

By Senators Francisco, Faust-Goudeau, Haley, Hensley, Holland, Kelly,
Kutala, Reitz, Steineger and Wysong

2-2

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

19 (1) Prior to September 1, 2009 January 1, 2010, employee wages
20 shall be paid at a rate of not less than \$2.65 an hour; and

(b) In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee in an amount equal to not more than 40% of the minimum wage rate if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. The secretary shall require each employer desiring approval of an allowance for gratuities to provide substantial evidence of the amounts of such gratuities on account of which the employer has taken an allowance pursuant to this section. In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. For employees receiving tips and gratuities, the employer shall pay a minimum wage of at least \$2.13 an hour. If when combined with the minimum wage rate prescribed in this subsection the amount of the employee's tips and gratuities are:

(2) less than \$7.25 an hour, the employer must pay the employee the difference between \$7.25 an hour and the actual hourly amount

1 *received by the employee determined by combining the amount of*
2 *tips and gratuities received by the employee with the minimum*
3 *wage prescribed by this subsection paid by the employer.*

4 (b)(c) The provisions of this section shall not apply to any employers
5 and employees who are covered under the provisions of section 6 of the
6 fair labor standards act of 1938 as amended (29 U.S.C.A. § 206), and as
7 amended by the fair labor standards amendments of 1974 and any other
8 acts amendatory thereof or supplemental thereto.

9 Sec. 2. K.S.A. 44-1203 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.