

Kansas Administrative Regulations

Department of Labor

Article 31.—Minimum Wage and Maximum Hours

49-31-5. Minimum wage; tips and gratuities; permits; handicapped workers; learners and apprentices; revocation.

(a) Tips and gratuities received by an employee shall amount to twenty (\$20) dollars or more per month before such tips and gratuities customarily constitute part of the remuneration of such employee. The employer shall have the burden of proof, through substantial evidence, that the allowances taken for tips and gratuities are factual. The employer shall have the right to require the employee to certify a factual accounting of all tips and gratuities received by the employee.

(b) Employers may make written application to the secretary of human resources for permits to employ handicapped workers, patient laborers at state institutions or hospitals, at a wage rate not lower than eighty-five (85) percent of the minimum wage rate herein required. No reduced wage shall be paid unless and until the employer has such permit from the secretary. Each permit shall expire one (1) year after it is issued. The following organizations may apply to the secretary of human resources for a blanket permit which allows the employment of handicapped persons at a reduced rate: state vocational rehabilitation agencies, state institutions and hospitals, and county or city hospitals. Any such application shall certify that no person will be so employed, unless it is approved and ordered by a staff doctor of the institution or hospital. A handicapped person may be employed beyond one (1) year at the reduced rate when a reevaluation by such agency, institution or hospital, determines that continued reduced wage rate is warranted.

(c) Employers may make written application to the secretary of human resources for permits to employ learners and apprentices at wages lower than the minimum wage. These learners and apprentices shall not be a part of a formalized apprenticeship program approved by the Kansas apprenticeship council or the bureau of apprenticeship and training. Permits may be obtained as follows:

(1) The secretary shall furnish for such applications forms which shall require:

(A) A description of the type and kind of training to be given each apprentice or learner.

(B) The employer agrees that he or she shall endeavor to continue each apprentice or learner in employment following completion of the training.

(C) The employer agrees to keep a copy of the permit in the employee's pay records.

(2) Rates and the duration thereof shall be as follows:

Upon hiring—80% of minimum wage

after 2 months—90% of minimum wage

after 3 months—minimum wage

(3) The number of learners or apprentices hired at any one time may not exceed one (1) apprentice or learner for each five (5) regular employees, except that each employer may employ at least one (1) learner or apprentice.

(4) No apprentice or learner may be hired on a part-time or occasional basis for less than forty (40) hours per week.

(d) The secretary may revoke or refuse to issue a permit for employment at reduced rates if he or she finds permits are being abused or the employer has no intention to employ the learner or apprentice beyond three (3) months without unjustifiable reasons. (Authorized by K.S.A. 1978 Supp. 44-1203, 44-1204, 44-1207; effective, E-79-26, Oct. 19, 1978; effective May 1, 1979.)

***** Authenticated Kansas Administrative Regulation *****