

**SENATE BILL No. 371**

By Committee on Commerce

2-10

---

1 AN ACT concerning employment security; relating to disposition of  
2 certain penalties; confidentiality and disclosure of certain information;  
3 amending K.S.A. 2013 Supp. 44-706 and 44-714 and repealing the  
4 existing sections.  
5

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

7 Section 1. K.S.A. 2013 Supp. 44-706 is hereby amended to read as  
8 follows: 44-706. An individual shall be disqualified for benefits:

9 (a) If the individual left work voluntarily without good cause  
10 attributable to the work or the employer, subject to the other provisions of  
11 this subsection. For purposes of this subsection, "good cause" is cause of  
12 such gravity that would impel a reasonable, not supersensitive, individual  
13 exercising ordinary common sense to leave employment. Good cause  
14 requires a showing of good faith of the individual leaving work, including  
15 the presence of a genuine desire to work. Failure to return to work after  
16 expiration of approved personal or medical leave, or both, shall be  
17 considered a voluntary resignation. After a temporary job assignment,  
18 failure of an individual to affirmatively request an additional assignment  
19 on the next succeeding workday, if required by the employment  
20 agreement, after completion of a given work assignment, shall constitute  
21 leaving work voluntarily. The disqualification shall begin the day  
22 following the separation and shall continue until after the individual has  
23 become reemployed and has had earnings from insured work of at least  
24 three times the individual's weekly benefit amount. An individual shall not  
25 be disqualified under this subsection if:

26 (1) The individual was forced to leave work because of illness or  
27 injury upon the advice of a licensed and practicing health care provider  
28 and, upon learning of the necessity for absence, immediately notified the  
29 employer thereof, or the employer consented to the absence, and after  
30 recovery from the illness or injury, when recovery was certified by a  
31 practicing health care provider, the individual returned to the employer and  
32 offered to perform services and the individual's regular work or  
33 comparable and suitable work was not available. As used in this paragraph  
34 "health care provider" means any person licensed by the proper licensing  
35 authority of any state to engage in the practice of medicine and surgery,  
36 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

1 (2) the individual left temporary work to return to the regular  
2 employer;

3 (3) the individual left work to enlist in the armed forces of the United  
4 States, but was rejected or delayed from entry;

5 (4) the spouse of an individual who is a member of the armed forces  
6 of the United States who left work because of the voluntary or involuntary  
7 transfer of the individual's spouse from one job to another job, which is for  
8 the same employer or for a different employer, at a geographic location  
9 which makes it unreasonable for the individual to continue work at the  
10 individual's job. For the purposes of this provision the term "armed forces"  
11 means active duty in the army, navy, marine corps, air force, coast guard or  
12 any branch of the military reserves of the United States;

13 (5) the individual left work because of hazardous working conditions;  
14 in determining whether or not working conditions are hazardous for an  
15 individual, the degree of risk involved to the individual's health, safety and  
16 morals, the individual's physical fitness and prior training and the working  
17 conditions of workers engaged in the same or similar work for the same  
18 and other employers in the locality shall be considered; as used in this  
19 paragraph, "hazardous working conditions" means working conditions that  
20 could result in a danger to the physical or mental well-being of the  
21 individual; each determination as to whether hazardous working  
22 conditions exist shall include, but shall not be limited to, a consideration  
23 of: (A) The safety measures used or the lack thereof; and (B) the condition  
24 of equipment or lack of proper equipment; no work shall be considered  
25 hazardous if the working conditions surrounding the individual's work are  
26 the same or substantially the same as the working conditions generally  
27 prevailing among individuals performing the same or similar work for  
28 other employers engaged in the same or similar type of activity;

29 (6) the individual left work to enter training approved under section  
30 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
31 substantially equal or higher skill level than the individual's past adversely  
32 affected employment-~~),~~ as defined for purposes of the federal trade act of  
33 1974), and wages for such work are not less than 80% of the individual's  
34 average weekly wage as determined for the purposes of the federal trade  
35 act of 1974;

36 (7) the individual left work because of unwelcome harassment of the  
37 individual by the employer or another employee of which the employing  
38 unit had knowledge and that would impel the average worker to give up  
39 such worker's employment;

40 (8) the individual left work to accept better work; each determination  
41 as to whether or not the work accepted is better work shall include, but  
42 shall not be limited to, consideration of: (A) The rate of pay, the hours of  
43 work and the probable permanency of the work left as compared to the

1 work accepted; (B) the cost to the individual of getting to the work left in  
2 comparison to the cost of getting to the work accepted; and (C) the  
3 distance from the individual's place of residence to the work accepted in  
4 comparison to the distance from the individual's residence to the work left;

5 (9) the individual left work as a result of being instructed or requested  
6 by the employer, a supervisor or a fellow employee to perform a service or  
7 commit an act in the scope of official job duties which is in violation of an  
8 ordinance or statute;

9 (10) the individual left work because of a substantial violation of the  
10 work agreement by the employing unit and, before the individual left, the  
11 individual had exhausted all remedies provided in such agreement for the  
12 settlement of disputes before terminating. For the purposes of this  
13 paragraph, a demotion based on performance does not constitute a  
14 violation of the work agreement;

15 (11) after making reasonable efforts to preserve the work, the  
16 individual left work due to a personal emergency of such nature and  
17 compelling urgency that it would be contrary to good conscience to  
18 impose a disqualification; or

19 (12) (A) the individual left work due to circumstances resulting from  
20 domestic violence, including:

21 (i) The individual's reasonable fear of future domestic violence at or  
22 en route to or from the individual's place of employment;

23 (ii) the individual's need to relocate to another geographic area in  
24 order to avoid future domestic violence;

25 (iii) the individual's need to address the physical, psychological and  
26 legal impacts of domestic violence;

27 (iv) the individual's need to leave employment as a condition of  
28 receiving services or shelter from an agency which provides support  
29 services or shelter to victims of domestic violence; or

30 (v) the individual's reasonable belief that termination of employment  
31 is necessary to avoid other situations which may cause domestic violence  
32 and to provide for the future safety of the individual or the individual's  
33 family.

34 (B) An individual may prove the existence of domestic violence by  
35 providing one of the following:

36 (i) A restraining order or other documentation of equitable relief by a  
37 court of competent jurisdiction;

38 (ii) a police record documenting the abuse;

39 (iii) documentation that the abuser has been convicted of one or more  
40 of the offenses enumerated in articles 34 and 35 of chapter 21 of the  
41 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of  
42 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-  
43 6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments

1 thereto, where the victim was a family or household member;

2 (iv) medical documentation of the abuse;

3 (v) a statement provided by a counselor, social worker, health care  
4 provider, clergy, shelter worker, legal advocate, domestic violence or  
5 sexual assault advocate or other professional who has assisted the  
6 individual in dealing with the effects of abuse on the individual or the  
7 individual's family; or

8 (vi) a sworn statement from the individual attesting to the abuse.

9 (C) No evidence of domestic violence experienced by an individual,  
10 including the individual's statement and corroborating evidence, shall be  
11 disclosed by the department of labor unless consent for disclosure is given  
12 by the individual.

13 (b) If the individual has been discharged or suspended for misconduct  
14 connected with the individual's work. The disqualification shall begin the  
15 day following the separation and shall continue until after the individual  
16 becomes reemployed and in cases where the disqualification is due to  
17 discharge for misconduct has had earnings from insured work of at least  
18 three times the individual's determined weekly benefit amount, except that  
19 if an individual is discharged for gross misconduct connected with the  
20 individual's work, such individual shall be disqualified for benefits until  
21 such individual again becomes employed and has had earnings from  
22 insured work of at least eight times such individual's determined weekly  
23 benefit amount. In addition, all wage credits attributable to the  
24 employment from which the individual was discharged for gross  
25 misconduct connected with the individual's work shall be canceled. No  
26 such cancellation of wage credits shall affect prior payments made as a  
27 result of a prior separation.

28 (1) For the purposes of this subsection, "misconduct" is defined as a  
29 violation of a duty or obligation reasonably owed the employer as a  
30 condition of employment including, but not limited to, a violation of a  
31 company rule, including a safety rule, if: (A) The individual knew or  
32 should have known about the rule; (B) the rule was lawful and reasonably  
33 related to the job; and (C) the rule was fairly and consistently enforced.

34 (2) (A) Failure of the employee to notify the employer of an absence  
35 and an individual's leaving work prior to the end of such individual's  
36 assigned work period without permission shall be considered prima facie  
37 evidence of a violation of a duty or obligation reasonably owed the  
38 employer as a condition of employment.

39 (B) For the purposes of this subsection, misconduct shall include, but  
40 not be limited to, violation of the employer's reasonable attendance  
41 expectations if the facts show:

42 (i) The individual was absent or tardy without good cause;

43 (ii) the individual had knowledge of the employer's attendance

1 expectation; and

2 (iii) the employer gave notice to the individual that future absence or  
3 tardiness may or will result in discharge.

4 (C) For the purposes of this subsection, if an employee disputes being  
5 absent or tardy without good cause, the employee shall present evidence  
6 that a majority of the employee's absences or tardiness were for good  
7 cause. If the employee alleges that the employee's repeated absences or  
8 tardiness were the result of health related issues, such evidence shall  
9 include documentation from a licensed and practicing health care provider  
10 as defined in subsection (a)(1).

11 (3) (A) The term "gross misconduct" as used in this subsection shall  
12 be construed to mean conduct evincing extreme, willful or wanton  
13 misconduct as defined by this subsection. Gross misconduct shall include,  
14 but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to  
15 property; (iv) intentional infliction of personal injury; or (v) any conduct  
16 that constitutes a felony.

17 (B) For the purposes of this subsection, the following shall be  
18 conclusive evidence of gross misconduct:

19 (i) The use of alcoholic liquor, cereal malt beverage or a  
20 nonprescribed controlled substance by an individual while working;

21 (ii) the impairment caused by alcoholic liquor, cereal malt beverage  
22 or a nonprescribed controlled substance by an individual while working;

23 (iii) a positive breath alcohol test or a positive chemical test,  
24 provided:

25 (a) The test was either:

26 (1) Required by law and was administered pursuant to the drug free  
27 workplace act, 41 U.S.C. § 701 et seq.;

28 (2) administered as part of an employee assistance program or other  
29 drug or alcohol treatment program in which the employee was  
30 participating voluntarily or as a condition of further employment;

31 (3) requested pursuant to a written policy of the employer of which  
32 the employee had knowledge and was a required condition of  
33 employment;

34 (4) required by law and the test constituted a required condition of  
35 employment for the individual's job; or

36 (5) there was reasonable suspicion to believe that the individual used,  
37 had possession of, or was impaired by alcoholic liquor, cereal malt  
38 beverage or a nonprescribed controlled substance while working;

39 (b) the test sample was collected either:

40 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et  
41 seq.;

42 (2) as prescribed by an employee assistance program or other drug or  
43 alcohol treatment program in which the employee was participating

1 voluntarily or as a condition of further employment;

2 (3) as prescribed by the written policy of the employer of which the  
3 employee had knowledge and which constituted a required condition of  
4 employment;

5 (4) as prescribed by a test which was required by law and which  
6 constituted a required condition of employment for the individual's job; or

7 (5) at a time contemporaneous with the events establishing probable  
8 cause;

9 (c) the collecting and labeling of a chemical test sample was  
10 performed by a licensed health care professional or any other individual  
11 certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or  
12 label test samples by federal or state law, or a federal or state rule or  
13 regulation having the force or effect of law, including law enforcement  
14 personnel;

15 (d) the chemical test was performed by a laboratory approved by the  
16 United States department of health and human services or licensed by the  
17 department of health and environment, except that a blood sample may be  
18 tested for alcohol content by a laboratory commonly used for that purpose  
19 by state law enforcement agencies;

20 (e) the chemical test was confirmed by gas chromatography, gas  
21 chromatography-mass spectroscopy or other comparably reliable  
22 analytical method, except that no such confirmation is required for a blood  
23 alcohol sample or a breath alcohol test;

24 (f) the breath alcohol test was administered by an individual trained  
25 to perform breath tests, the breath testing instrument used was certified  
26 and operated strictly according to a description provided by the  
27 manufacturers and the reliability of the instrument performance was  
28 assured by testing with alcohol standards; and

29 (g) the foundation evidence establishes, beyond a reasonable doubt,  
30 that the test results were from the sample taken from the individual;

31 (iv) an individual's refusal to submit to a chemical test or breath  
32 alcohol test, provided:

33 (a) The test meets the standards of the drug free workplace act, 41  
34 U.S.C. § 701 et seq.;

35 (b) the test was administered as part of an employee assistance  
36 program or other drug or alcohol treatment program in which the  
37 employee was participating voluntarily or as a condition of further  
38 employment;

39 (c) the test was otherwise required by law and the test constituted a  
40 required condition of employment for the individual's job;

41 (d) the test was requested pursuant to a written policy of the employer  
42 of which the employee had knowledge and was a required condition of  
43 employment; or

1 (e) there was reasonable suspicion to believe that the individual used,  
2 possessed or was impaired by alcoholic liquor, cereal malt beverage or a  
3 nonprescribed controlled substance while working;

4 (v) an individual's dilution or other tampering of a chemical test.

5 (C) For purposes of this subsection:

6 (i) "Alcohol concentration" means the number of grams of alcohol  
7 per 210 liters of breath;

8 (ii) "alcoholic liquor" shall be defined as provided in K.S.A. 41-102,  
9 and amendments thereto;

10 (iii) "cereal malt beverage" shall be defined as provided in K.S.A. 41-  
11 2701, and amendments thereto;

12 (iv) "chemical test" shall include, but is not limited to, tests of urine,  
13 blood or saliva;

14 (v) "controlled substance" shall be defined as provided in K.S.A.  
15 2013 Supp. 21-5701, and amendments thereto;

16 (vi) "required by law" means required by a federal or state law, a  
17 federal or state rule or regulation having the force and effect of law, a  
18 county resolution or municipal ordinance, or a policy relating to public  
19 safety adopted in an open meeting by the governing body of any special  
20 district or other local governmental entity;

21 (vii) "positive breath test" shall mean a test result showing an alcohol  
22 concentration of .04 or greater, or the levels listed in 49 C.F.R. Part 40, if  
23 applicable, unless the test was administered as part of an employee  
24 assistance program or other drug or alcohol treatment program in which  
25 the employee was participating voluntarily or as a condition of further  
26 employment, in which case "positive chemical test" shall mean a test result  
27 showing an alcohol concentration at or above the levels provided for in the  
28 assistance or treatment program;

29 (viii) "positive chemical test" shall mean a chemical result showing a  
30 concentration at or above the levels listed in K.S.A. 44-501, and  
31 amendments thereto, or 49 C.F.R. Part 40, as applicable, for the drugs or  
32 abuse listed therein, unless the test was administered as part of an  
33 employee assistance program or other drug or alcohol treatment program  
34 in which the employee was participating voluntarily or as a condition of  
35 further employment, in which case "positive chemical test" shall mean a  
36 chemical result showing a concentration at or above the levels provided for  
37 in the assistance or treatment program.

38 (4) An individual shall not be disqualified under this subsection if the  
39 individual is discharged under the following circumstances:

40 (A) The employer discharged the individual after learning the  
41 individual was seeking other work or when the individual gave notice of  
42 future intent to quit, except that the individual shall be disqualified after  
43 the time at which such individual intended to quit and any individual who

1 commits misconduct after such individual gives notice to such individual's  
2 intent to quit shall be disqualified;

3 (B) the individual was making a good-faith effort to do the assigned  
4 work but was discharged due to: (i) Inefficiency; (ii) unsatisfactory  
5 performance due to inability, incapacity or lack of training or experience;  
6 (iii) isolated instances of ordinary negligence or inadvertence; (iv) good-  
7 faith errors in judgment or discretion; or (v) unsatisfactory work or  
8 conduct due to circumstances beyond the individual's control; or

9 (C) the individual's refusal to perform work in excess of the contract  
10 of hire.

11 (c) If the individual has failed, without good cause, to either apply for  
12 suitable work when so directed by the employment office of the secretary  
13 of labor, or to accept suitable work when offered to the individual by the  
14 employment office, the secretary of labor, or an employer, such  
15 disqualification shall begin with the week in which such failure occurred  
16 and shall continue until the individual becomes reemployed and has had  
17 earnings from insured work of at least three times such individual's  
18 determined weekly benefit amount. In determining whether or not any  
19 work is suitable for an individual, the secretary of labor, or a person or  
20 persons designated by the secretary, shall consider the degree of risk  
21 involved to health, safety and morals, physical fitness and prior training,  
22 experience and prior earnings, length of unemployment and prospects for  
23 securing local work in the individual's customary occupation or work for  
24 which the individual is reasonably fitted by training or experience, and the  
25 distance of the available work from the individual's residence.  
26 Notwithstanding any other provisions of this act, an otherwise eligible  
27 individual shall not be disqualified for refusing an offer of suitable  
28 employment, or failing to apply for suitable employment when notified by  
29 an employment office, or for leaving the individual's most recent work  
30 accepted during approved training, including training approved under  
31 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
32 for suitable employment or continuing such work would require the  
33 individual to terminate approved training and no work shall be deemed  
34 suitable and benefits shall not be denied under this act to any otherwise  
35 eligible individual for refusing to accept new work under any of the  
36 following conditions: (1) If the position offered is vacant due directly to a  
37 strike, lockout or other labor dispute; (2) if the remuneration, hours or  
38 other conditions of the work offered are substantially less favorable to the  
39 individual than those prevailing for similar work in the locality; (3) if as a  
40 condition of being employed, the individual would be required to join or  
41 resign from or refrain from joining any labor organization; and (4) if the  
42 individual left employment as a result of domestic violence, and the  
43 position offered does not reasonably accommodate the individual's



1 physical, psychological, safety, or legal needs relating to such domestic  
2 violence.

3 (d) For any week with respect to which the secretary of labor, or a  
4 person or persons designated by the secretary, finds that the individual's  
5 unemployment is due to a stoppage of work which exists because of a  
6 labor dispute or there would have been a work stoppage had normal  
7 operations not been maintained with other personnel previously and  
8 currently employed by the same employer at the factory, establishment or  
9 other premises at which the individual is or was last employed, except that  
10 this subsection (d) shall not apply if it is shown to the satisfaction of the  
11 secretary of labor, or a person or persons designated by the secretary, that:  
12 (1) The individual is not participating in or financing or directly interested  
13 in the labor dispute which caused the stoppage of work; and (2) the  
14 individual does not belong to a grade or class of workers of which,  
15 immediately before the commencement of the stoppage, there were  
16 members employed at the premises at which the stoppage occurs any of  
17 whom are participating in or financing or directly interested in the dispute.  
18 If in any case separate branches of work which are commonly conducted  
19 as separate businesses in separate premises are conducted in separate  
20 departments of the same premises, each such department shall, for the  
21 purpose of this subsection be deemed to be a separate factory,  
22 establishment or other premises. For the purposes of this subsection,  
23 failure or refusal to cross a picket line or refusal for any reason during the  
24 continuance of such labor dispute to accept the individual's available and  
25 customary work at the factory, establishment or other premises where the  
26 individual is or was last employed shall be considered as participation and  
27 interest in the labor dispute.

28 (e) For any week with respect to which or a part of which the  
29 individual has received or is seeking unemployment benefits under the  
30 unemployment compensation law of any other state or of the United  
31 States, except that if the appropriate agency of such other state or the  
32 United States finally determines that the individual is not entitled to such  
33 unemployment benefits, this disqualification shall not apply.

34 (f) For any week with respect to which the individual is entitled to  
35 receive any unemployment allowance or compensation granted by the  
36 United States under an act of congress to ex-service men and women in  
37 recognition of former service with the military or naval services of the  
38 United States.

39 (g) For the period of five years beginning with the first day following  
40 the last week of unemployment for which the individual received benefits,  
41 or for five years from the date the act was committed, whichever is the  
42 later, if the individual, or another in such individual's behalf with the  
43 knowledge of the individual, has knowingly made a false statement or

1 representation, or has knowingly failed to disclose a material fact to obtain  
2 or increase benefits under this act or any other unemployment  
3 compensation law administered by the secretary of labor. In addition to the  
4 penalties set forth in K.S.A. 44-719, and amendments thereto, an  
5 individual who has knowingly made a false statement or representation or  
6 who has knowingly failed to disclose a material fact to obtain or increase  
7 benefits under this act or any other unemployment compensation law  
8 administered by the secretary of labor shall be liable for a penalty in the  
9 amount equal to 25% of the amount of benefits unlawfully received.  
10 *Notwithstanding any other provision of law, such penalty shall be*  
11 *deposited into the employment security trust fund.*

12 (h) For any week with respect to which the individual is receiving  
13 compensation for temporary total disability or permanent total disability  
14 under the workmen's compensation law of any state or under a similar law  
15 of the United States.

16 (i) For any week of unemployment on the basis of service in an  
17 instructional, research or principal administrative capacity for an  
18 educational institution as defined in subsection (v) of K.S.A. 44-703, and  
19 amendments thereto, if such week begins during the period between two  
20 successive academic years or terms or, when an agreement provides  
21 instead for a similar period between two regular but not successive terms  
22 during such period or during a period of paid sabbatical leave provided for  
23 in the individual's contract, if the individual performs such services in the  
24 first of such academic years or terms and there is a contract or a reasonable  
25 assurance that such individual will perform services in any such capacity  
26 for any educational institution in the second of such academic years or  
27 terms.

28 (j) For any week of unemployment on the basis of service in any  
29 capacity other than service in an instructional, research, or administrative  
30 capacity in an educational institution, as defined in subsection (v) of  
31 K.S.A. 44-703, and amendments thereto, if such week begins during the  
32 period between two successive academic years or terms if the individual  
33 performs such services in the first of such academic years or terms and  
34 there is a reasonable assurance that the individual will perform such  
35 services in the second of such academic years or terms, except that if  
36 benefits are denied to the individual under this subsection and the  
37 individual was not offered an opportunity to perform such services for the  
38 educational institution for the second of such academic years or terms,  
39 such individual shall be entitled to a retroactive payment of benefits for  
40 each week for which the individual filed a timely claim for benefits and for  
41 which benefits were denied solely by reason of this subsection.

42 (k) For any week of unemployment on the basis of service in any  
43 capacity for an educational institution as defined in subsection (v) of

1 K.S.A. 44-703, and amendments thereto, if such week begins during an  
2 established and customary vacation period or holiday recess, if the  
3 individual performs services in the period immediately before such  
4 vacation period or holiday recess and there is a reasonable assurance that  
5 such individual will perform such services in the period immediately  
6 following such vacation period or holiday recess.

7 (l) For any week of unemployment on the basis of any services,  
8 substantially all of which consist of participating in sports or athletic  
9 events or training or preparing to so participate, if such week begins during  
10 the period between two successive sport seasons or similar period if such  
11 individual performed services in the first of such seasons or similar periods  
12 and there is a reasonable assurance that such individual will perform such  
13 services in the later of such seasons or similar periods.

14 (m) For any week on the basis of services performed by an alien  
15 unless such alien is an individual who was lawfully admitted for  
16 permanent residence at the time such services were performed, was  
17 lawfully present for purposes of performing such services, or was  
18 permanently residing in the United States under color of law at the time  
19 such services were performed, including an alien who was lawfully present  
20 in the United States as a result of the application of the provisions of  
21 section 212(d)(5) of the federal immigration and nationality act. Any data  
22 or information required of individuals applying for benefits to determine  
23 whether benefits are not payable to them because of their alien status shall  
24 be uniformly required from all applicants for benefits. In the case of an  
25 individual whose application for benefits would otherwise be approved, no  
26 determination that benefits to such individual are not payable because of  
27 such individual's alien status shall be made except upon a preponderance  
28 of the evidence.

29 (n) For any week in which an individual is receiving a governmental  
30 or other pension, retirement or retired pay, annuity or other similar  
31 periodic payment under a plan maintained by a base period employer and  
32 to which the entire contributions were provided by such employer, except  
33 that: (1) If the entire contributions to such plan were provided by the base  
34 period employer but such individual's weekly benefit amount exceeds such  
35 governmental or other pension, retirement or retired pay, annuity or other  
36 similar periodic payment attributable to such week, the weekly benefit  
37 amount payable to the individual shall be reduced, but not below zero, by  
38 an amount equal to the amount of such pension, retirement or retired pay,  
39 annuity or other similar periodic payment which is attributable to such  
40 week; or (2) if only a portion of contributions to such plan were provided  
41 by the base period employer, the weekly benefit amount payable to such  
42 individual for such week shall be reduced, but not below zero, by the  
43 prorated weekly amount of the pension, retirement or retired pay, annuity

1 or other similar periodic payment after deduction of that portion of the  
2 pension, retirement or retired pay, annuity or other similar periodic  
3 payment that is directly attributable to the percentage of the contributions  
4 made to the plan by such individual; or (3) if the entire contributions to the  
5 plan were provided by such individual, or by the individual and an  
6 employer, or any person or organization, who is not a base period  
7 employer, no reduction in the weekly benefit amount payable to the  
8 individual for such week shall be made under this subsection; or (4)  
9 whatever portion of contributions to such plan were provided by the base  
10 period employer, if the services performed for the employer by such  
11 individual during the base period, or remuneration received for the  
12 services, did not affect the individual's eligibility for, or increased the  
13 amount of, such pension, retirement or retired pay, annuity or other similar  
14 periodic payment, no reduction in the weekly benefit amount payable to  
15 the individual for such week shall be made under this subsection. No  
16 reduction shall be made for payments made under the social security act or  
17 railroad retirement act of 1974.

18 (o) For any week of unemployment on the basis of services  
19 performed in any capacity and under any of the circumstances described in  
20 subsection (i), (j) or (k) which an individual performed in an educational  
21 institution while in the employ of an educational service agency. For the  
22 purposes of this subsection, the term "educational service agency" means a  
23 governmental agency or entity which is established and operated  
24 exclusively for the purpose of providing such services to one or more  
25 educational institutions.

26 (p) For any week of unemployment on the basis of service as a school  
27 bus or other motor vehicle driver employed by a private contractor to  
28 transport pupils, students and school personnel to or from school-related  
29 functions or activities for an educational institution, as defined in  
30 subsection (v) of K.S.A. 44-703, and amendments thereto, if such week  
31 begins during the period between two successive academic years or during  
32 a similar period between two regular terms, whether or not successive, if  
33 the individual has a contract or contracts, or a reasonable assurance  
34 thereof, to perform services in any such capacity with a private contractor  
35 for any educational institution for both such academic years or both such  
36 terms. An individual shall not be disqualified for benefits as provided in  
37 this subsection for any week of unemployment on the basis of service as a  
38 bus or other motor vehicle driver employed by a private contractor to  
39 transport persons to or from nonschool-related functions or activities.

40 (q) For any week of unemployment on the basis of services  
41 performed by the individual in any capacity and under any of the  
42 circumstances described in subsection (i), (j), (k) or (o) which are provided  
43 to or on behalf of an educational institution, as defined in subsection (v) of

1 K.S.A. 44-703, and amendments thereto, while the individual is in the  
2 employ of an employer which is a governmental entity, Indian tribe or any  
3 employer described in section 501(c)(3) of the federal internal revenue  
4 code of 1986 which is exempt from income under section 501(a) of the  
5 code.

6 (r) For any week in which an individual is registered at and attending  
7 an established school, training facility or other educational institution, or is  
8 on vacation during or between two successive academic years or terms. An  
9 individual shall not be disqualified for benefits as provided in this  
10 subsection provided:

11 (1) The individual was engaged in full-time employment concurrent  
12 with the individual's school attendance;

13 (2) the individual is attending approved training as defined in  
14 subsection (s) of K.S.A. 44-703, and amendments thereto; or

15 (3) the individual is attending evening, weekend or limited day time  
16 classes, which would not affect availability for work, and is otherwise  
17 eligible under subsection (c) of K.S.A. 44-705, and amendments thereto.

18 (s) For any week with respect to which an individual is receiving or  
19 has received remuneration in the form of a back pay award or settlement.  
20 The remuneration shall be allocated to the week or weeks in the manner as  
21 specified in the award or agreement, or in the absence of such specificity  
22 in the award or agreement, such remuneration shall be allocated to the  
23 week or weeks in which such remuneration, in the judgment of the  
24 secretary, would have been paid.

25 (1) For any such weeks that an individual receives remuneration in  
26 the form of a back pay award or settlement, an overpayment will be  
27 established in the amount of unemployment benefits paid and shall be  
28 collected from the claimant.

29 (2) If an employer chooses to withhold from a back pay award or  
30 settlement, amounts paid to a claimant while they claimed unemployment  
31 benefits, such employer shall pay the department the amount withheld.  
32 With respect to such amount, the secretary shall have available all of the  
33 collection remedies authorized or provided in K.S.A. 44-717, and  
34 amendments thereto.

35 (t) (1) Any applicant for or recipient of unemployment benefits who  
36 tests positive for unlawful use of a controlled substance or controlled  
37 substance analog shall be required to complete a substance abuse treatment  
38 program approved by the secretary of labor, secretary of commerce or  
39 secretary for children and families, and a job skills program approved by  
40 the secretary of labor, secretary of commerce or the secretary for children  
41 and families. Subject to applicable federal laws, any applicant for or  
42 recipient of unemployment benefits who fails to complete or refuses to  
43 participate in the substance abuse treatment program or job skills program

1 as required under this subsection shall be ineligible to receive  
2 unemployment benefits until completion of such substance abuse  
3 treatment and job skills programs. Upon completion of both substance  
4 abuse treatment and job skills programs, such applicant for or recipient of  
5 unemployment benefits may be subject to periodic drug screening, as  
6 determined by the secretary of labor. Upon a second positive test for  
7 unlawful use of a controlled substance or controlled substance analog, an  
8 applicant for or recipient of unemployment benefits shall be ordered to  
9 complete again a substance abuse treatment program and job skills  
10 program, and shall be terminated from unemployment benefits for a period  
11 of 12 months, or until such applicant for or recipient of unemployment  
12 benefits completes both substance abuse treatment and job skills programs,  
13 whichever is later. Upon a third positive test for unlawful use of a  
14 controlled substance or controlled substance analog, an applicant for or a  
15 recipient of unemployment benefits shall be terminated from receiving  
16 unemployment benefits, subject to applicable federal law.

17 (2) Any individual who has been discharged or refused employment  
18 for failing a preemployment drug screen required by an employer may  
19 request that the drug screening specimen be sent to a different drug testing  
20 facility for an additional drug screening. Any such individual who requests  
21 an additional drug screening at a different drug testing facility shall be  
22 required to pay the cost of drug screening.

23 (u) If the individual was found not to have a disqualifying  
24 adjudication or conviction under K.S.A. 39-970, ~~and amendments thereto,~~  
25 ~~or K.S.A. 65-5117, and amendments thereto,~~ was hired and then was  
26 subsequently convicted of a disqualifying felony under K.S.A. 39-970, ~~and~~  
27 ~~amendments thereto,~~ or K.S.A. 65-5117, and amendments thereto, and  
28 discharged pursuant to K.S.A. 39-970, ~~and amendments thereto,~~ or K.S.A.  
29 65-5117, and amendments thereto. The disqualification shall begin the day  
30 following the separation and shall continue until after the individual  
31 becomes reemployed and has had earnings from insured work of at least  
32 three times the individual's determined weekly benefit amount.

33 Sec. 2. K.S.A. 2013 Supp. 44-714 is hereby amended to read as  
34 follows: 44-714. (a) *Duties and powers of secretary.* It shall be the duty of  
35 the secretary to administer this act and the secretary shall have power and  
36 authority to adopt, amend or revoke such rules and regulations, to employ  
37 such persons, make such expenditures, require such reports, make such  
38 investigations, and take such other action as the secretary deems necessary  
39 or suitable to that end. Such rules and regulations may be adopted,  
40 amended, or revoked by the secretary only after public hearing or  
41 opportunity to be heard thereon. The secretary shall determine the  
42 organization and methods of procedure in accordance with the provisions  
43 of this act, and shall have an official seal which shall be judicially noticed.

1 The secretary shall make and submit reports for the administration of the  
2 employment security law in the manner prescribed by K.S.A. 75-3044 to  
3 75-3046, inclusive, and 75-3048, and amendments thereto. Whenever the  
4 secretary believes that a change in contribution or benefit rates will  
5 become necessary to protect the solvency of the fund, the secretary shall  
6 promptly so inform the governor and the legislature, and make  
7 recommendations with respect thereto.

8 (b) *Publication.* The secretary shall cause to be printed for  
9 distribution to the public the text of this act, the secretary's rules and  
10 regulations and any other material the secretary deems relevant and  
11 suitable and shall furnish the same to any person upon application therefor.

12 (c) *Personnel.* (1) Subject to other provisions of this act, the secretary  
13 is authorized to appoint, fix the compensation, and prescribe the duties and  
14 powers of such officers, accountants, deputies, attorneys, experts and other  
15 persons as may be necessary in carrying out the provisions of this act. The  
16 secretary shall classify all positions and shall establish salary schedules  
17 and minimum personnel standards for the positions so classified. The  
18 secretary shall provide for the holding of examinations to determine the  
19 qualifications of applicants for the positions so classified, and, except to  
20 temporary appointments not to exceed six months in duration, shall  
21 appoint all personnel on the basis of efficiency and fitness as determined in  
22 such examinations. The secretary shall not appoint or employ any person  
23 who is an officer or committee member of any political party organization  
24 or who holds or is a candidate for a partisan elective public office. The  
25 secretary shall adopt and enforce fair and reasonable rules and regulations  
26 for appointment, promotions and demotions, based upon ratings of  
27 efficiency and fitness and for terminations for cause. The secretary may  
28 delegate to any such person so appointed such power and authority as the  
29 secretary deems reasonable and proper for the effective administration of  
30 this act, and may in the secretary's discretion bond any person handling  
31 moneys or signing checks under the employment security law.

32 (2) No employee engaged in the administration of the employment  
33 security law shall directly or indirectly solicit or receive or be in any  
34 manner concerned with soliciting or receiving any assistance, subscription  
35 or contribution for any political party or political purpose, other than  
36 soliciting and receiving contributions for such person's personal campaign  
37 as a candidate for a nonpartisan elective public office, nor shall any  
38 employee engaged in the administration of the employment security law  
39 participate in any form of political activity except as a candidate for a  
40 nonpartisan elective public office, nor shall any employee champion the  
41 cause of any political party or the candidacy of any person other than such  
42 person's own personal candidacy for a nonpartisan elective public office.  
43 Any employee engaged in the administration of the employment security

1 law who violates these provisions shall be immediately discharged. No  
2 person shall solicit or receive any contribution for any political purpose  
3 from any employee engaged in the administration of the employment  
4 security law and any such action shall be a misdemeanor and shall be  
5 punishable by a fine of not less than \$100 nor more than \$1,000 or by  
6 imprisonment in the county jail for not less than 30 days nor more than six  
7 months, or both.

8 (d) *Employment stabilization.* The secretary, with the advice and aid  
9 of the appropriate divisions of the department of labor, shall take all  
10 appropriate steps to reduce and prevent unemployment; to encourage and  
11 assist in the adoption of practical methods of vocational training, retraining  
12 and vocational guidance; to investigate, recommend, advise, and assist in  
13 the establishment and operation, by municipalities, counties, school  
14 districts and the state, of reserves for public works to be used in time of  
15 business depression and unemployment; to promote the reemployment of  
16 unemployed workers throughout the state in every other way that may be  
17 feasible; and to these ends to carry on and publish the results of  
18 investigations and research studies.

19 (e) *Records and reports.* Each employing unit shall keep true and  
20 accurate work records, containing such information as the secretary may  
21 prescribe. Such records shall be open to inspection and subject to being  
22 copied by the secretary or the secretary's authorized representatives at any  
23 reasonable time and shall be preserved for a period of five years from the  
24 due date of the contributions or payments in lieu of contributions for the  
25 period to which they relate. Only one audit shall be made of any  
26 employer's records for any given period of time. Upon request the  
27 employing unit shall be furnished a copy of all findings by the secretary or  
28 the secretary's authorized representatives, resulting from such audit. A  
29 special inquiry or special examination made for a specific and limited  
30 purpose shall not be considered to be an audit for the purpose of this  
31 subsection. The secretary may require from any employing unit any sworn  
32 or unsworn reports, with respect to persons employed by it, which the  
33 secretary deems necessary for the effective administration of this act.  
34 Information thus obtained or obtained from any individual pursuant to the  
35 administration of this act shall be held confidential, except to the extent  
36 necessary for the proper presentation of a claim by an employer or  
37 employee under the employment security law, and shall not be published  
38 or be open to public inspection, other than to public employees in the  
39 performance of their public duties, in any manner revealing the  
40 individual's or employing unit's identity. *The secretary may publish or*  
41 *otherwise disclose appeals records and decisions, and precedential*  
42 *determinations on coverage of employers, employment and wages,*  
43 *provided all social security numbers have been removed.* Any claimant or



1 employing unit or their representatives at a hearing before an appeal  
2 tribunal or the secretary shall be supplied with information from such  
3 records to the extent necessary for the proper presentation of the claim.  
4 The transcript made at any such benefits hearing shall not be discoverable  
5 or admissible in evidence in any other proceeding, hearing or  
6 determination of any kind or nature. In the event of any appeal of a  
7 benefits matter, the transcript shall be sealed by the hearing officer and  
8 shall be available only to any reviewing authority who shall reseal the  
9 transcript after making a review of it. In no event shall such transcript be  
10 deemed a public record. Nothing in this subsection (e) shall be construed  
11 to prohibit disclosure of any information obtained under the employment  
12 security law, including hearing transcripts, upon request of either of the  
13 parties, for the purpose of administering or adjudicating a claim for  
14 benefits under the provisions of any other state program, except that any  
15 party receiving such information shall be prohibited from further  
16 disclosure and shall be subject to the same duty of confidentiality  
17 otherwise imposed by this subsection (e) and shall be subject to the  
18 penalties imposed by this subsection (e) for violations of such duty of  
19 confidentiality. Nothing in this subsection (e) shall be construed to prohibit  
20 disclosure of any information obtained under the employment security law,  
21 including hearing transcripts, for use as evidence in a *criminal*  
22 *investigation or in* open court in a criminal prosecution ~~for perjury or at an~~  
23 ~~appeal hearing under the employment security law or for any criminal~~  
24 ~~violation of the employment security law.~~ *Nothing in this subsection shall*  
25 *be construed to prohibit disclosure of any information obtained under the*  
26 *employment security law, including hearing transcripts to an agent or*  
27 *contractor of a public official to whom disclosure is permissible under the*  
28 *employment security law, except that any party receiving such information*  
29 *shall be prohibited from further disclosure and shall be subject to the same*  
30 *duty of confidentiality otherwise imposed by this subsection and shall be*  
31 *subject to the penalties imposed by this subsection for violations of such*  
32 *duty of confidentiality.* If the secretary or any officer or employee of the  
33 secretary violates any provisions of this subsection (e), the secretary or  
34 such officer or employee shall be fined not less than \$20 nor more than  
35 \$200 or imprisoned for not longer than 90 days, or both. Original records  
36 of the agency and original paid benefit warrants of the state treasurer may  
37 be made available to the employment security agency of any other state or  
38 the federal government to be used as evidence in prosecution of violations  
39 of the employment security law of such state or federal government.  
40 Photostatic copies of such records shall be made and where possible shall  
41 be substituted for original records introduced in evidence and the originals  
42 returned to the agency.

43 (f) *Oaths and witnesses.* In the discharge of the duties imposed by the

1 employment security law, the chairperson of an appeal tribunal, an appeals  
2 referee, the secretary or any duly authorized representative of the secretary  
3 shall have power to administer oaths and affirmations, take depositions,  
4 issue interrogatories, certify to official acts, and issue subpoenas to compel  
5 the attendance of witnesses and the production of books, papers,  
6 correspondence, memoranda and other records deemed necessary as  
7 evidence in connection with a disputed claim or the administration of the  
8 employment security law.

9 (g) *Subpoenas, service.* Upon request, service of subpoenas shall be  
10 made by the sheriff of a county within that county, by the sheriff's deputy,  
11 by any other person who is not a party and is not less than 18 years of age  
12 or by some person specially appointed for that purpose by the secretary of  
13 labor or the secretary's designee. A person not a party as described above  
14 or a person specially appointed by the secretary or the secretary's designee  
15 to serve subpoenas may make service any place in the state. The subpoena  
16 shall be served as follows:

17 (1) *Individual.* Service upon an individual, other than a minor or  
18 incapacitated person, shall be made: (A) By delivering a copy of the  
19 subpoena to the individual personally; (B) by leaving a copy at such  
20 individual's dwelling house or usual place of abode with some person of  
21 suitable age and discretion then residing therein; (C) by leaving a copy at  
22 the business establishment of the employer with an officer or employee of  
23 the establishment; (D) by delivering a copy to an agent authorized by  
24 appointment or by law to receive service of process, but if the agent is one  
25 designated by a statute to receive service, such further notice as the statute  
26 requires shall be given; or (E) if service as prescribed above in  
27 subparagraphs (A), (B), (C) or (D) cannot be made with due diligence, by  
28 leaving a copy of the subpoena at the individual's dwelling house, usual  
29 place of abode or usual business establishment, and by mailing a notice by  
30 first-class mail to the place that the copy has been left.

31 (2) *Corporations and partnerships.* Service upon a domestic or  
32 foreign corporation or upon a partnership or other unincorporated  
33 association, when by law it may be sued as such, shall be made by  
34 delivering a copy of the subpoena to an officer, partner or resident  
35 managing or general agent thereof, or by leaving the copy at any business  
36 office of the employer with the person having charge thereof or by  
37 delivering a copy to any other agent authorized by appointment or required  
38 by law to receive service of process, if the agent is one authorized by law  
39 to receive service and, if the law so requires, by also mailing a copy to the  
40 employer.

41 (3) *Refusal to accept service.* In all cases when the person to be  
42 served, or an agent authorized by such person to accept service of petitions  
43 and summonses shall refuse to receive copies of the subpoena, the offer of

1 the duly authorized process server to deliver copies thereof and such  
2 refusal shall be sufficient service of such subpoena.

3 (4) *Proof of service.* (A) Every officer to whom a subpoena or other  
4 process shall be delivered for service within or without the state, shall  
5 make return thereof in writing stating the time, place and manner of  
6 service of such writ and shall sign such officer's name to such return.

7 (B) If service of the subpoena is made by a person appointed by the  
8 secretary or the secretary's designee to make service, or any other person  
9 described in subsection (g) of this section, such person shall make an  
10 affidavit as to the time, place and manner of service thereof in a form  
11 prescribed by the secretary or the secretary's designee.

12 (5) *Time for return.* The officer or other person receiving a subpoena  
13 shall make a return of service promptly and shall send such return to the  
14 secretary or the secretary's designee in any event within 10 days after the  
15 service is effected. If the subpoena cannot be served it shall be returned to  
16 the secretary or the secretary's designee within 30 days after the date of  
17 issue with a statement of the reason for the failure to serve the same.

18 (h) *Subpoenas, enforcement.* In case of contumacy by or refusal to  
19 obey a subpoena issued to any person, any court of this state within the  
20 jurisdiction of which the inquiry is carried on or within the jurisdiction of  
21 which such person guilty of contumacy or refusal to obey is found, resides  
22 or transacts business, upon application by the secretary or the secretary's  
23 duly authorized representative, shall have jurisdiction to issue to such  
24 person an order requiring such person to appear before the secretary, or the  
25 secretary's duly authorized representative, to produce evidence, if so  
26 ordered, or to give testimony relating to the matter under investigation or  
27 in question. Failure to obey such order of the court may be punished by the  
28 court as a contempt thereof. Any person who, without just cause, shall fail  
29 or refuse to attend and testify or to answer any lawful inquiry or to  
30 produce books, papers, correspondence, memoranda or other records in  
31 obedience to the subpoena of the secretary or the secretary's duly  
32 authorized representative shall be punished by a fine of not less than \$200  
33 or by imprisonment of not longer than 60 days, or both, and each day such  
34 violation continued shall be deemed to be a separate offense.

35 (i) *State-federal cooperation.* In the administration of this act, the  
36 secretary shall cooperate to the fullest extent consistent with the provisions  
37 of this act, with the federal security agency, shall make such reports, in  
38 such form and containing such information as the federal security  
39 administrator may from time to time require, and shall comply with such  
40 provisions as the federal security administrator may from time to time find  
41 necessary to assure the correctness and verification of such reports; and  
42 shall comply with the regulations prescribed by the federal security agency  
43 governing the expenditures of such sums as may be allotted and paid to

1 this state under title III of the social security act for the purpose of  
2 assisting in the administration of this act. Upon request therefor the  
3 secretary shall furnish to any agency of the United States charged with the  
4 administration of public works or assistance through public employment,  
5 the name, address, ordinary occupation, and employment status of each  
6 recipient of benefits and such recipient's rights to further benefits under  
7 this act.

8 (j) *Reciprocal arrangements.* The secretary shall participate in  
9 making reciprocal arrangements with appropriate and duly authorized  
10 agencies of other states or of the federal government, or both, whereby:

11 (1) Services performed by an individual for a single employing unit  
12 for which services are customarily performed in more than one state shall  
13 be deemed to be services performed entirely within any one of the states:  
14 (A) In which any part of such individual's service is performed; (B) in  
15 which such individual maintains residence; or (C) in which the employing  
16 unit maintains a place of business, provided there is in effect as to such  
17 services, an election, approved by the agency charged with the  
18 administration of such state's unemployment compensation law, pursuant  
19 to which all the services performed by such individual for such employing  
20 units are deemed to be performed entirely within such state;

21 (2) service performed by not more than three individuals, on any  
22 portion of a day but not necessarily simultaneously, for a single employing  
23 unit which customarily operates in more than one state shall be deemed to  
24 be service performed entirely within the state in which such employing  
25 unit maintains the headquarters of its business; provided that there is in  
26 effect, as to such service, an approved election by an employing unit with  
27 the affirmative consent of each such individual, pursuant to which service  
28 performed by such individual for such employing unit is deemed to be  
29 performed entirely within such state;

30 (3) potential rights to benefits accumulated under the employment  
31 compensation laws of one or more states or under one or more such laws  
32 of the federal government, or both, may constitute the basis for the  
33 payments of benefits through a single appropriate agency under terms  
34 which the secretary finds will be fair and reasonable as to all affected  
35 interests and will not result in any substantial loss to the fund;

36 (4) wages or services, upon the basis of which an individual may  
37 become entitled to benefits under an unemployment compensation law of  
38 another state or of the federal government, shall be deemed to be wages  
39 for insured work for the purpose of determining such individual's rights to  
40 benefits under this act, and wages for insured work, on the basis of which  
41 an individual may become entitled to benefits under this act, shall be  
42 deemed to be wages or services on the basis of which unemployment  
43 compensation under such law of another state or of the federal government

1 is payable, but no such arrangement shall be entered into unless it contains  
2 provisions for reimbursements to the fund for such of the benefits paid  
3 under this act upon the basis of such wages or services, and provisions for  
4 reimbursements from the fund for such of the compensation paid under  
5 such other law upon the basis of wages for insured work, as the secretary  
6 finds will be fair and reasonable as to all affected interests; and

7 (5) (A) contributions due under this act with respect to wages for  
8 insured work shall be deemed for the purposes of K.S.A. 44-717, and  
9 amendments thereto, to have been paid to the fund as of the date payment  
10 was made as contributions therefor under another state or federal  
11 unemployment compensation law, but no such arrangement shall be  
12 entered into unless it contains provisions for such reimbursements to the  
13 fund of such contributions and the actual earnings thereon as the secretary  
14 finds will be fair and reasonable as to all affected interests;

15 (B) reimbursements paid from the fund pursuant to subsection (j)(4)  
16 of this section shall be deemed to be benefits for the purpose of K.S.A. 44-  
17 704 and 44-712, and amendments thereto; the secretary is authorized to  
18 make to other state or federal agencies, and to receive from such other  
19 state or federal agencies, reimbursements from or to the fund, in  
20 accordance with arrangements entered into pursuant to the provisions of  
21 this section or any other section of the employment security law;

22 (C) the administration of this act and of other state and federal  
23 unemployment compensation and public employment service laws will be  
24 promoted by cooperation between this state and such other states and the  
25 appropriate federal agencies in exchanging services and in making  
26 available facilities and information; the secretary is therefore authorized to  
27 make such investigations, secure and transmit such information, make  
28 available such services and facilities and exercise such of the other powers  
29 provided herein with respect to the administration of this act as the  
30 secretary deems necessary or appropriate to facilitate the administration of  
31 any such unemployment compensation or public employment service law  
32 and, in like manner, to accept and utilize information, service and facilities  
33 made available to this state by the agency charged with the administration  
34 of any such other unemployment compensation or public employment  
35 service law; and

36 (D) to the extent permissible under the laws and constitution of the  
37 United States, the secretary is authorized to enter into or cooperate in  
38 arrangements whereby facilities and services provided under this act and  
39 facilities and services provided under the unemployment compensation  
40 law of any foreign government may be utilized for the taking of claims and  
41 the payment of benefits under the employment security law of this state or  
42 under a similar law of such government.

43 (k) *Records available.* The secretary may furnish the railroad

1 retirement board, at the expense of such board, such copies of the records  
2 as the railroad retirement board deems necessary for its purposes.

3 (l) *Destruction of records, reproduction and disposition.* The  
4 secretary may provide for the destruction, reproduction, temporary or  
5 permanent retention, and disposition of records, reports and claims in the  
6 secretary's possession pursuant to the administration of the employment  
7 security law provided that prior to any destruction of such records, reports  
8 or claims the secretary shall comply with K.S.A. 75-3501 to 75-3514,  
9 inclusive, and amendments thereto.

10 (m) *Federal cooperation.* The secretary may afford reasonable  
11 cooperation with every agency of the United States charged with  
12 administration of any unemployment insurance law.

13 (n) The secretary is hereby authorized to fix, charge and collect fees  
14 for copies made of public documents, as defined by subsection (c) of  
15 K.S.A. 45-217, and amendments thereto, by xerographic, thermographic or  
16 other photocopying or reproduction process, in order to recover all or part  
17 of the actual costs incurred, including any costs incurred in certifying such  
18 copies. All moneys received from fees charged for copies of such  
19 documents shall be remitted to the state treasurer in accordance with the  
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
21 each such remittance, the state treasurer shall deposit the entire amount in  
22 the state treasury to the credit of the employment security administration  
23 fund. No such fees shall be charged or collected for copies of documents  
24 that are made pursuant to a statute which requires such copies to be  
25 furnished without expense.

26 Sec. 3. K.S.A. 2013 Supp. 44-706 and 44-714 are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its  
28 publication in the statute book.