



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

April 25, 1975

Opinion No. 75- 196

Mr. Darrell D. Carlton
Commissioner of Labor
Kansas Department of Labor
401 Topeka Avenue
Topeka, Kansas 66603

Dear Commissioner Carlton:

You request our opinion whether the Commissioner of Labor has jurisdiction to determine the validity of claims for unpaid wages filed by a state employee against a state agency, as an employee, under the provisions of K.S.A. 44-312 et seq.

The term employer is defined in K.S.A. 44-313 in the following manner:

"Employer means any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person."

As state agencies are not specifically enumerated, nor do they qualify for inclusion within any of the above categories it is our opinion that the Commissioner of Labor, does not have jurisdiction to determine the validity of claims for unpaid wages filed by a state employee against a state agency as an employer under the provisions of K.S.A. 44-312 et seq.

We are hopeful that the foregoing will be of assistance to you.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

CTS:DR:gdw