

Democratic Proposals Benefiting Working Kansans

Fair Scheduling – Will be introduced

Removes the prohibition on local government from enacting fair scheduling ordinances. Under the bill, local government would be permitted to enact ordinances that pertain to price control of real estate, labor work schedules, and nutrition labeling. Essentially, the bill permits cities and counties to require big box stores to enact fair scheduling procedures.

Paid Time Off – Will be introduced

Removes the prohibition on local government from enacting paid time off ordinances. This bill would permit local government to enact ordinances that would:

- Provide leave, with or without pay, to employees;
- Pay compensation for any leave;
- Pay compensation or wages at a higher rate than the state or federal minimum wage, unless the higher compensation or wages are required by state or federal law; or
- Offer any employee benefit.

Prevailing Wage – Has been introduced

This bill will allow local units of government the option to incorporate a prevailing wage requirement on public projects. prevailing wage is the hourly wage, usual benefits and overtime, paid in the largest city in each county to the majority of workers, laborers and mechanics. Prevailing wages are established by the Department of Labor & Industries and they are established separately for each county, and are reflective of local wage conditions.

Teacher Due Process – Will be introduced

This Bill simply reinstates the due process rights for teachers as they existed prior to the changes made in 2014.

Workplace Bullying – Will be introduced

Workplace bullying is increasingly being recognized as a major workplace issue. These cases do not usually involve physical violence. Instead, the majority of cases are instances of a person's work being sabotaged or their work reputation being attacked. Based on recent studies, 96% of employees experience bullying in the workplace, and 89% report the bullying has continued for more than five years. The overall goal of this bill is to reduce workplace bullying and protect the State from any potential liability.

Removing and Replacing Prevailing Factor Standard in Work Comp – HB 2058

One of the more significant changes that were made to the Kansas Workers Compensation Act in 2013 was the change to a prevailing factor standard when assessing the cause of an employee's workplace injury. HB 2058 would repeal the prevailing factor standard and replace it with a substantial factor standard. Essentially this bill says to be eligible for occupational disability benefits, an employee must prove only that their employment was a substantial factor in causing their disability.

Changing from AMA 6th Edition to the 4th Edition – HB 2059

Currently the Kansas Workers Compensation Act requires the use of the American Medical Association guides 6th Edition when assessing the extent of the employee's injury. Use of the 6th Edition is widely understood to not appropriately reflect the true extent of an employee's injuries. Whereas the 4th Edition of the Guides has been shown to more appropriately reflect the true nature of an employee's injuries.

Reversing the Damaging Effects of 2013 Work Comp Act - HB 2062

As a whole the changes to the Kansas Workers Compensation Act made in 2013 have largely been detrimental, if not punitive to injured employees. The intent of this bill is to remedy many of those more punitive measures. Including increasing the maximum rates of compensation, changing overly burdensome notice requirements, and limiting the impact of drug testing.

Choice of Care/Provider – Will be introduced

Currently when an employee is injured on the job it is the employer that picks the medical provider and not the employee. And too often the employer's choice of provider is based on cost and not appropriate care of the injured employee. This bill will provide that it is the injured employee who has the choice of their care and not the employer.

Kansas Buy American Act – Will be introduced

The Kansas Buy America Act would require that each contract for the purchase, construction, reconstruction, alternation, repair, improvement, or maintenance of a public building or a public work made by a state agency would contain a provision that the iron, steel, and manufactured goods used or supplied in the performance of the contract or any related subcontract would have to be manufactured in the United States

Hire Kansans First Act – Will be introduced

The Hire Kansans First Act would require that any contractor or subcontractor working on a state contract worth \$100,000 or more annually to ensure that at least 70-percent of the contracted employees are Kansas residents.

Misclassification of Workers – Will be introduced

Under current law, a person who commits a second violation of knowingly and intentionally misclassifying an employee as an independent contractor to avoid either state income tax withholding and reporting requirements for state unemployment insurance contributions reporting requirements would be guilty of a Class C nonperson misdemeanor and a third offense would be a class A nonperson misdemeanor. This bill would eliminate the penalty for a third violation and increase the penalty for a second or subsequent violation to a severity level ten nonperson felony.

E-Verify – Will be introduced

This bill would create the Kansas Employer E-Verify Accountability Act and would require all state agencies and state boards and commissions to use E-Verify to establish the residency status of a potential employee. This same requirement would apply to all counties and municipalities. The bill would also prohibit about public works or purchase contracts greater than \$50,000 from being awarded to an employer unless they and their subcontractors verified employment eligibility through E-Verify.

Amending Qualifications for Restricted License Privileges - SB 5

Under current law, one of the conditions for qualifying for restricted driving privileges is an individual must not have previously received a stayed suspension as a result of a conviction for driving while suspended. SB 5 would eliminate this condition to allow individuals previously convicted of driving while suspended to gain a restricted license to drive to and from work.