money payments to
43 the state employment security fund from employers that are required to

1 make or that elect to make such payments under K.S.A. 44-710(e), and
2 amendments thereto.

3 (g) "Employing unit" means any individual or type of organization,
4 including any partnership, association, limited liability company, agency
5 or department of the state of Kansas and political subdivisions thereof,
6 trust, estate, joint-stock company, insurance company or corporation,
7 whether domestic or foreign including nonprofit corporations, or the
8 receiver, trustee in bankruptcy, trustee or successor thereof, or the legal
9 representatives of a deceased person, that has in its employ one or more
10 individuals performing services for it within this state. All individuals
11 performing services within this state for any employing unit that maintains
12 two or more separate establishments within this state shall be deemed to be
13 employed by a single employing unit for all the purposes of this act. Each
14 individual employed to perform or to assist in performing the work of any
15 agent or employee of an employing unit shall be deemed to be employed
16 by such employing unit for all the purposes of this act, whether such
17 individual was hired or paid directly by such employing unit or by such
18 agent or employee, provided the employing unit had actual or constructive
19 knowledge of the employment.

20 (h) "Employer" means:

21 (1) (A) Any employing unit for which agricultural labor as defined in
22 subsection (w) is performed and during any calendar quarter in either the
23 current or preceding calendar year paid remuneration in cash of \$20,000 or
24 more to individuals employed in agricultural labor or for some portion of a
25 day in each of 20 different calendar weeks, whether or not such weeks
26 were consecutive, in either the current or the preceding calendar year,
27 employed in agricultural labor 10 or more individuals, regardless of
28 whether they were employed at the same moment of time.

29 (B) For the purpose of this subsection (h)(1), any individual who is a
30 member of a crew furnished by a crew leader to perform services in
31 agricultural labor for any other person shall be treated as an employee of
32 such crew leader if:

33 (i) Such crew leader holds a valid certificate of registration under the
34 federal migrant and seasonal agricultural workers protection act or
35 substantially all the members of such crew operate or maintain tractors,
36 mechanized harvesting or cropdusting equipment or any other mechanized
37 equipment, that is provided by such crew leader; and

38 (ii) such individual is not in the employment of such other person
39 within the meaning of subsection (i).

40 (C) For the purpose of this subsection (h)(1), in the case of any
41 individual who is furnished by a crew leader to perform services in
42 agricultural labor for any other person and who is not treated as an
43 employee of such crew leader:

1 (i) Such other person and not the crew leader shall be treated as the
2 employer of such individual; and

3 (ii) such other person shall be treated as having paid cash
4 remuneration to such individual in an amount equal to the amount of cash
5 remuneration paid to such individual by the crew leader, either on the crew
6 leader's own behalf or on behalf of such other person, for the services in
7 agricultural labor performed for such other person.

8 (D) For the purposes of this subsection (h)(1) "crew leader" means an
9 individual who:

10 (i) Furnishes individuals to perform services in agricultural labor for
11 any other person;

12 (ii) pays, either on such individual's own behalf or on behalf of such
13 other person, the individuals so furnished by such individual for the
14 services in agricultural labor performed by them; and

15 (iii) has not entered into a written agreement with such other person
16 under which such individual is designated as an employee of such other
17 person.

18 (2) (A) Any employing unit that for calendar year 2007 and each
19 calendar year thereafter: (i) In any calendar quarter in either the current or
20 preceding calendar year paid for services in employment wages of \$1,500
21 or more; (ii) for some portion of a day in each of 20 different calendar
22 weeks, whether or not such weeks were consecutive, in either the current
23 or preceding calendar year, had in employment at least one individual,
24 whether or not the same individual was in employment in each such day;
25 or (iii) elects to have an unemployment tax account established at the time
26 of initial registration in accordance with K.S.A. 44-711(c), and
27 amendments thereto.

28 (B) Employment of individuals to perform domestic service or
29 agricultural labor and wages paid for such service or labor shall not be
30 considered in determining whether an employing unit meets the criteria of
31 this subsection (h)(2).

32 (3) Any employing unit for which service is employment as defined
33 in subsection (i)(3)(E).

34 (4) (A) Any employing unit, whether or not it is an employing unit
35 under subsection (g), that acquires or in any manner succeeds to: (i)
36 Substantially all of the employing enterprises, organization, trade or
37 business; or (ii) substantially all the assets, of another employing unit that
38 at the time of such acquisition was an employer subject to this act;

39 (B) any employing unit that is controlled substantially, either directly
40 or indirectly by legally enforceable means or otherwise, by the same
41 interest or interests, whether or not such interest or interests are an
42 employing unit under subsection (g), acquires or in any manner succeeds
43 to a portion of an employer's annual payroll, is less than 100% of such

1 employer's annual payroll, and intends to continue the acquired portion as
2 a going business.

3 (5) Any employing unit that paid cash remuneration of \$1,000 or
4 more in any calendar quarter in the current or preceding calendar year to
5 individuals employed in domestic service as defined in subsection (aa).

6 (6) Any employing unit that having become an employer under this
7 subsection (h) has not, under K.S.A. 44-711(b), and amendments thereto,
8 ceased to be an employer subject to this act.

9 (7) Any employing unit that has elected to become fully subject to
10 this act in accordance with K.S.A. 44-711(c), and amendments thereto.

11 (8) Any employing unit not an employer by reason of any other
12 paragraph of this subsection (h), for which within either the current or
13 preceding calendar year services in employment are or were performed
14 with respect to which such employing unit is liable for any federal tax
15 against which credit may be taken for contributions required to be paid
16 into a state unemployment compensation fund; or that, as a condition for
17 approval of this act for full tax credit against the tax imposed by the
18 federal unemployment tax act, is required, pursuant to such act, to be an
19 "employer" under this act.

20 (9) Any employing unit described in section 501(c)(3) of the federal
21 internal revenue code of 1986 that is exempt from income tax under
22 section 501(a) of the code that had four or more individuals in
23 employment for some portion of a day in each of 20 different weeks,
24 whether or not such weeks were consecutive, within either the current or
25 preceding calendar year, regardless of whether they were employed at the
26 same moment of time.

27 (i) "Employment" means:

28 (1) Subject to the other provisions of this subsection, service,
29 including services in interstate commerce, performed by:

30 (A) Any active officer of a corporation;

31 (B) any individual who, under the usual common law rules applicable
32 in determining the employer-employee relationship, has the status of an
33 employee subject to the provisions of subsection (i)(3)(D); or

34 (C) any individual other than an individual who is an employee under
35 subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services
36 for remuneration for any person:

37 (i) As an agent-driver or commission-driver engaged in distributing
38 meat products, vegetable products, fruit products, bakery products,
39 beverages, other than milk, or laundry or dry-cleaning services, for such
40 individual's principal; or

41 (ii) as a traveling or city salesman, other than as an agent-driver or
42 commission-driver, engaged upon a full-time basis in the solicitation on
43 behalf of, and the transmission to, a principal, except for side-line sales

1 activities on behalf of some other person, of orders from wholesalers,
2 retailers, contractors, or operators of hotels, restaurants, or other similar
3 establishments for merchandise for resale or supplies for use in their
4 business operations.

5 For purposes of subsection (i)(1)(C), the term "employment" includes
6 services described in paragraphs (i) and (ii) above only if:

7 (a) The contract of service contemplates that substantially all of the
8 services are to be performed personally by such individual;

9 (b) the individual does not have a substantial investment in facilities
10 used in connection with the performance of the services, other than in
11 facilities for transportation; and

12 (c) the services are not in the nature of a single transaction that is not
13 part of a continuing relationship with the person for whom the services are
14 performed.

15 (2) The term "employment" includes an individual's entire service
16 within the United States, even though performed entirely outside this state
17 if:

18 (A) The service is not localized in any state;

19 (B) the individual is one of a class of employees who are required to
20 travel outside this state in performance of their duties; and

21 (C) the individual's base of operations is in this state, or if there is no
22 base of operations, then the place where service is directed or controlled is
23 in this state.

24 (3) The term "employment" also includes:

25 (A) Services performed within this state but not covered by the
26 provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be
27 employment subject to this act if contributions are not required and paid
28 with respect to such services under an unemployment compensation law of
29 any other state or of the federal government.

30 (B) Services performed entirely without this state, with respect to no
31 part of which contributions are required and paid under an unemployment
32 compensation law of any other state or of the federal government, shall be
33 deemed to be employment subject to this act only if the individual
34 performing such services is a resident of this state and the secretary
35 approved the election of the employing unit for whom such services are
36 performed that the entire service of such individual shall be deemed to be
37 employment subject to this act.

38 (C) Services covered by an arrangement pursuant to K.S.A. 44-
39 714(j), and amendments thereto, between the secretary and the agency
40 charged with the administration of any other state or federal
41 unemployment compensation law, pursuant to which all services
42 performed by an individual for an employing unit are deemed to be
43 performed entirely within this state, shall be deemed to be employment if

1 the secretary has approved an election of the employing unit for whom
2 such services are performed, pursuant to which the entire service of such
3 individual during the period covered by such election is deemed to be
4 insured work.

5 (D) Services performed by an individual for wages or under any
6 contract of hire shall be deemed to be employment subject to this act if the
7 business for which activities of the individual are performed retains not
8 only the right to control the end result of the activities performed, but the
9 manner and means by which the end result is accomplished.

10 (E) Services performed by an individual in the employ of a state or
11 any instrumentality thereof, any political subdivision of a state or any
12 instrumentality thereof, or in the employ of an Indian tribe, as defined
13 pursuant to section 3306(u) of the federal unemployment tax act, any
14 instrumentality of more than one of the foregoing or any instrumentality
15 that is jointly owned by this state or a political subdivision thereof or
16 Indian tribes and one or more other states or political subdivisions of this
17 or other states, provided that such service is excluded from "employment"
18 as defined in the federal unemployment tax act by reason of section
19 3306(c)(7) of that act and is not excluded from "employment" under
20 subsection (i)(4)(A) of this section. For purposes of this section, the
21 exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall
22 also be applicable to services performed in the employ of an Indian tribe.

23 (F) Services performed by an individual in the employ of a religious,
24 charitable, educational or other organization that is excluded from the term
25 "employment" as defined in the federal unemployment tax act solely by
26 reason of section 3306(c)(8) of that act, and is not excluded from
27 employment under subsection (i)(4)(I) through (M).

28 (G) The term "employment" includes the services of an individual
29 who is a citizen of the United States, performed outside the United States
30 except in Canada, in the employ of an American employer, other than
31 service that is deemed "employment" under the provisions of subsection (i)
32 (2) or subsection (i)(3) or the parallel provisions of another state's law, if:

33 (i) The employer's principal place of business in the United States is
34 located in this state; or

35 (ii) the employer has no place of business in the United States, but:

36 (a) The employer is an individual who is a resident of this state;

37 (b) the employer is a corporation which is organized under the laws
38 of this state; or

39 (c) the employer is a partnership or a trust and the number of the
40 partners or trustees who are residents of this state is greater than the
41 number who are residents of any other state; or

42 (iii) none of the criteria of (i)(3)(G)(i) and (ii) are met but the
43 employer has elected coverage in this state or, the employer having failed

1 to elect coverage in any state, the individual has filed a claim for benefits,
2 based on such service, under the law of this state.

3 (H) An "American employer," for purposes of subsection (i)(3)(G),
4 means a person who is:

5 (i) An individual who is a resident of the United States;

6 (ii) a partnership if $\frac{2}{3}$ or more of the partners are residents of the
7 United States;

8 (iii) a trust, if all of the trustees are residents of the United States; or

9 (iv) a corporation organized under the laws of the United States or of
10 any state.

11 (I) Notwithstanding subsection (i)(2), all services performed by an
12 officer or member of the crew of an American vessel or American aircraft
13 on or in connection with such vessel or aircraft, if the operating office,
14 from which the operations of such vessel or aircraft operating within, or
15 within and without, the United States are ordinarily and regularly
16 supervised, managed, directed and controlled is within this state.

17 (J) Notwithstanding any other provisions of this subsection (i),
18 services with respect to which a tax is required to be paid under any
19 federal law imposing a tax against which credit may be taken for
20 contributions required to be paid into a state unemployment compensation
21 fund or that as a condition for full tax credit against the tax imposed by the
22 federal unemployment tax act is required to be covered under this act.

23 (K) Domestic service in a private home, local college club or local
24 chapter of a college fraternity or sorority performed for a person who paid
25 cash remuneration of \$1,000 or more in any calendar quarter in the current
26 calendar year or the preceding calendar year to individuals employed in
27 such domestic service.

28 (4) The term "employment" does not include: (A) Services performed
29 in the employ of an employer specified in subsection (h)(3) if such service
30 is performed by an individual in the exercise of duties:

31 (i) As an elected official;

32 (ii) as a member of a legislative body, or a member of the judiciary, of
33 a state, political subdivision or of an Indian tribe;

34 (iii) as a member of the state national guard or air national guard;

35 (iv) as an employee serving on a temporary basis in case of fire,
36 storm, snow, earthquake, flood or similar emergency;

37 (v) in a position that, under or pursuant to the laws of this state or
38 tribal law, is designated as a major nontenured policymaking or advisory
39 position or as a policymaking or advisory position the performance of the
40 duties of which ordinarily does not require more than eight hours per
41 week;

42 (B) services with respect to which unemployment compensation is
43 payable under an unemployment compensation system established by an

1 act of congress;

2 (C) services performed by an individual in the employ of such
3 individual's son, daughter or spouse, and services performed by a child
4 under the age of 21 years in the employ of such individual's father or
5 mother;

6 (D) services performed in the employ of the United States
7 government or an instrumentality of the United States exempt under the
8 constitution of the United States from the contributions imposed by this
9 act, except that to the extent that the congress of the United States shall
10 permit states to require any instrumentality of the United States to make
11 payments into an unemployment fund under a state unemployment
12 compensation law, all of the provisions of this act shall be applicable to
13 such instrumentalities, and to services performed for such
14 instrumentalities, in the same manner, to the same extent and on the same
15 terms as to all other employers, employing units, individuals and services.
16 If this state shall not be certified for any year by the federal security
17 agency under section 3304(c) of the federal internal revenue code of 1986,
18 the payments required of such instrumentalities with respect to such year
19 shall be refunded by the secretary from the fund in the same manner and
20 within the same period as is provided in K.S.A. 44-717(h), and
21 amendments thereto, with respect to contributions erroneously collected;

22 (E) services covered by an arrangement between the secretary and the
23 agency charged with the administration of any other state or federal
24 unemployment compensation law pursuant to which all services performed
25 by an individual for an employing unit during the period covered by such
26 employing unit's duly approved election, are deemed to be performed
27 entirely within the jurisdiction of such other state or federal agency;

28 (F) services performed by an individual under the age of 18 in the
29 delivery or distribution of newspapers or shopping news, not including
30 delivery or distribution to any point for subsequent delivery or
31 distribution;

32 (G) services performed by an individual for an employing unit as an
33 insurance agent or as an insurance solicitor, if all such service performed
34 by such individual for such employing unit is performed for remuneration
35 solely by way of commission;

36 (H) services performed in any calendar quarter in the employ of any
37 organization exempt from income tax under section 501(a) of the federal
38 internal revenue code of 1986, other than an organization described in
39 section 401(a) or under section 521 of such code, if the remuneration for
40 such service is less than \$50. In construing the application of the term
41 "employment," if services performed during $\frac{1}{2}$ or more of any pay period
42 by an individual for the person employing such individual constitute
43 employment, all the services of such individual for such period shall be

1 deemed to be employment; but if the services performed during more than
2 ½ of any such pay period by an individual for the person employing such
3 individual do not constitute employment, then none of the services of such
4 individual for such period shall be deemed to be employment. As used in
5 this subsection (i)(4)(H) the term "pay period" means a period, of not more
6 than 31 consecutive days, for which a payment of remuneration is
7 ordinarily made to the individual by the person employing such individual.
8 This subsection (i)(4)(H) shall not be applicable with respect to services
9 with respect to which unemployment compensation is payable under an
10 unemployment compensation system established by an act of congress;

11 (I) services performed in the employ of a church or convention or
12 association of churches, or an organization which is operated primarily for
13 religious purposes and which is operated, supervised, controlled, or
14 principally supported by a church or convention or association of
15 churches;

16 (J) services performed by a duly ordained, commissioned, or licensed
17 minister of a church in the exercise of such individual's ministry or by a
18 member of a religious order in the exercise of duties required by such
19 order;

20 (K) services performed in a facility conducted for the purpose of
21 carrying out a program of:

22 (i) Rehabilitation for individuals whose earning capacity is impaired
23 by age or physical or mental deficiency or injury; or

24 (ii) providing remunerative work for individuals who because of their
25 impaired physical or mental capacity cannot be readily absorbed in the
26 competitive labor market, by an individual receiving such rehabilitation or
27 remunerative work;

28 (L) services performed as part of an employment work-relief or
29 work-training program assisted or financed in whole or in part by any
30 federal agency or an agency of a state or political subdivision thereof or of
31 an Indian tribe, by an individual receiving such work relief or work
32 training;

33 (M) services performed by an inmate of a custodial or correctional
34 institution;

35 (N) services performed, in the employ of a school, college, or
36 university, if such service is performed by a student who is enrolled and is
37 regularly attending classes at such school, college or university;

38 (O) services performed by an individual who is enrolled at a
39 nonprofit or public educational institution that normally maintains a
40 regular faculty and curriculum and normally has a regularly organized
41 body of students in attendance at the place where its educational activities
42 are carried on as a student in a full-time program, taken for credit at such
43 institution, that combines academic instruction with work experience, if

1 such service is an integral part of such program, and such institution has so
2 certified to the employer, except that this subsection (i)(4)(O) shall not
3 apply to service performed in a program established for or on behalf of an
4 employer or group of employers;

5 (P) services performed in the employ of a hospital licensed, certified
6 or approved by the secretary of health and environment, if such service is
7 performed by a patient of the hospital;

8 (Q) services performed as a qualified real estate agent. As used in this
9 subsection (i)(4)(Q) the term "qualified real estate agent" means any
10 individual who is licensed by the Kansas real estate commission as a
11 salesperson under the real estate brokers' and salespersons' license act and
12 for whom:

13 (i) Substantially all of the remuneration, whether or not paid in cash,
14 for the services performed by such individual as a real estate salesperson is
15 directly related to sales or other output, including the performance of
16 services, rather than to the number of hours worked; and

17 (ii) the services performed by the individual are performed pursuant
18 to a written contract between such individual and the person for whom the
19 services are performed and such contract provides that the individual will
20 not be treated as an employee with respect to such services for state tax
21 purposes;

22 (R) services performed for an employer by an extra in connection
23 with any phase of motion picture or television production or television
24 commercials for less than 14 days during any calendar year. As used in this
25 subsection, the term "extra" means an individual who pantomimes in the
26 background, adds atmosphere to the set and performs such actions without
27 speaking and "employer" shall not include any employer that is a
28 governmental entity or any employer described in section 501(c)(3) of the
29 federal internal revenue code of 1986 that is exempt from income taxation
30 under section 501(a) of the code;

31 (S) services performed by an oil and gas contract pumper. As used in
32 this subsection (i)(4)(S), "oil and gas contract pumper" means a person
33 performing pumping and other services on one or more oil or gas leases, or
34 on both oil and gas leases, relating to the operation and maintenance of
35 such oil and gas leases, on a contractual basis for the operators of such oil
36 and gas leases and "services" shall not include services performed for a
37 governmental entity or any organization described in section 501(c)(3) of
38 the federal internal revenue code of 1986 that is exempt from income
39 taxation under section 501(a) of the code;

40 (T) service not in the course of the employer's trade or business
41 performed in any calendar quarter by an employee, unless the cash
42 remuneration paid for such service is \$200 or more and such service is
43 performed by an individual who is regularly employed by such employer

1 to perform such service. For purposes of this paragraph, an individual shall
2 be deemed to be regularly employed by an employer during a calendar
3 quarter only if:

4 (i) On each of some 24 days during such quarter such individual
5 performs for such employer for some portion of the day service not in the
6 course of the employer's trade or business; or

7 (ii) such individual was regularly employed, as determined under
8 subparagraph (i), by such employer in the performance of such service
9 during the preceding calendar quarter.

10 Such excluded service shall not include any services performed for an
11 employer that is a governmental entity or any employer described in
12 section 501(c)(3) of the federal internal revenue code of 1986 that is
13 exempt from income taxation under section 501(a) of the code;

14 (U) service which is performed by any person who is a member of a
15 limited liability company and that is performed as a member or manager of
16 that limited liability company; and

17 (V) services performed as a qualified direct seller. The term "direct
18 seller" means any person if:

19 (i) Such person:

20 (a) Is engaged in the trade or business of selling or soliciting the sale
21 of consumer products to any buyer on a buy-sell basis or a deposit-
22 commission basis for resale, by the buyer or any other person, in the home
23 or otherwise rather than in a permanent retail establishment; or

24 (b) is engaged in the trade or business of selling or soliciting the sale
25 of consumer products in the home or otherwise than in a permanent retail
26 establishment;

27 (ii) substantially all the remuneration whether or not paid in cash for
28 the performance of the services described in subparagraph (i) is directly
29 related to sales or other output including the performance of services rather
30 than to the number of hours worked;

31 (iii) the services performed by the person are performed pursuant to a
32 written contract between such person and the person for whom the services
33 are performed and such contract provides that the person will not be
34 treated as an employee for federal and state tax purposes;

35 (iv) for purposes of this act, a sale or a sale resulting exclusively from
36 a solicitation made by telephone, mail, or other telecommunications
37 method, or other nonpersonal method does not satisfy the requirements of
38 this subsection;

39 (W) services performed as an election official or election worker, if
40 the amount of remuneration received by the individual during the calendar
41 year for services as an election official or election worker is less than
42 \$1,000;

43 (X) services performed by agricultural workers who are aliens

1 admitted to the United States to perform labor pursuant to section 1101(a)
2 (15)(H)(ii)(a) of the immigration and nationality act;

3 (Y) services performed by an owner-operator of a motor vehicle that
4 is leased or contracted to a licensed motor carrier with the services of a
5 driver and is not treated under the terms of the lease agreement or contract
6 with the licensed motor carrier as an employee for purposes of the federal
7 insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social
8 security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26
9 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax
10 withholding at the source, 26 U.S.C. § 3401 et seq. Employees or agents of
11 the owner-operator shall not be considered employees of the licensed
12 motor carrier for purposes of employment security taxation or
13 compensation. As used in this subsection (Y), the following definitions
14 apply: (i) "Motor vehicle" means any automobile, truck-trailer, semitrailer,
15 tractor, motor bus or any other self-propelled or motor-driven vehicle used
16 upon any of the public highways of Kansas for the purpose of transporting
17 persons or property; (ii) "licensed motor carrier" means any person, firm,
18 corporation or other business entity that holds a certificate of convenience
19 and necessity or a certificate of public service from the state corporation
20 commission or is required to register motor carrier equipment pursuant to
21 49 U.S.C. § 14504; and (iii) "owner-operator" means a person, firm,
22 corporation or other business entity that is the owner of a single motor
23 vehicle that is driven exclusively by the owner under a lease agreement or
24 contract with a licensed motor carrier; and

25 (Z) services performed by a petroleum landman on a contractual
26 basis. As used in this subparagraph, "petroleum landman" means an
27 individual performing services on a contractual basis who is not an
28 individual who is an active officer of a corporation as described in
29 subsection (i)(1)(A) that may include:

- 30 (i) Negotiating for the acquisition or divestiture of mineral rights;
31 (ii) negotiating business agreements that provide exploration for or
32 development of minerals;
33 (iii) determining ownership in minerals through the research of public
34 and private records;
35 (iv) reviewing the status of title, curing title defects, providing title
36 due diligence and otherwise reducing title risk associated with ownership
37 in minerals or the acquisition and divestiture of mineral properties;
38 (v) managing rights or obligations derived from ownership of
39 interests in minerals; or
40 (vi) unitizing or pooling of interests in minerals. For purposes of this
41 subparagraph, "minerals" includes oil, natural gas or petroleum. "Services"
42 does not include services performed for a governmental entity or any
43 organization described in section 501(c)(3) of the federal internal revenue

1 code of 1986, or a federally recognized Indian tribe that is exempt from
2 income taxation under section 501(a) of the code.

3 (j) "Employment office" means any office operated by this state and
4 maintained by the secretary of labor for the purpose of assisting persons to
5 become employed.

6 (k) "Fund" means the employment security fund established by this
7 act, to which all contributions and reimbursement payments required and
8 from which all benefits provided under this act shall be paid and including
9 all money received from the federal government as reimbursements
10 pursuant to section 204 of the federal-state extended compensation act of
11 1970, and amendments thereto.

12 (l) "State" includes, in addition to the states of the United States of
13 America, any dependency of the United States, the Commonwealth of
14 Puerto Rico, the District of Columbia and the Virgin Islands.

15 (m) "Unemployment." An individual shall be deemed "unemployed"
16 with respect to any week during which such individual performs no
17 services and with respect to which no wages are payable to such
18 individual, or with respect to any week of less than full-time work if the
19 wages payable to such individual with respect to such week are less than
20 such individual's weekly benefit amount.

21 (n) "Employment security administration fund" means the fund
22 established by this act, from which administrative expenses under this act
23 shall be paid.

24 (o) "Wages" means all compensation for services, including
25 commissions, bonuses, back pay and the cash value of all remuneration,
26 including benefits, paid in any medium other than cash. The reasonable
27 cash value of remuneration in any medium other than cash, shall be
28 estimated and determined in accordance with rules and regulations
29 prescribed by the secretary. Compensation payable to an individual that
30 has not been actually received by that individual within 21 days after the
31 end of the pay period in which the compensation was earned shall be
32 considered to have been paid on the 21st day after the end of that pay
33 period. Effective January 1, 1986, gratuities, including tips received from
34 persons other than the employing unit, shall be considered wages when
35 reported in writing to the employer by the employee. Employees must
36 furnish a written statement to the employer, reporting all tips received if
37 they total \$20 or more for a calendar month whether the tips are received
38 directly from a person other than the employer or are paid over to the
39 employee by the employer. This includes amounts designated as tips by a
40 customer who uses a credit card to pay the bill. Notwithstanding the other
41 provisions of this subsection (o), wages paid in back pay awards or
42 settlements shall be allocated to the week or weeks and reported in the
43 manner as specified in the award or agreement, or, in the absence of such

1 specificity in the award or agreement, such wages shall be allocated to the
2 week or weeks in which such wages, in the judgment of the secretary,
3 would have been paid. The term "wages" shall not include:

4 (1) For calendar years 2016 through 2025, that part of the
5 remuneration that has been paid in a calendar year to an individual by an
6 employer or such employer's predecessor in excess of \$14,000, except that
7 if the definition of the term "wages" as contained in the federal
8 unemployment tax act is amended to include remuneration paid to an
9 individual by an employer under the federal act in excess of \$14,000 with
10 respect to employment during calendar years 2016 through 2025, wages
11 shall include remuneration paid in a calendar year to an individual by an
12 employer subject to this act or such employer's predecessor with respect to
13 employment during any calendar year up to an amount equal to the dollar
14 limitation specified in the federal unemployment tax act. For the purposes
15 of this subsection (o)(1), the term "employment" shall include service
16 constituting employment under any employment security law of another
17 state or of the federal government;

18 (2) (A) For the calendar year as set forth below, except as provided by
19 subparagraph (B), for contributing rated employers assigned rate groups 0-
20 N11, that part of the remuneration that has been paid in a calendar year to
21 an individual by an employer or such employer's predecessor in excess of
22 the specified percentage of the statewide average annual wage paid to
23 employees in insured work during the previous calendar year and rounded
24 to the nearest multiple of \$100:

25 (i) Calendar years 2026 through 2027, 25%;

26 (ii) calendar year 2028, 30%;

27 (iii) calendar year 2029, 35%;

28 (iv) calendar years 2030 through 2031, 40%; and

29 (v) calendar year 2032 and all ensuing calendar years thereafter:

30 (a) 40%, except as provided in subclause (b); and

31 (b) 45% if any combination of employer rate schedules G through M,
32 as provided in K.S.A. 44-710a(a)(4)(C), and amendments thereto, is in
33 effect for any five consecutive preceding calendar years occurring after
34 calendar year 2031. The specified percentage of 45% shall then remain in
35 effect for all ensuing calendar years thereafter notwithstanding any
36 changes to the employer rate schedules in effect during such ensuing
37 calendar years.

38 (B) If the definition of the term "wages" as contained in the federal
39 unemployment tax act is amended to include the remuneration paid to an
40 individual by an employer under the federal act in excess of the amount
41 calculated pursuant to subparagraph (A), then with respect to employment
42 during all calendar years thereafter, wages shall include the remuneration
43 paid in a calendar year to an individual by an employer subject to this act

1 or such employer's predecessor with respect to employment during any
2 calendar year up to an amount equal to the dollar limitation specified in the
3 federal unemployment tax act.

4 (C) For purposes of subparagraphs (A) and (B):

5 (i) "Employment" includes service constituting employment under
6 any employment security law of another state or of the federal
7 government; and

8 (ii) "statewide average annual wage" means the statewide average
9 annual wage as defined by subsection (jj) and computed by the secretary
10 on July 1 each year, as provided by K.S.A. 44-704, and amendments
11 thereto;

12 (3) the amount of any payment, including any amount paid by an
13 employing unit for insurance or annuities, or into a fund, to provide for
14 any such payment, made to, or on behalf of, an employee or any of such
15 employee's dependents under a plan or system established by an employer
16 that makes provisions for employees generally, for a class or classes of
17 employees or for such employees or a class or classes of employees and
18 their dependents, on account of:

19 (A) Sickness or accident disability, except in the case of any payment
20 made to an employee or such employee's dependents, this subparagraph
21 shall exclude from the term "wages" only payments that are received under
22 a workers compensation law. Any third party that makes a payment
23 included as wages by reason of this subparagraph shall be treated as the
24 employer with respect to such wages;

25 (B) medical and hospitalization expenses in connection with sickness
26 or accident disability; or

27 (C) death;

28 (4) any payment on account of sickness or accident disability, or
29 medical or hospitalization expenses in connection with sickness or
30 accident disability, made by an employer to, or on behalf of, an employee
31 after the expiration of six calendar months following the last calendar
32 month in which the employee worked for such employer;

33 (5) any payment made to, or on behalf of, an employee or such
34 employee's beneficiary:

35 (A) From or to a trust described in section 401(a) of the federal
36 internal revenue code of 1986 that is exempt from tax under section 501(a)
37 of the federal internal revenue code of 1986 at the time of such payment
38 unless such payment is made to an employee of the trust as remuneration
39 for services rendered as such employee and not as a beneficiary of the
40 trust;

41 (B) under or to an annuity plan that, at the time of such payment, is a
42 plan described in section 403(a) of the federal internal revenue code of
43 1986;

- 1 (C) under a simplified employee pension as defined in section 408(k)
2 (1) of the federal internal revenue code of 1986, other than any
3 contribution described in section 408(k)(6) of the federal internal revenue
4 code of 1986;
- 5 (D) under or to an annuity contract described in section 403(b) of the
6 federal internal revenue code of 1986, other than a payment for the
7 purchase of such contract that was made by reason of a salary reduction
8 agreement whether evidenced by a written instrument or otherwise;
- 9 (E) under or to an exempt governmental deferred compensation plan
10 as defined in section 3121(v)(3) of the federal internal revenue code of
11 1986;
- 12 (F) to supplement pension benefits under a plan or trust described in
13 any of the foregoing provisions of this subparagraph to take into account
14 some portion or all of the increase in the cost of living, as determined by
15 the secretary of labor, since retirement but only if such supplemental
16 payments are under a plan that is treated as a welfare plan under section
17 3(2)(B)(ii) of the federal employee retirement income security act of 1974;
18 or
- 19 (G) under a cafeteria plan within the meaning of section 125 of the
20 federal internal revenue code of 1986;
- 21 (6) the payment by an employing unit, without deduction from the
22 remuneration of the employee, of the tax imposed upon an employee under
23 section 3101 of the federal internal revenue code of 1986 with respect to
24 remuneration paid to an employee for domestic service in a private home
25 of the employer or for agricultural labor;
- 26 (7) remuneration paid in any medium other than cash to an employee
27 for service not in the course of the employer's trade or business;
- 28 (8) remuneration paid to or on behalf of an employee if and to the
29 extent that at the time of the payment of such remuneration it is reasonable
30 to believe that a corresponding deduction is allowable under section 217 of
31 the federal internal revenue code of 1986 relating to moving expenses;
- 32 (9) any payment or series of payments by an employer to an
33 employee or any of such employee's dependents that is paid:
- 34 (A) Upon or after the termination of an employee's employment
35 relationship because of (i) death or (ii) retirement for disability; and
- 36 (B) under a plan established by the employer that makes provisions
37 for employees generally, a class or classes of employees or for such
38 employees or a class or classes of employees and their dependents, other
39 than any such payment or series of payments that would have been paid if
40 the employee's employment relationship had not been so terminated;
- 41 (10) remuneration for agricultural labor paid in any medium other
42 than cash;
- 43 (11) any payment made, or benefit furnished, to or for the benefit of

1 an employee if at the time of such payment or such furnishing it is
2 reasonable to believe that the employee will be able to exclude such
3 payment or benefit from income under section 129 of the federal internal
4 revenue code of 1986 that relates to dependent care assistance programs;

5 (12) the value of any meals or lodging furnished by or on behalf of
6 the employer if at the time of such furnishing it is reasonable to believe
7 that the employee will be able to exclude such items from income under
8 section 119 of the federal internal revenue code of 1986;

9 (13) any payment made by an employer to a survivor or the estate of
10 a former employee after the calendar year in which such employee died;

11 (14) any benefit provided to or on behalf of an employee if at the time
12 such benefit is provided it is reasonable to believe that the employee will
13 be able to exclude such benefit from income under section 74(c), 117 or
14 132 of the federal internal revenue code of 1986;

15 (15) any payment made, or benefit furnished, to or for the benefit of
16 an employee, if at the time of such payment or such furnishing it is
17 reasonable to believe that the employee will be able to exclude such
18 payment or benefit from income under section 127 of the federal internal
19 revenue code of 1986 relating to educational assistance to the employee; ~~or~~

20 (16) any payment made to or for the benefit of an employee if at the
21 time of such payment it is reasonable to believe that the employee will be
22 able to exclude such payment from income under section 106(d) of the
23 federal internal revenue code of 1986 relating to health savings accounts;
24 *or*

25 (17) (A) *payments from an employer-sponsored supplemental*
26 *unemployment benefit plan that meets all of the following conditions:*

27 (i) *Is funded entirely by the employer;*

28 (ii) *is provided only to individuals who are unemployed due to a lack*
29 *of work and eligible for benefits under this act;*

30 (iii) *supplements rather than replaces state unemployment*
31 *compensation;*

32 (iv) *complies with the criteria set forth in 26 U.S.C. § 3306(b)(9),*
33 *internal revenue service revenue rulings 56-249 and 90-72 and applicable*
34 *federal guidance; and*

35 (v) *is not paid in a lump sum or in lieu of wages.*

36 (B) *Payments made under a compliant supplemental unemployment*
37 *benefit plan shall not be considered "wages" or "remuneration" for*
38 *purposes of eligibility, disqualification, the waiting week or the*
39 *calculation of weekly benefit amounts under the unemployment security*
40 *law.*

41 *This subsection shall be construed in conformity with 26 U.S.C. §*
42 *3304(a)(4) and 42 U.S.C. § 503(a) and interpreted in accordance with*
43 *United States department of labor conformity guidance.*

1 Nothing in any paragraph of subsection (o), other than paragraphs (1)
2 and (2), shall exclude from the term "wages": (1) Any employer
3 contribution under a qualified cash or deferred arrangement, as defined in
4 section 401(k) of the federal internal revenue code of 1986, to the extent
5 that such contribution is not included in gross income by reason of section
6 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount
7 treated as an employer contribution under section 414(h)(2) of the federal
8 internal revenue code of 1986.

9 Any amount deferred under a nonqualified deferred compensation plan
10 shall be taken into account for purposes of this section as of the later of
11 when the services are performed or when there is no substantial risk of
12 forfeiture of the rights to such amount. Any amount taken into account as
13 wages by reason of this paragraph, and the income attributable thereto,
14 shall not thereafter be treated as wages for purposes of this section. For
15 purposes of this paragraph, the term "nonqualified deferred compensation
16 plan" means any plan or other arrangement for deferral of compensation
17 other than a plan described in subsection (o)(5).

18 (p) "Week" means such period or periods of seven consecutive
19 calendar days, as the secretary may by rules and regulations prescribe.

20 (q) "Calendar quarter" means the period of three consecutive calendar
21 months ending March 31, June 30, September 30 or December 31, or the
22 equivalent thereof as the secretary may by rules and regulations prescribe.

23 (r) "Insured work" means employment for employers.

24 (s) "Approved training" means any vocational training course or
25 course in basic education skills, including a job training program
26 authorized under the federal workforce investment act of 1998, approved
27 by the secretary or a person or persons designated by the secretary.

28 (t) "American vessel" or "American aircraft" means any vessel or
29 aircraft documented or numbered or otherwise registered under the laws of
30 the United States; and any vessel or aircraft that is neither documented or
31 numbered or otherwise registered under the laws of the United States nor
32 documented under the laws of any foreign country, if its crew performs
33 service solely for one or more citizens or residents of the United States or
34 corporations organized under the laws of the United States or of any state.

35 (u) "Institution of higher education," for the purposes of this section,
36 means an educational institution that:

37 (1) Admits as regular students only individuals having a certificate of
38 graduation from a high school, or the recognized equivalent of such a
39 certificate;

40 (2) is legally authorized in this state to provide a program of
41 education beyond high school;

42 (3) provides an educational program for which it awards a bachelor's
43 or higher degree, or provides a program that is acceptable for full credit

1 toward such a degree, a program of postgraduate or postdoctoral studies,
2 or a program of training to prepare students for gainful employment in a
3 recognized occupation; and

4 (4) is a public or other nonprofit institution.

5 Notwithstanding any of the foregoing provisions of this subsection (u),
6 all colleges and universities in this state are institutions of higher education
7 for purposes of this section, except that no college, university, junior
8 college or other postsecondary school or institution that is operated by the
9 federal government or any agency thereof shall be an institution of higher
10 education for purposes of the employment security law.

11 (v) "Educational institution" means any institution of higher
12 education, as defined in subsection (u), or any institution, except private
13 for profit institutions, in which participants, trainees or students are offered
14 an organized course of study or training designed to transfer to them
15 knowledge, skills, information, doctrines, attitudes or abilities from, by or
16 under the guidance of an instructor or teacher and that is approved,
17 licensed or issued a permit to operate as a school by the state department
18 of education or other government agency that is authorized within the state
19 to approve, license or issue a permit for the operation of a school or to an
20 Indian tribe in the operation of an educational institution. The courses of
21 study or training that an educational institution offers may be academic,
22 technical, trade or preparation for gainful employment in a recognized
23 occupation.

24 (w) (1) "Agricultural labor" means any remunerated service:

25 (A) On a farm, in the employ of any person, in connection with
26 cultivating the soil, or in connection with raising or harvesting any
27 agricultural or horticultural commodity, including the raising, shearing,
28 feeding, caring for, training, and management of livestock, bees, poultry,
29 and furbearing animals and wildlife.

30 (B) In the employ of the owner or tenant or other operator of a farm,
31 in connection with the operating, management, conservation,
32 improvement, or maintenance of such farm and its tools and equipment, or
33 in salvaging timber or clearing land of brush and other debris left by a
34 hurricane, if the major part of such service is performed on a farm.

35 (C) In connection with the production or harvesting of any
36 commodity defined as an agricultural commodity in section (15)(g) of the
37 agricultural marketing act, as amended, 46 Stat. 1500, sec. 3; 12 U.S.C. §
38 1141j, or in connection with the ginning of cotton, or in connection with
39 the operation or maintenance of ditches, canals, reservoirs or waterways,
40 not owned or operated for profit, used exclusively for supplying and
41 storing water for farming purposes.

42 (D) (i) In the employ of the operator of a farm in handling, planting,
43 drying, packing, packaging, processing, freezing, grading, storing, or

1 delivering to storage or to market or to a carrier for transportation to
2 market, in its unmanufactured state, any agricultural or horticultural
3 commodity; but only if such operator produced more than ½ of the
4 commodity with respect to which such service is performed;

5 (ii) in the employ of a group of operators of farms, or a cooperative
6 organization of which such operators are members, in the performance of
7 services described in paragraph (i), but only if such operators produced
8 more than ½ of the commodity with respect to which such service is
9 performed;

10 (iii) the provisions of paragraphs (i) and (ii) shall not be deemed to be
11 applicable with respect to services performed in connection with
12 commercial canning or commercial freezing or in connection with any
13 agricultural or horticultural commodity after its delivery to a terminal
14 market for distribution for consumption.

15 (E) On a farm operated for profit if such service is not in the course
16 of the employer's trade or business.

17 (2) "Agricultural labor" does not include services performed prior to
18 January 1, 1980, by an individual who is an alien admitted to the United
19 States to perform service in agricultural labor pursuant to sections 214(c)
20 and 101(a)(15)(H) of the federal immigration and nationality act.

21 (3) As used in this subsection, the term "farm" includes stock, dairy,
22 poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches,
23 nurseries, ranges, greenhouses, or other similar structures used primarily
24 for the raising of agricultural or horticultural commodities, and orchards.

25 (4) For the purpose of this section, if an employing unit does not
26 maintain sufficient records to separate agricultural labor from other
27 employment, all services performed during any pay period by an
28 individual for the person employing such individual shall be deemed to be
29 agricultural labor if services performed during ½ or more of such pay
30 period constitute agricultural labor; but if the services performed during
31 more than ½ of any such pay period by an individual for the person
32 employing such individual do not constitute agricultural labor, then none
33 of the services of such individual for such period shall be deemed to be
34 agricultural labor. As used in this subsection, the term "pay period" means
35 a period of not more than 31 consecutive days for which a payment of
36 remuneration is ordinarily made to the individual by the person employing
37 such individual.

38 (x) "Reimbursing employer" means any employer who makes
39 payments in lieu of contributions to the employment security fund as
40 provided in K.S.A. 44-710(e), and amendments thereto.

41 (y) "Contributing employer" means any employer other than a
42 reimbursing employer or rated governmental employer.

43 (z) "Wage combining plan" means a uniform national arrangement

1 approved by the United States secretary of labor in consultation with the
2 state unemployment compensation agencies and in which this state shall
3 participate, whereby wages earned in one or more states are transferred to
4 another state, called the "paying state," and combined with wages in the
5 paying state, if any, for the payment of benefits under the laws of the
6 paying state and as provided by an arrangement so approved by the United
7 States secretary of labor.

8 (aa) "Domestic service" means any services for a person in the
9 operation and maintenance of a private household, local college club or
10 local chapter of a college fraternity or sorority, as distinguished from
11 service as an employee in the pursuit of an employer's trade, occupation,
12 profession, enterprise or vocation.

13 (bb) "Rated governmental employer" means any governmental entity
14 that elects to make payments as provided by K.S.A. 44-710d, and
15 amendments thereto.

16 (cc) "Benefit cost payments" means payments made to the
17 employment security fund by a governmental entity electing to become a
18 rated governmental employer.

19 (dd) "Successor employer" means any employer, as described in
20 subsection (h), that acquires or in any manner succeeds to: (1)
21 Substantially all of the employing enterprises, organization, trade or
22 business of another employer; or (2) substantially all the assets of another
23 employer.

24 (ee) "Predecessor employer" means an employer, as described in
25 subsection (h), who has previously operated a business or portion of a
26 business with employment to which another employer has succeeded.

27 (ff) "Lessor employing unit" means any independently established
28 business entity that engages in the business of providing leased employees
29 to a client lessee.

30 (gg) "Client lessee" means any individual, organization, partnership,
31 corporation or other legal entity leasing employees from a lessor
32 employing unit.

33 (hh) "Qualifying injury" means a personal injury by accident arising
34 out of and in the course of employment within the coverage of the Kansas
35 workers compensation act, K.S.A. 44-501 et seq., and amendments
36 *thereto*.

37 (ii) "Temporary unemployment," "temporarily unemployed" or
38 "temporary layoff" means that the individual has been laid off due to lack
39 of work by an employing unit for which the individual has most recently
40 worked full time and for which the individual reasonably expects to
41 resume full-time work at a future date ~~within eight weeks~~, and that the
42 individual's employment with the employing unit, although temporarily
43 suspended, has not been terminated. ~~Except as otherwise provided by~~

1 K.S.A. 44-775(a)(3), and amendments thereto, "temporary unemployment"
2 shall not exceed eight consecutive weeks. An extension of additional
3 weeks of temporary unemployment at the request of an employer for an
4 individual may be granted by the secretary as provided by K.S.A. 44-
5 775(a)(3), and amendments thereto. The maximum amount of temporary
6 unemployment for an individual in a benefit year, including any extension
7 granted by the secretary, shall be as provided by K.S.A. 44-775(a)(3), and
8 amendments thereto.

9 (jj) "Statewide average annual wage" or "SAAW" means the quotient,
10 obtained by dividing gross wages by average monthly covered
11 employment for the same determination period, rounded to the nearest
12 cent.

13 (kk) "Statewide average weekly wage" or "SAWW" means the
14 quotient, obtained by dividing the statewide average annual wage by 52,
15 rounded to the nearest cent.

16 Sec. 2. K.S.A. 2025 Supp. 44-710 is hereby amended to read as
17 follows: 44-710. (a) *Payment*. Contributions shall accrue and become
18 payable by each contributing employer for each calendar year that the
19 contributing employer is subject to the employment security law with
20 respect to wages paid for employment. Such contributions shall become
21 due and be paid by each contributing employer to the secretary for the
22 employment security fund in accordance with such rules and regulations as
23 the secretary may adopt and shall not be deducted, in whole or in part,
24 from the wages of individuals in such employer's employ. In the payment
25 of any contributions, a fractional part of \$.01 shall be disregarded unless it
26 amounts to \$.005 or more, in which case it shall be increased to \$.01.
27 Should contributions for any calendar quarter be less than \$5, no payment
28 shall be required.

29 (b) *Rates and base of contributions*. (1) Except as provided in
30 paragraph (2), each contributing employer shall pay contributions on
31 wages paid by the contributing employer during each calendar year with
32 respect to employment as provided in K.S.A. 44-710a, and amendments
33 thereto.

34 (2) (A) If the congress of the United States either amends or repeals
35 the Wagner-Peyser act, the federal unemployment tax act, the federal
36 social security act, or subtitle C of chapter 23 of the federal internal
37 revenue code of 1986, or any act or acts supplemental to or in lieu thereof,
38 or any part or parts of any such law, or if any such law, or any part or parts
39 thereof, are held invalid with the effect that appropriations of funds by
40 congress and grants thereof to the state of Kansas for the payment of costs
41 of administration of the employment security law are no longer available
42 for such purposes; or (B) if employers in Kansas subject to the payment of
43 tax under the federal unemployment tax act are granted full credit against

1 such tax for contributions or taxes paid to the secretary of labor, then, and
2 in either such case, beginning with the year that the unavailability of
3 federal appropriations and grants for such purpose occurs or that such
4 change in liability for payment of such federal tax occurs and for each year
5 thereafter, the rate of contributions of each contributing employer shall be
6 equal to the total of 0.5% and the rate of contributions as determined for
7 such contributing employer under K.S.A. 44-710a, and amendments
8 thereto. The amount of contributions that each contributing employer
9 becomes liable to pay under this paragraph over the amount of
10 contributions that such contributing employer would be otherwise liable to
11 pay shall be credited to the employment security administration fund to be
12 disbursed and paid out under the same conditions and for the same
13 purposes as other moneys are authorized to be paid from the employment
14 security administration fund, except that, if the secretary determines that as
15 of the first day of January of any year there is an excess in the employment
16 security administration fund over the amount required to be disbursed
17 during such year, an amount equal to such excess as determined by the
18 secretary shall be transferred to the employment security fund.

19 (c) *Charging of benefit payments.* (1) The secretary shall maintain a
20 separate account for each contributing employer, and shall credit the
21 contributing employer's account with all the contributions paid on the
22 contributing employer's own behalf. Nothing in the employment security
23 law shall be construed to grant any employer or individuals in such
24 employer's service prior claims or rights to the amounts paid by such
25 employer into the employment security fund either on such employer's
26 own behalf or on behalf of such individuals. Benefits paid shall be charged
27 against the accounts of each base period employer in the proportion that
28 the base period wages paid to an eligible individual by each such employer
29 bears to the total wages in the base period. Benefits shall be charged to
30 contributing employers' accounts and rated governmental employers'
31 accounts upon the basis of benefits paid during each calendar quarter.

32 (2) (A) Benefits paid in benefit years established by valid new claims
33 shall not be charged to the account of a contributing employer or rated
34 governmental employer who is a base period employer if the examiner
35 finds that claimant was separated from the claimant's most recent
36 employment with such employer under any of the following conditions: (i)
37 Discharged for misconduct or gross misconduct connected with the
38 individual's work; (ii) leaving work voluntarily without good cause
39 attributable to the claimant's work or the employer; or (iii) discharged from
40 an employer directly impacted by COVID-19 in accordance with the
41 families first coronavirus response act, public law 116-127.

42 (B) Where base period wage credits of a contributing employer or
43 rated governmental employer represent part-time employment and the

1 claimant continues in that part-time employment with that employer
2 during the period for which benefits are paid, then that employer's account
3 shall not be charged with any part of the benefits paid if the employer
4 provides the secretary with information as required by rules and
5 regulations. For the purposes of this subparagraph, "part-time
6 employment" means any employment when an individual works less than
7 full-time because the individual's services are not required for the
8 customary, scheduled full-time hours prevailing at the work place or the
9 individual does not customarily work the regularly scheduled full-time
10 hours due to personal choice or circumstances.

11 (C) No contributing employer or rated governmental employer's
12 account shall be charged with any extended benefits paid in accordance
13 with the employment security law, except for weeks of unemployment
14 beginning after December 31, 1978, all contributing governmental
15 employers and governmental rated employers shall be charged an amount
16 equal to all extended benefits paid.

17 (D) No contributing employer or rated governmental employer's
18 account will be charged for benefits paid a claimant while pursuing an
19 approved training course as defined in K.S.A. 44-703(s), and amendments
20 thereto.

21 (E) No contributing employer or rated governmental employer's
22 account shall be charged with respect to the benefits paid to any individual
23 whose base period wages include wages for services not covered by the
24 employment security law prior to January 1, 1978, to the extent that the
25 employment security fund is reimbursed for such benefits pursuant to
26 section 121 of public law 94-566, 90 Stat. 2673.

27 (F) With respect to weeks of unemployment beginning after
28 December 31, 1977, wages for insured work shall include wages paid for
29 previously uncovered services. For the purposes of this subparagraph, the
30 term "previously uncovered services" means services that were not
31 covered employment, at any time during the one-year period ending
32 December 31, 1975, except to the extent that assistance under title II of the
33 federal emergency jobs and unemployment assistance act of 1974 was paid
34 on the basis of such services, and that:

35 (i) Are agricultural labor as defined in K.S.A. 44-703(w), and
36 amendments thereto, or domestic service as defined in K.S.A. 44-703(aa),
37 and amendments thereto;

38 (ii) are services performed by an employee of this state or a political
39 subdivision thereof, as provided in K.S.A. 44-703(i)(3)(E), and
40 amendments thereto; or

41 (iii) are services performed by an employee of a nonprofit educational
42 institution that is not an institution of higher education.

43 (G) Contributing employers, rated governmental employers and

1 reimbursing employers shall be held harmless for and shall not be required
2 to reimburse the state for claims or benefits paid that have been reported
3 by the employer to the secretary and determined by the secretary as
4 fraudulent or as an improper payment, unless the secretary determines the
5 claims are not fraudulent or improper as provided by K.S.A. 44-710b(b)(2)
6 (A), and amendments thereto. The time limitation for disputing a claim or
7 an appeal of a claim as provided by this section, or by any other provision
8 of the employment security law, shall not apply to identifications of fraud
9 reported to the secretary for claims or benefits paid during the period
10 beginning on March 15, 2020, through December 31, 2022. Contributing
11 employers, rated governmental employers and reimbursing employers
12 shall be refunded or credited, in the discretion of the employer, as provided
13 by K.S.A. 44-710b, and amendments thereto, for any claims or benefits
14 paid that have been reported as fraudulent.

15 (3) An employer's account shall not be relieved of charges relating to
16 a payment that was made erroneously if the secretary determines that:

17 (A) The erroneous payment was made because the employer, or the
18 agent of the employer, was at fault for failing to respond timely or
19 adequately to a written request from the secretary for information relating
20 to the claim for unemployment compensation; and

21 (B) the employer or agent has established a pattern of failing to
22 respond timely or adequately to requests for information.

23 (C) For purposes of this paragraph:

24 (i) "Erroneous payment" means a payment that but for the failure by
25 the employer or the employer's agent with respect to the claim for
26 unemployment compensation, would not have been made; and

27 (ii) "pattern of failure" means repeated documented failure on the part
28 of the employer or the agent of the employer to respond, taking into
29 consideration the number of instances of failure in relation to the total
30 volume of requests. An employer or employer's agent failing to respond as
31 described in subparagraph (A) shall not be determined to have engaged in
32 a "pattern of failure" if the number of such failures during the year prior to
33 such request is fewer than two, or less than 2%, of such requests,
34 whichever is greater.

35 (D) Determinations of the secretary prohibiting the relief of charges
36 pursuant to this section shall be subject to appeal or protest as other
37 determinations of the agency with respect to the charging of employer
38 accounts.

39 (4) The examiner shall notify any base period employer whose
40 account will be charged with benefits paid following the filing of a valid
41 new claim and a determination by the examiner based on all information
42 relating to the claim contained in the records of the division of
43 employment security. Such notice shall become final and benefits charged

1 to the base period employer's account in accordance with the claim unless
2 within 10 calendar days from the date the notice was sent, the base period
3 employer requests in writing that the examiner reconsider the
4 determination and furnishes any required information in accordance with
5 the secretary's rules and regulations. In a similar manner, a notice of an
6 additional claim followed by the first payment of benefits with respect to
7 the benefit year, filed by an individual during a benefit year after a period
8 in such year during which such individual was employed, shall be given to
9 any base period employer of the individual who has requested such a
10 notice within 10 calendar days from the date the notice of the valid new
11 claim was sent to such base period employer. For purposes of this
12 paragraph, if the required information is not submitted or postmarked
13 within a response time limit of 10 days after the base period employer
14 notice was sent, the base period employer shall be deemed to have waived
15 its standing as a party to the proceedings arising from the claim and shall
16 be barred from protesting any subsequent decisions about the claim by the
17 secretary, a referee, the board of review or any court, except that the base
18 period employer's response time limit may be waived or extended by the
19 examiner or upon appeal, if timely response was impossible due to
20 excusable neglect. The examiner shall notify the employer of the
21 reconsidered determination, which shall be subject to appeal or further
22 reconsideration, in accordance with the provisions of K.S.A. 44-709, and
23 amendments thereto.

24 (5) *Time, computation and extension.* In computing the period of time
25 for a base period employer response or appeals under this section from the
26 examiner's or the special examiner's determination or from the referee's
27 decision, the day of the act, event or default from which the designated
28 period of time begins to run shall not be included. The last day of the
29 period shall be included unless it is a Saturday, Sunday or legal holiday, in
30 which event the period runs until the end of the next day that is not a
31 Saturday, Sunday or legal holiday.

32 (d) *Pooled fund.* All contributions and payments in lieu of
33 contributions and benefit cost payments to the employment security fund
34 shall be pooled and available to pay benefits to any individual entitled
35 thereto under the employment security law, regardless of the source of
36 such contributions or payments in lieu of contributions or benefit cost
37 payments.

38 (e) *Election to become reimbursing employer; payment in lieu of*
39 *contributions.* (1) Any governmental entity, Indian tribes or tribal units,
40 (subdivisions, subsidiaries or business enterprises wholly owned by such
41 Indian tribes), for which services are performed as described in K.S.A. 44-
42 703(i)(3)(E), and amendments thereto, or any nonprofit organization or
43 group of nonprofit organizations described in section 501(c)(3) of the

1 federal internal revenue code of 1986 that is exempt from income tax
2 under section 501(a) of such code, that becomes subject to the
3 employment security law may elect to become a reimbursing employer
4 under this paragraph and agree to pay the secretary for the employment
5 security fund an amount equal to the amount of regular benefits and ½ of
6 the extended benefits paid that are attributable to service in the employ of
7 such reimbursing employer, except that each reimbursing governmental
8 employer, Indian tribes or tribal units shall pay an amount equal to the
9 amount of regular benefits and extended benefits paid for weeks of
10 unemployment beginning after December 31, 1978, for governmental
11 employers and December 21, 2000, for Indian tribes or tribal units to
12 individuals for weeks of unemployment that begin during the effective
13 period of such election.

14 (A) Any employer identified in this paragraph may elect to become a
15 reimbursing employer for a period encompassing not less than four
16 complete calendar years if such employer files with the secretary a written
17 notice of such election within the 30-day period immediately following
18 January 1 of any calendar year or within the 30-day period immediately
19 following the date when a determination of subjectivity to the employment
20 security law is issued, whichever occurs later.

21 (B) Any employer that makes an election to become a reimbursing
22 employer in accordance with subparagraph (A) will continue to be liable
23 for payments in lieu of contributions until such employer files with the
24 secretary a written notice terminating its election not later than 30 days
25 prior to the beginning of the calendar year for which such termination shall
26 first be effective.

27 (C) Any employer identified in this paragraph that has remained a
28 contributing employer and has been paying contributions under the
29 employment security law for a period subsequent to January 1, 1972, may
30 change to a reimbursing employer by filing with the secretary not later
31 than 30 days prior to the beginning of any calendar year a written notice of
32 election to become a reimbursing employer. Such election shall not be
33 terminable by the employer for four complete calendar years.

34 (D) The secretary may for good cause extend the period within which
35 a notice of election, or a notice of termination, must be filed and may
36 permit an election to be retroactive but not any earlier than with respect to
37 benefits paid after January 1 of the year such election is received.

38 (E) The secretary, in accordance with such rules and regulations as
39 the secretary may adopt, shall notify each employer identified in this
40 paragraph of any determination that the secretary may make of its status as
41 an employer and of the effective date of any election that it makes to
42 become a reimbursing employer and of any termination of such election.
43 Such determinations shall be subject to reconsideration, appeal and review

1 in accordance with the provisions of K.S.A. 44-710b, and amendments
2 thereto.

3 (2) *Reimbursement reports and payments.* Payments in lieu of
4 contributions shall be made in accordance with the provisions of
5 subparagraph (A) by all reimbursing employers except the state of Kansas.
6 Each reimbursing employer shall report total wages paid during each
7 calendar quarter by filing quarterly wage reports with the secretary that
8 shall be filed by the last day of the month following the close of each
9 calendar quarter. Wage reports are deemed filed as of the date they are
10 placed in the United States mail.

11 (A) At the end of each calendar quarter, or at the end of any other
12 period as determined by the secretary, the secretary shall bill each
13 reimbursing employer, except the state of Kansas: (i) An amount to be paid
14 that is equal to the full amount of regular benefits plus $\frac{1}{2}$ of the amount of
15 extended benefits paid during such quarter or other prescribed period that
16 is attributable to service in the employ of such reimbursing employer; and
17 (ii) for weeks of unemployment beginning after December 31, 1978, each
18 reimbursing governmental employer and December 21, 2000, for Indian
19 tribes or tribal units shall be certified an amount to be paid that is equal to
20 the full amount of regular benefits and extended benefits paid during such
21 quarter or other prescribed period that is attributable to service in the
22 employ of such reimbursing governmental employer.

23 (B) Payment of any bill rendered under subparagraph (A) shall be
24 made not later than 30 days after such bill was mailed to the last known
25 address of the reimbursing employer, or otherwise was delivered to such
26 reimbursing employer, unless there has been an application for review and
27 redetermination in accordance with subparagraph (D).

28 (C) Payments made by any reimbursing employer under the
29 provisions of this paragraph shall not be deducted or deductible, in whole
30 or in part, from the remuneration of individuals in the employ of such
31 employer.

32 (D) The amount due specified in any bill from the secretary shall be
33 conclusive on the reimbursing employer, unless, not later than 15 days
34 after the bill was mailed to the last known address of such employer, or
35 was otherwise delivered to such employer, the reimbursing employer files
36 an application for redetermination in accordance with K.S.A. 44-710b, and
37 amendments thereto.

38 (E) (i) Past due payments of amounts certified by the secretary under
39 this section shall be subject to the same interest, penalties and actions
40 required by K.S.A. 44-717, and amendments thereto.

41 (ii) If any nonprofit organization or group of nonprofit organizations
42 described in section 501(c)(3) of the federal internal revenue code of 1986
43 or governmental reimbursing employer is delinquent in making payments

1 of amounts certified by the secretary under this section, the secretary may
2 terminate such employer's election to make payments in lieu of
3 contributions as of the beginning of the next calendar year and such
4 termination shall be effective for such next calendar year and the calendar
5 year thereafter so that the termination is effective for two complete
6 calendar years.

7 (iii) Failure of an Indian tribe or tribal unit to make required
8 payments, including assessment of interest and penalty within 90 days of
9 receipt of a bill shall cause the Indian tribe to lose the option to make
10 payments in lieu of contributions as described pursuant to paragraph (e)(1)
11 for the following tax year unless payment in full is received before
12 contribution rates for the next tax year are calculated. Any Indian tribe that
13 loses the option to make payments in lieu of contributions due to late
14 payment or nonpayment, as described in this paragraph, shall have such
15 option reinstated, if after a period of one year, all contributions have been
16 made on time and no contributions, payments in lieu of contributions for
17 benefits paid, penalties or interest remain outstanding.

18 (F) Failure of the Indian tribe or any tribal unit thereof to make
19 required payments, including assessments of interest and penalties, after
20 all collection activities deemed necessary by the secretary have been
21 exhausted, will cause services performed by such tribe to not be treated as
22 employment for purposes of K.S.A. 44-703(i)(3)(E), and amendments
23 thereto. If an Indian tribe fails to make payments required under this
24 section, including assessments of interest and penalties, within 90 days of
25 a final notice of delinquency, the secretary shall immediately notify the
26 United States internal revenue service and the United States department of
27 labor. The secretary may determine that any Indian tribe that loses
28 coverage pursuant to this paragraph may have services performed on
29 behalf of such tribe again deemed employment if all contributions,
30 payments in lieu of contributions, penalties and interest have been paid.

31 (G) In the discretion of the secretary, any employer who elects to
32 become liable for payments in lieu of contributions and any nonprofit
33 organization or group of nonprofit organizations described in section
34 501(c)(3) of the federal internal revenue code of 1986 or governmental
35 reimbursing employer or Indian tribe or tribal unit who is delinquent in
36 filing reports or in making payments of amounts certified by the secretary
37 under this section shall be required within 60 days after the effective date
38 of such election, in the case of an eligible employer so electing, or after the
39 date of notification to the delinquent employer under this subparagraph, in
40 the case of a delinquent employer, to execute and file with the secretary a
41 surety bond, except that the employer may elect, in lieu of a surety bond,
42 to deposit with the secretary money or securities as approved by the
43 secretary or to purchase and deliver to an escrow agent a certificate of

1 deposit to guarantee payment. The amount of the bond, deposit or escrow
2 agreement required shall not exceed 5.4% of the organization's taxable
3 wages paid for employment by the eligible employer during the four
4 calendar quarters immediately preceding the effective date of the election
5 or the date of notification, in the case of a delinquent employer. If the
6 employer did not pay wages in each of such four calendar quarters, the
7 amount of the bond or deposit shall be as determined by the secretary.
8 Upon the failure of an employer to comply with the provisions of this
9 subparagraph within the time limits imposed or to maintain the required
10 bond or deposit, the secretary may terminate the election of such eligible
11 employer or delinquent employer, as the case may be, to make payments in
12 lieu of contributions, and such termination shall be effective for the current
13 and next calendar year.

14 (H) The state of Kansas shall make reimbursement payments
15 quarterly at a fiscal year rate that shall be based upon: (i) The available
16 balance in the state's reimbursing account as of December 31 of each
17 calendar year; (ii) the historical unemployment experience of all covered
18 state agencies during prior years; (iii) the estimate of total covered wages
19 to be paid during the ensuing calendar year; (iv) the applicable fiscal year
20 rate of the claims processing and auditing fee under K.S.A. 75-3798, and
21 amendments thereto; and (v) actuarial and other information furnished to
22 the secretary by the secretary of administration. In accordance with K.S.A.
23 75-3798, and amendments thereto, the claims processing and auditing fees
24 charged to state agencies shall be deducted from the amounts collected for
25 the reimbursement payments under this paragraph prior to making the
26 quarterly reimbursement payments for the state of Kansas. The fiscal year
27 rate shall be expressed as a percentage of covered total wages and shall be
28 the same for all covered state agencies. The fiscal year rate for each fiscal
29 year will be certified in writing by the secretary to the secretary of
30 administration on July 15 of each year and such certified rate shall become
31 effective on the July 1 immediately following the date of certification. A
32 detailed listing of benefit charges applicable to the state's reimbursing
33 account shall be furnished quarterly by the secretary to the secretary of
34 administration and the total amount of charges deducted from previous
35 reimbursing payments made by the state. On January 1 of each year, if it is
36 determined that benefit charges exceed the amount of prior reimbursing
37 payments, an upward adjustment shall be made therefor in the fiscal year
38 rate to be certified on the ensuing July 15. If total payments exceed benefit
39 charges, all or part of the excess may be refunded, at the discretion of the
40 secretary, from the fund or retained in the fund as part of the payments that
41 may be required for the next fiscal year.

42 (I) *No contributing employer of the industries of ready-mixed*
43 *concrete production and distribution or the construction of highways or*

1 *elevated highways, streets, roads, airport runways, public sidewalks or*
2 *bridges shall be charged for any temporary layoffs.*

3 (3) *Allocation of benefit costs.* The reimbursing account of each
4 reimbursing employer shall be charged the full amount of regular benefits
5 and $\frac{1}{2}$ of the amount of extended benefits paid except that each
6 reimbursing governmental employer's account shall be charged the full
7 amount of regular benefits and extended benefits paid for weeks of
8 unemployment beginning after December 31, 1978, to individuals whose
9 entire base period wage credits are from such employer. When benefits
10 received by an individual are based upon base period wage credits from
11 more than one employer then the reimbursing employer's or reimbursing
12 governmental employer's account shall be charged in the same ratio as
13 base period wage credits from such employer bear to the individual's total
14 base period wage credits. Notwithstanding any other provision of the
15 employment security law, no reimbursing employer's or reimbursing
16 governmental employer's account shall be charged for payments of
17 extended benefits that are wholly reimbursed to the state by the federal
18 government.

19 (A) *Proportionate allocation when fewer than all reimbursing base*
20 *period employers are liable.* If benefits paid to an individual are based on
21 wages paid by one or more reimbursing employers and on wages paid by
22 one or more contributing employers or rated governmental employers, the
23 amount of benefits payable by each reimbursing employer shall be an
24 amount that bears the same ratio to the total benefits paid to the individual
25 as the total base period wages paid to the individual by such employer
26 bears to the total base period wages paid to the individual by all of such
27 individual's base period employers.

28 (B) *Proportionate allocation when all base period employers are*
29 *reimbursing employers.* If benefits paid to an individual are based on
30 wages paid by two or more reimbursing employers, the amount of benefits
31 payable by each such employer shall be an amount that bears the same
32 ratio to the total benefits paid to the individual as the total base period
33 wages paid to the individual by such employer bear to the total base period
34 wages paid to the individual by all of such individual's base period
35 employers.

36 (4) *Group accounts.* Two or more reimbursing employers may file a
37 joint application to the secretary for the establishment of a group account
38 for the purpose of sharing the cost of benefits paid that are attributable to
39 service in the employment of such reimbursing employers. Each such
40 application shall identify and authorize a group representative to act as the
41 group's agent for the purposes of this paragraph. Upon approval of the
42 application, the secretary shall establish a group account for such
43 employers effective as of the beginning of the calendar quarter in which

1 the secretary receives the application and shall notify the group's
2 representative of the effective date of the account. Such account shall
3 remain in effect for not less than four years and thereafter such account
4 shall remain in effect until terminated at the discretion of the secretary or
5 upon application by the group. Upon establishment of the account, each
6 member of the group shall be liable for payments in lieu of contributions
7 with respect to each calendar quarter in the amount that bears the same
8 ratio to the total benefits paid in such quarter that are attributable to service
9 performed in the employ of all members of the group as the total wages
10 paid for service in employment by such member in such quarter bear to the
11 total wages paid during such quarter for service performed in the employ
12 of all members of the group. The secretary shall adopt such rules and
13 regulations as the secretary deems necessary with respect to applications
14 for establishment, maintenance and termination of group accounts that are
15 authorized by this paragraph, for addition of new members to, and
16 withdrawal of active members from such accounts, and for the
17 determination of the amounts that are payable under this paragraph by
18 members of the group and the time and manner of such payments.

19 Sec. 3. K.S.A. 2025 Supp. 44-710a is hereby amended to read as
20 follows: 44-710a. (a) *Classification of employers by the secretary.* The
21 term "employer" as used in this section refers to contributing employers.
22 The secretary shall classify employers in accordance with their actual
23 experience in the payment of contributions on their own behalf and with
24 respect to benefits charged against their accounts with a view of fixing
25 such contribution rates as will reflect such experience. If, as of the date
26 such classification of employers is made, the secretary finds that any
27 employing unit has failed to file any report required in connection
28 therewith, or has filed a report which the secretary finds incorrect or
29 insufficient, the secretary shall make an estimate of the information
30 required from such employing unit on the basis of the best evidence
31 reasonably available to the secretary at the time, and notify the employing
32 unit thereof by mail addressed to its last known address. Unless such
33 employing unit shall file the report or a corrected or sufficient report as the
34 case may be, within 15 days after the mailing of such notice, the secretary
35 shall compute such employing unit's rate of contributions on the basis of
36 such estimates, and the rate as so determined shall be subject to increase
37 but not to reduction on the basis of subsequently ascertained information.
38 The secretary shall determine the contribution rate of each employer in
39 accordance with the requirements of this section.

40 (1) *New employers.* (A) No employer will be eligible for a rate
41 computation until there have been 24 consecutive calendar months
42 immediately preceding the computation date throughout which benefits
43 could have been charged against such employer's account.

1 (B) (i) (a) Each employer who is not eligible for a rate contribution
2 shall pay contributions equal to 1.75% of wages paid during each calendar
3 year with regard to employment, except such employers engaged in the
4 construction industry shall pay a rate equal to 5.55%.

5 (b) (1) An employer who was not doing business in Kansas prior to
6 July 1, 2014, shall be eligible for either the new employer rate under
7 subsection (a)(1)(B)(i)(a) or the rate associated with the reserve ratio such
8 employer experienced in the state which such employer was formerly
9 located, but in no event less than 1% if such:

10 (A) Employer has been in operation in the other state or states for at
11 least the three years immediately preceding the date such employer
12 becomes a liable employer in Kansas;

13 (B) employer provides the authenticated account history from
14 information accumulated from operations of such employer in the other
15 state or all the other states necessary to compute a current Kansas rate; and

16 (C) employer's business operations established in Kansas are of the
17 same nature, as defined by the North American industrial classification
18 system, as conducted by such employer in the other state or states.

19 (2) The election authorized in subsection (a)(1)(B)(i)(b) of this
20 section must be made in writing within 30 days after notice of Kansas
21 liability. A rate in accordance with subsection (a)(1)(B)(i)(a) will be
22 assigned unless a timely election has been made.

23 (3) If the election is made timely, the employer's account will receive
24 the rate elected for the remainder of that rate year. The rate assigned for
25 the next and subsequent years will be determined by the condition of the
26 account on the computation date.

27 (ii) For purposes of this subsection (a), employers shall be classified
28 by industrial activity in accordance with standard procedures as set forth in
29 rules and regulations adopted by the secretary. Employers engaged in more
30 than one type of industrial activity shall be classified by principal activity.
31 All rates assigned will remain in effect for a complete calendar year. If the
32 sale or acquisition of a new establishment would require reclassification of
33 the employer to a different industry sector, the employer would be
34 promptly notified, and the contribution rate applicable to the new industry
35 sector would become effective the following January 1.

36 (C) "Computation date" means June 30 of each calendar year with
37 respect to rates of contribution applicable to the calendar year beginning
38 with the following January 1. In arriving at contribution rates for each
39 calendar year, contributions paid on or before July 31 following the
40 computation date for employment occurring on or prior to the computation
41 date shall be considered for each contributing employer who has been
42 subject to this act for a sufficient period of time to have such employer's
43 rate computed under this subsection (a).

1 (2) *Eligible employers.* (A) A reserve ratio shall be computed for each
 2 eligible employer by the following method: Total benefits charged to the
 3 employer's account for all past years shall be deducted from all
 4 contributions paid by such employer for all such years. The balance,
 5 positive or negative, shall be divided by the employer's average annual
 6 payroll, and the result shall constitute the employer reserve ratio.

7 (B)-(i) Negative account balance employers, as defined in subsection
 8 (d), shall pay contributions at the rate referenced in subsection (a)(4)(C).

9 ~~(ii) (a) Beginning on July 1, 2024, and annually thereafter, active~~
 10 ~~negative rated employers shall be eligible for a calculated negative debt~~
 11 ~~write-off and forgiveness amount as determined pursuant to this subclause.~~
 12 ~~If on any computation date an employer's account registers a negative~~
 13 ~~reserve ratio less than or equal to -7.150%, a portion of benefit charges~~
 14 ~~shall be conditionally forgiven and removed from the employer's account~~
 15 ~~in order to bring the employer's account to a reserve ratio of -7.150%, and~~
 16 ~~the employer shall be assigned to rate group N11, as set forth in subsection~~
 17 ~~(a)(4)(C)(ii) for the next three calendar years.~~

18 ~~(b) Negative rated employers affected by the conditional write-off~~
 19 ~~provision pursuant to subclause (a) shall have the option to avoid a~~
 20 ~~negative debt write-off and assignment to rate group N11 for the next three~~
 21 ~~calendar years by submitting a voluntary contribution pursuant to~~
 22 ~~subsection (c) equal to or greater than the amount necessary to establish~~
 23 ~~their account reserve ratio to an amount equal to or greater than -7.149%~~
 24 ~~for the next calendar year.~~

25 (C) Eligible employers, other than negative account balance
 26 employers, who do not meet the average annual payroll requirements as
 27 stated in K.S.A. 44-703(a)(2), and amendments thereto, will be issued the
 28 maximum rate indicated by the maximum rate group of standard rate
 29 schedule—standard schedule G in subsection (a)(4)(C)(ii) until such
 30 employer establishes a new period of 24 consecutive calendar months
 31 immediately preceding the computation date throughout which benefits
 32 could have been charged against such employer's account by resuming the
 33 payment of wages. Contribution rates effective for each calendar year
 34 thereafter shall be determined as prescribed below.

35 (3) *Entering and expanding employer.* (A) The secretary, as a method
 36 of providing for a reduced rate of contributions to an employer shall verify
 37 the qualifications in this statute that bear a direct relation to unemployment
 38 risk for that employer.

39 (B) If, as of the computation date, an eligible, positive balance
 40 employer's reserve ratio is significantly affected due to an increase in the
 41 employer's taxable payroll of at least 100% and such increase is
 42 attributable to a growth in employment, and not to a change in the taxable
 43 wage base from the previous year, the secretary shall assign a reduced rate

1 of contributions for a period of three years.

2 (i) Such reduced rate of contributions shall be the new employer rate
3 described in subsection (a)(1)(B)(i)(a), or a rate based on the employer's
4 demonstrated risk as reflected in the employer's reserve fund ratio history.

5 (ii) To be eligible for such reduced rate, the employer must maintain a
6 positive account balance throughout the reduced-rate period and must have
7 an increase in account balance for each year.

8 (4) (A) *Contribution schedules.* For each rate year, the contribution
9 schedule in effect shall be determined by the applicable fund control table
10 and rate schedule table of subsection (a)(4)(C).

11 (B) *Published calculated maximum annual tax amounts per*
12 *employee.* The secretary shall publish corresponding contribution amount
13 tables showing the calculated maximum annual cost to contributing rated
14 employers per employee for each rate group. Such contribution amount
15 tables shall be published on a publicly accessible website maintained by
16 the secretary.

17 (C) *Effective rates.* (i) Employer contribution rates to be effective for
18 each calendar year shall be determined by the applicable rate schedule in
19 clause (ii) and the fund control table for the rate year as specified
20 contained in this clause. The average high cost multiple of the trust fund as
21 of the computation date shall determine the contribution schedule in effect
22 for the next rate year. For purposes of subsection (a)(4)(C)(i), the average
23 high cost multiple is the reserve fund ratio divided by the average high
24 benefit cost rate. The average high benefit cost rate shall be determined by
25 averaging the three highest benefit cost rates over the last 20 years from
26 the preceding fiscal year which ended June 30. The high benefit cost rate is
27 defined by dividing total benefits paid in the fiscal year by total payrolls
28 for covered employers in the fiscal year. The reserve fund ratio shall be
29 determined by dividing total assets in the employment security fund
30 provided for in K.S.A. 44-712(a), and amendments thereto, excluding all
31 moneys credited to the account of this state pursuant to section 903 of the
32 federal social security act, as amended, that have been appropriated by the
33 legislature, whether or not withdrawn from the trust fund, and excluding
34 contributions not yet paid on July 31, by total payrolls for contributing
35 employers for the preceding fiscal year that ended on June 30.

36 Fund Control Table A

37 For Rate Year 2025 and Ensuing Calendar Years

38					Proportional	
39	KS SUTA	Lower	Upper	Solvency/Credit	Solvency/Credit	
40	Tax Rate	AHCM	AHCM	Adjustment	Adjustment	
41	Schedules	Threshold	Threshold			
42		M	-1,000.00000	-0.00001	2.00%	0.05128%
43		L	0.00000	0.24999	1.70%	0.04359%
44	Solvency	K	0.25000	0.44999	1.40%	0.03590%
45	Schedules	J	0.45000	0.59999	1.10%	0.02821%

1	(H-M)	I	0.60000	0.69999	0.80%	0.02051%
2		H	0.70000	0.74999	0.50%	0.01282%
3	Standard					
4	Schedule	G	0.75000	1.24999	0.00%	0.00000%
5	(G)					
6		F	1.25000	1.29999	-0.50%	-0.01282%
7	Credit	E	1.30000	1.39999	-0.80%	-0.02051%
8	Schedules	D	1.40000	1.54999	-1.10%	-0.02821%
9	(A-F)	C	1.55000	1.74999	-1.40%	-0.03590%
10		B	1.75000	1.99999	-1.70%	-0.04359%
11		A	2.00000	1,000.00000	-2.00%	-0.05128%

(ii) Eligible employers shall be classified by rate group according to the standard rate schedule - standard rate schedule G in this clause, for that rate year. For rate year 2025 and ensuing calendar years, the rate pursuant to standard rate schedule G, solvency schedules H through M or credit schedules A through F shall apply to contributing employers.

STANDARD RATE SCHEDULE -
STANDARD RATE SCHEDULE G

Rate Group	Lower Reserve	Upper Reserve	Standard Ratio Limit	Rate
0	100.000	1,000,000.000	99.999	0.00%
1	18.590		18.589	0.05%
2	17.875		17.874	0.10%
3	17.160		17.159	0.15%
4	16.445		16.444	0.25%
5	15.730		15.729	0.35%
6	15.015		15.014	0.45%
7	14.300		14.299	0.55%
8	13.585		13.584	0.70%
9	12.870		12.869	0.85%
10	12.155		12.154	1.00%
11	11.440		11.439	1.15%
12	10.725		10.724	1.35%
13	10.010		10.009	1.55%
14	9.295		9.294	1.75%
15	8.580		8.579	1.95%
16	7.865		7.864	2.20%
17	7.150		7.149	2.45%
18	6.435		6.434	2.70%
19	5.720		5.719	2.95%
20	5.005		5.004	3.25%
21	4.290		4.289	3.55%
22	3.575		3.574	3.85%
23	2.860		2.859	4.15%
24	2.145			4.50%

1	25	1.430	2.144	4.85%
2	26	0.715	1.429	5.20%
3	27	0.000	0.714	5.55%
4	N1	-0.714	-0.001	5.85%
5	N2	-1.429	-0.715	6.15%
6	N3	-2.144	-1.430	6.45%
7	N4	-2.859	-2.145	6.75%
8	N5	-3.574	-2.860	7.00%
9	N6	-4.289	-3.575	7.25%
10	N7	-5.004	-4.290	7.50%
11	N8	-5.719	-5.005	7.75%
12	N9	-6.434	-5.720	7.95%
13	N10	-7.149	-6.435	8.15%
14	N11	-1,000,000.000	-7.150	8.35%

SOLVENCY RATE SCHEDULES (H-M)

16	Rate						
17	Group	M	L	K	J	I	H
18	0	0.05%	0.04%	0.04%	0.03%	0.02%	0.01%
19	1	0.15%	0.14%	0.12%	0.11%	0.09%	0.08%
20	2	0.25%	0.23%	0.21%	0.18%	0.16%	0.14%
21	3	0.36%	0.32%	0.29%	0.26%	0.23%	0.20%
22	4	0.51%	0.47%	0.43%	0.39%	0.35%	0.31%
23	5	0.66%	0.61%	0.57%	0.52%	0.47%	0.43%
24	6	0.81%	0.76%	0.70%	0.65%	0.59%	0.54%
25	7	0.96%	0.90%	0.84%	0.78%	0.71%	0.65%
26	8	1.16%	1.09%	1.02%	0.95%	0.88%	0.82%
27	9	1.36%	1.29%	1.21%	1.13%	1.06%	0.98%
28	10	1.56%	1.48%	1.39%	1.31%	1.23%	1.14%
29	11	1.77%	1.67%	1.58%	1.49%	1.40%	1.30%
30	12	2.02%	1.92%	1.82%	1.72%	1.62%	1.52%
31	13	2.27%	2.16%	2.05%	1.94%	1.84%	1.73%
32	14	2.52%	2.40%	2.29%	2.17%	2.06%	1.94%
33	15	2.77%	2.65%	2.52%	2.40%	2.28%	2.16%
34	16	3.07%	2.94%	2.81%	2.68%	2.55%	2.42%
35	17	3.37%	3.23%	3.10%	2.96%	2.82%	2.68%
36	18	3.67%	3.53%	3.38%	3.24%	3.09%	2.94%
37	19	3.98%	3.82%	3.67%	3.51%	3.36%	3.21%
38	20	4.33%	4.17%	4.00%	3.84%	3.68%	3.52%
39	21	4.68%	4.51%	4.34%	4.17%	4.00%	3.83%
40	22	5.03%	4.85%	4.68%	4.50%	4.32%	4.14%
41	23	5.38%	5.20%	5.01%	4.83%	4.64%	4.46%
42	24	5.78%	5.59%	5.40%	5.21%	5.01%	4.82%
43	25	6.18%	5.98%	5.78%	5.58%	5.38%	5.18%
44	26	6.58%	6.38%	6.17%	5.96%	5.75%	5.55%
45	27	6.99%	6.77%	6.56%	6.34%	6.12%	5.91%
46	N1	7.34%	7.11%	6.89%	6.67%	6.44%	6.22%
47	N2	7.69%	7.46%	7.23%	7.00%	6.77%	6.53%
48	N3	8.04%	7.80%	7.56%	7.32%	7.09%	6.85%
49	N4	8.39%	8.14%	7.90%	7.65%	7.41%	7.16%
50	N5	8.69%	8.44%	8.18%	7.93%	7.68%	7.42%

1	N6	8.99%	8.73%	8.47%	8.21%	7.95%	7.69%
2	N7	9.29%	9.03%	8.76%	8.49%	8.22%	7.95%
3	N8	9.60%	9.32%	9.04%	8.77%	8.49%	8.21%
4	N9	9.85%	9.56%	9.28%	8.99%	8.71%	8.42%
5	N10	10.10%	9.81%	9.51%	9.22%	8.93%	8.64%
6	N11	10.35%	10.05%	9.75%	9.45%	9.15%	8.85%

CREDIT RATE SCHEDULES (A-F)

8	Rate						
9	Group	F	E	D	C	B	A
10	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
11	1	0.02%	0.01%	0.00%	0.00%	0.00%	0.00%
12	2	0.06%	0.04%	0.02%	0.00%	0.00%	0.00%
13	3	0.10%	0.07%	0.04%	0.01%	0.00%	0.00%
14	4	0.19%	0.15%	0.11%	0.07%	0.03%	0.00%
15	5	0.27%	0.23%	0.18%	0.13%	0.09%	0.04%
16	6	0.36%	0.31%	0.25%	0.20%	0.14%	0.09%
17	7	0.45%	0.39%	0.32%	0.26%	0.20%	0.14%
18	8	0.58%	0.52%	0.45%	0.38%	0.31%	0.24%
19	9	0.72%	0.64%	0.57%	0.49%	0.41%	0.34%
20	10	0.86%	0.77%	0.69%	0.61%	0.52%	0.44%
21	11	1.00%	0.90%	0.81%	0.72%	0.63%	0.53%
22	12	1.18%	1.08%	0.98%	0.88%	0.78%	0.68%
23	13	1.37%	1.26%	1.16%	1.05%	0.94%	0.83%
24	14	1.56%	1.44%	1.33%	1.21%	1.10%	0.98%
25	15	1.74%	1.62%	1.50%	1.38%	1.25%	1.13%
26	16	1.98%	1.85%	1.72%	1.59%	1.46%	1.33%
27	17	2.22%	2.08%	1.94%	1.80%	1.67%	1.53%
28	18	2.46%	2.31%	2.16%	2.02%	1.87%	1.73%
29	19	2.69%	2.54%	2.39%	2.23%	2.08%	1.92%
30	20	2.98%	2.82%	2.66%	2.50%	2.33%	2.17%
31	21	3.27%	3.10%	2.93%	2.76%	2.59%	2.42%
32	22	3.56%	3.38%	3.20%	3.02%	2.85%	2.67%
33	23	3.84%	3.66%	3.47%	3.29%	3.10%	2.92%
34	24	4.18%	3.99%	3.79%	3.60%	3.41%	3.22%
35	25	4.52%	4.32%	4.12%	3.92%	3.72%	3.52%
36	26	4.85%	4.65%	4.44%	4.23%	4.02%	3.82%
37	27	5.19%	4.98%	4.76%	4.54%	4.33%	4.11%
38	N1	5.48%	5.26%	5.03%	4.81%	4.59%	4.36%
39	N2	5.77%	5.53%	5.30%	5.07%	4.84%	4.61%
40	N3	6.05%	5.81%	5.58%	5.34%	5.10%	4.86%
41	N4	6.34%	6.09%	5.85%	5.60%	5.36%	5.11%
42	N5	6.58%	6.32%	6.07%	5.82%	5.56%	5.31%
43	N6	6.81%	6.55%	6.29%	6.03%	5.77%	5.51%
44	N7	7.05%	6.78%	6.51%	6.24%	5.97%	5.71%
45	N8	7.29%	7.01%	6.73%	6.46%	6.18%	5.90%
46	N9	7.48%	7.19%	6.91%	6.62%	6.34%	6.05%
47	N10	7.66%	7.37%	7.08%	6.79%	6.49%	6.20%
48	N11	7.85%	7.55%	7.25%	6.95%	6.65%	6.35%

49 (iii) Not less than 30 days prior to each calendar year, the secretary
50 shall publish the effective contribution schedules for the previous four rate
51 years and ensuing rate year on a publicly accessible website maintained by
52 the secretary.

53 (b) *Successor classification.* (1) (A) For the purposes of this

1 subsection, whenever an employing unit, whether or not it is an
2 "employing unit" within the meaning of K.S.A. 44-703(g), and
3 amendments thereto, becomes an employer pursuant to K.S.A. 44-703(h)
4 (4), and amendments thereto, or is an employer at the time of acquisition
5 and meets the definition of a "successor employer" as defined by K.S.A.
6 44-703(dd), and amendments thereto, and thereafter transfers its trade or
7 business, or any portion thereof, to another employer and, at the time of
8 the transfer, there is substantially common ownership, management or
9 control of the two employers, then the unemployment experience
10 attributable to the transferred trade or business shall be transferred to the
11 employer to whom such business is so transferred. These experience
12 factors consist of all contributions paid, benefit experience and annual
13 payrolls of the predecessor employer. The transfer of some or all of an
14 employer's workforce to another employer shall be considered a transfer of
15 trade or business when, as the result of such transfer, the transferring
16 employer no longer performs trade or business with respect to the
17 transferred workforce, and such trade or business is performed by the
18 employer to whom the workforce is transferred.

19 (B) If, following a transfer of experience under subparagraph (A), the
20 secretary determines that a substantial purpose of the transfer or business
21 was to obtain a reduced liability for contributions, then the experience
22 rating accounts of the employers involved shall be combined into a single
23 account and a single rate assigned to such account.

24 (2) A successor employer as defined by K.S.A. 44-703(h)(4) or (dd),
25 and amendments thereto, may receive the experience rating factors of the
26 predecessor employer if an application is made to the secretary or the
27 secretary's designee in writing within 120 days of the date of the transfer.

28 (3) Whenever an employing unit, whether or not it is an "employing
29 unit" within the meaning of K.S.A. 44-703(g), and amendments thereto,
30 acquires or in any manner succeeds to a percentage of an employer's
31 annual payroll which is less than 100% and intends to continue the
32 acquired percentage as a going business, the employing unit may acquire
33 the same percentage of the predecessor's experience factors if: (A) The
34 predecessor employer and successor employing unit make an application
35 in writing on the form prescribed by the secretary; (B) the application is
36 submitted within 120 days of the date of the transfer; (C) the successor
37 employing unit is or becomes an employer subject to this act immediately
38 after the transfer; (D) the percentage of the experience rating factors
39 transferred shall not be thereafter used in computing the contribution rate
40 for the predecessor employer; and (E) the secretary finds that such transfer
41 will not tend to defeat or obstruct the object and purposes of this act.

42 (4) (A) The rate of both employers in a full or partial successorship
43 under paragraph (1) shall be recalculated and made effective on the first

1 day of the next calendar year following the date of transfer of trade or
2 business.

3 (B) If a successor employer is determined to be qualified under
4 paragraph (2) or (3) to receive the experience rating factors of the
5 predecessor employer, the rate assigned to the successor employer for the
6 remainder of the contributions year shall be determined by the following:

7 (i) If the acquiring employing unit was an employer subject to this act
8 prior to the date of the transfer, the rate of contribution shall be the same as
9 the contribution rate of the acquiring employer on the date of the transfer.

10 (ii) If the acquiring employing unit was not an employer subject to
11 this act prior to the date of the transfer, the successor employer shall have a
12 newly computed rate for the remainder of the contribution year which shall
13 be based on the transferred experience rating factors as they existed on the
14 most recent computation date immediately preceding the date of
15 acquisition. These experience rating factors consist of all contributions
16 paid, benefit experience and annual payrolls.

17 (5) Whenever an employing unit is not an employer at the time it
18 acquires the trade or business of an employer, the unemployment
19 experience factors of the acquired business shall not be transferred to such
20 employing unit if the secretary finds that such employing unit acquired the
21 business solely or primarily for the purpose of obtaining a lower rate of
22 contributions. Instead, such employing unit shall be assigned the
23 applicable industry rate for a "new employer" as described in subsection
24 (a)(1). In determining whether the business was acquired solely or
25 primarily for the purpose of obtaining a lower rate of contributions, the
26 secretary shall use objective factors which may include the cost of
27 acquiring the business, whether the employer continued the business
28 enterprise of the acquired business, how long such business enterprise was
29 continued, or whether a substantial number of new employees were hired
30 for performance of duties unrelated to the business activity conducted
31 prior to acquisition.

32 (6) Whenever an employer's account has been terminated as provided
33 in K.S.A. 44-711(d) and (e), and amendments thereto, and the employer
34 continues with employment to liquidate the business operations, that
35 employer shall continue to be an "employer" subject to the employment
36 security law as provided in K.S.A. 44-703(h)(8), and amendments thereto.
37 The rate of contribution from the date of transfer to the end of the then
38 current calendar year shall be the same as the contribution rate prior to the
39 date of the transfer. At the completion of the then current calendar year, the
40 rate of contribution shall be that of a "new employer" as described in
41 subsection (a)(1).

42 (7) No rate computation will be permitted an employing unit
43 succeeding to the experience of another employing unit pursuant to this

1 section for any period subsequent to such succession except in accordance
2 with rules and regulations adopted by the secretary. Any such regulations
3 shall be consistent with federal requirements for additional credit
4 allowance in section 3303 of the federal internal revenue code of 1986,
5 and consistent with the provisions of this act.

6 (c) *Voluntary contributions.* Notwithstanding any other provision of
7 the employment security law, any employer may make voluntary payments
8 for the purpose of reducing or maintaining a reduced rate in addition to the
9 contributions required under this section. Such voluntary payments may be
10 made only during the 90-day period immediately following the date of
11 mailing of experience rating notices for a calendar year. All such voluntary
12 contribution payments shall be paid prior to the expiration of 120 days
13 after the beginning of the year for which such rates are effective. The
14 amount of voluntary contributions shall be credited to the employer's
15 account as of the next preceding computation date and the employer's rate
16 shall be computed accordingly. Under no circumstances shall voluntary
17 payments be refunded in whole or in part.

18 (d) As used in this section, "negative account balance employer"
19 means an eligible employer whose total benefits charged to such
20 employer's account for all past years have exceeded all contributions paid
21 by such employer for all such years.

22 (e) The secretary of labor shall annually prepare and submit a
23 certification as to the solvency and adequacy of the amount credited to the
24 state of Kansas' account in the federal employment security trust fund to
25 the governor and the legislative coordinating council. The certification
26 shall be submitted on or before December 1 of each calendar year and
27 shall be for the 12-month period ending on June 30 of that calendar year.
28 In arriving at the certification contributions paid on or before July 31
29 following the 12-month period ending date of June 30 shall be considered.

30 (f) On July 1, 2024, the director of accounts and reports shall transfer
31 all moneys in the employment security interest assessment fund to the
32 employment security trust fund. On July 1, 2024, all liabilities of the
33 employment security interest assessment fund are hereby transferred to
34 and imposed on the state general fund, and the employment security
35 interest assessment fund is hereby abolished.

36 Sec. 4. K.S.A. 2025 Supp. 44-775 is hereby amended to read as
37 follows: 44-775. (a) (1) The secretary of labor and the secretary of
38 commerce shall jointly establish and implement the my reemployment
39 plan as provided in this section. For purposes of this section, "my
40 reemployment plan" means a program jointly established and implemented
41 by the Kansas department of labor and the Kansas department of
42 commerce that provides enhanced reemployment services, including
43 workforce services provided by the department of commerce, to Kansans

1 receiving unemployment insurance benefits.

2 (2) The program shall be required for all claimants except claimants
3 that are:

4 (A) In the shared work program;

5 (B) in the trade adjustment assistance and trade readjustment
6 assistance program;

7 (C) on temporary unemployment as defined in K.S.A. 44-703(ii), and
8 amendments thereto;

9 (D) currently employed;

10 (E) current reemployment services and eligibility assessment
11 participants;

12 (F) active members in good standing of a placement union; or

13 (G) claimants that are engaged in a training program.

14 (3) ~~(A) The following shall apply to any request to the secretary for
15 an extension of additional weeks of temporary unemployment, as defined
16 by K.S.A. 44-703(ii), and amendments thereto, if permitted by
17 subparagraph (C):~~

18 ~~(i) The request shall be made in writing by a rated contributing
19 employer on behalf of an identified individual or individuals;~~

20 ~~(ii) the request shall be submitted, with respect to each individual, for
21 an increment of eight weeks of additional temporary unemployment
22 allowed for the individual, if permitted by subparagraph (C); and~~

23 ~~(iii) the rated contributing employer shall agree to provide the
24 secretary with reports relating to the temporary unemployment extension
25 request as the secretary may require.~~

26 ~~(B) The secretary may approve one temporary unemployment
27 extension request for an individual of eight weeks up to the maximum total
28 number of weeks permitted, if permitted by subparagraph (C), if the
29 secretary determines that the requesting employer has:~~

30 ~~(i) Agreed to provide the secretary with all reports required as
31 provided by subparagraph (A)(iii);~~

32 ~~(ii) filed all reports required to be filed under the employment
33 security law for all past and current periods; and~~

34 ~~(iii) paid all contributions required to be paid under the employment
35 security law.~~

36 ~~(C) (i) Additional temporary unemployment benefits of eight weeks
37 for an individual in a benefit year may be granted by the secretary if the
38 requests for additional temporary unemployment are made by a requesting
39 employer determined by the secretary to be primarily engaged in:~~

40 ~~(a) Ready-mixed concrete production and distribution; or~~

41 ~~(b) the construction of highways or elevated highways, streets, roads,
42 airport runways, public sidewalks or bridges.~~

43 ~~(ii) The total maximum amount of temporary unemployment for an~~

1 ~~individual in a benefit year, including any extension of additional~~
2 ~~temporary unemployment granted by the secretary, shall be limited to 16~~
3 ~~weeks.~~

4 (4) The secretary of labor shall provide the secretary of commerce
5 with the names and contact information of claimants that have claimed a
6 third week of benefits in the current benefit year. The secretary of labor
7 shall request the claimant to upload or create a complete resume in the
8 Kansasworks workforce system, and complete a job search plan that
9 includes a skills assessment component. The secretary of commerce shall
10 offer and provide, when requested, assistance to the claimants in
11 developing the documents or plan through collaboration by the secretary
12 with the Kansasworks workforce system. The secretary of commerce may
13 require claimants to participate in reemployment services. The claimant
14 shall have 14 calendar days to respond to the secretary of commerce. The
15 secretary of commerce shall report any failure to respond by the claimant
16 to the secretary of labor.

17 (5)(4) The secretary of labor shall share labor market information and
18 current available job positions with the secretary of commerce. The
19 secretary of labor may collaborate with Kansasworks or other state or
20 federal agencies with job availability information in obtaining or sharing
21 such information.

22 (6)(5) The secretary of commerce shall match open job positions with
23 claimants based on skills, work history and job location that is a
24 reasonable commute from the claimant's residence and communicate the
25 match information to the claimant and to the employer. The secretary of
26 labor and the secretary of commerce shall consider whether the claimant or
27 a Kansas employer would benefit from the claimant's participation in a
28 work skills training or retraining program as provided by subsection (b)
29 and, if so, provide such information to the employer, if applicable, and the
30 claimant. Claimants who fail to respond within 14 calendar days after
31 contact by Kansasworks or the department of commerce shall be reported
32 by the secretary of commerce to the secretary of labor.

33 (7)(6) The secretary of commerce and the secretary of labor shall
34 monitor the result of job matches and share information regarding any
35 claimant who did not attend an interview or did not accept a position that
36 was a reasonable match for the claimant's work history and skills and was
37 within a reasonable commute from the claimant's residence. The secretary
38 of commerce shall contact the claimant and report the contact to the
39 secretary of labor. The secretary of labor shall consider whether the
40 claimant has failed to meet work search requirements and if the claimant
41 should continue to receive benefits.

42 (b) The secretary of commerce shall refer claimants to a work skills
43 training or retraining program as appropriate. The secretary of commerce

1 shall seek to obtain or utilize any available federal funds for the program,
2 and to the extent feasible, may make current work skills training and
3 retraining programs available to claimants. The secretary of labor may
4 allow claimants to participate in such a program offered by the secretary of
5 commerce or by another state or federal agency in lieu of requiring the
6 claimant to meet job search requirements and the requirements of the my
7 reemployment plan until the number of allowed benefit weeks has expired.
8 A claimant shall participate in such a program for not less than 25 hours
9 per week. The secretary of commerce shall monitor those my
10 reemployment plan claimants participating in training managed by the
11 workforce centers to ensure compliance.

12 (c) Claimants who participate in the my reemployment plan or the
13 work skills training or retraining program shall meet attendance or
14 progress requirements established by the secretary of commerce to
15 continue eligibility for unemployment insurance benefits. Non-compliant
16 claimants shall be reported by the secretary of commerce to the secretary
17 of labor. The secretary of labor shall disqualify such claimants from further
18 benefits within five business days of receiving the report, unless or until
19 the claimant demonstrates compliance to the secretary of commerce, and
20 shall communicate the disqualification and the reason for the
21 disqualification to the claimant. The secretary of commerce shall report to
22 the secretary of labor when the claimant has reestablished compliance. The
23 secretary of labor may continue benefits or reinstate a claimant's eligibility
24 for benefits upon a showing of good cause by the claimant for the failure
25 to meet attendance or progress requirements or my reemployment plan
26 participation requirements.

27 (d) The secretary of labor and the secretary of commerce shall
28 provide an annual status update and progress report for the my
29 reemployment plan to the standing committee on commerce, labor and
30 economic development of the house of representatives and the standing
31 committee on commerce of the senate during the first month of each
32 regular legislative session.

33 (e) This section shall be a part of and supplemental to the
34 employment security law.

35 Sec. 5. K.S.A. 2025 Supp. 44-703, 44-710, 44-710a and 44-775 are
36 hereby repealed.

37 Sec. 6. This act shall take effect and be in force from and after its
38 publication in the statute book.