

# State labor legislation enacted in 1981

*The minimum wage was raised in 26 jurisdictions, sometimes above the Federal rate; more attention was paid to special protection for 'whistleblowers' and unemployment from plant closings and layoffs, as well as for veterans and disabled workers; and one State repealed its prevailing wage law*

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State labor legislation passed in 1981 covered a wide variety of subjects,<sup>1</sup> including such traditional fields as minimum wage, prevailing wage, child labor, job discrimination, and regulation of private employment agencies. At the same time, new interest was shown in problems of "whistleblower" protection and of plant closings and resulting mass layoffs.<sup>2</sup>

Minimum wage rates were increased in 26 jurisdictions last year, primarily resulting from previously adopted wage escalation schedules, although a few increases were approved this year. Eighteen jurisdictions have a minimum rate for some or all occupations equal to or exceeding the \$3.35-per-hour Federal standard that took effect January 1, 1981, the last scheduled increase prescribed by the 1977 amendments to the Fair Labor Standards Act. Two more States will reach the \$3.35-an-hour rate during 1982.

In other minimum wage action, coverage in North Carolina was extended to employers of three or more rather than four or more as before; the minimum salary level for exemption of executive, administrative, or professional employees was increased in Maine; and in Oregon, persons over age 65 were removed from a list of those for whom a subminimum hourly wage rate may be set.

Laws pertaining to wage garnishment or assignment were enacted in 16 jurisdictions, with many setting limits on the amount of earnings subject to assignment for the payment of child support. Employees in Alaska, Illinois, Louisiana, Nevada, Tennessee, and Wyoming are now protected from disciplinary action imposed as the result of any garnishment or assignment, and existing protections were expanded in Hawaii, and North Dakota. Rhode Island made the wages of State and local government employees subject to garnishment.

Again in 1981, as in the last two years, many bills were introduced to repeal State prevailing wage laws. Although bills were introduced in 14 States, only the Utah law was repealed, an action taken over the Governor's veto. All the other repeal attempts failed, including bills vetoed in Colorado and New Mexico; measures in California and Wisconsin, still in committee, will be carried over to the 1982 legislative session. Courts in Michigan and Missouri upheld the constitutionality of the prevailing wage laws in those States, both of which rely solely on collectively bargained rates as the prevailing rates. Decisions on the same issue had differed in previous years. The New Jersey law was upheld and the Arizona rate determination methodology was ruled invalid.

In other prevailing wage developments, Rhode Island made wage-rate violators subject to an 18-month ban on bidding for or being awarded a public contract. The labor department in Montana was given subpoena pow-

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er to compel the production of payroll records, and the prevailing wage rate is to be included in bid specifications and contracts. New Jersey extended coverage of its prevailing wage law to any construction by the New Jersey Building Authority. Oklahoma mandated use of Federal Davis-Bacon rates where available and required payment of prevailing fringes. In Washington, wage rates must now be posted at the job site.

A comprehensive law in Minnesota grants seasonal farmworkers important new protection. These workers now must be paid for a guaranteed number of hours; are to be provided written pay statements itemizing deductions from wages; and are to be informed, at the time of recruitment, of the minimum duration of employment, and of working conditions, wages, and housing provision if any.

Similarly, in Oregon, a new amendment requires that migrant workers be furnished with the names and addresses of their employers, with notification of any labor dispute at the work site, and with statements of hours of work and rates of pay. Texas prohibited the use of short-handled hoes in most agricultural labor.

Texas adopted a comprehensive new child labor law setting 14 as the basic minimum age for employment, requiring the Labor Commissioner to determine hazardous occupations for workers under age 18. The law also prescribes hours of work restrictions, and provides for age certificates and the issuance of individual variances. In other States, most of the changes in child labor law involved the easing of either nightwork restrictions (Alaska, Connecticut, Florida, Maine, and Oregon) or of certificate requirements. New Jersey, Virginia, and West Virginia passed laws permitting minors to participate in activities of volunteer fire departments or rescue squads.

In a year designated as the International Year of Disabled Persons, State interest in furthering equal opportunity for handicapped individuals was reflected in the enactment of laws in 13 States, to provide new or expanded employment rights or opportunities. Among the more significant were a new equal-employment-for-the-handicapped law in Georgia; an amendment to the Civil Rights Act in Oklahoma, adding discrimination because of handicap to the list of unfair employment practices; and an amendment to the Vermont antidiscrimination law, prohibiting discrimination in employment based on physical or mental condition. Tennessee and Texas provided for alternate forms of testing handicapped job applicants. Other States extended protection from discrimination to additional classifications of handicapped individuals including those with mental impairments and the aurally handicapped.

Other forms of employment discrimination were the subject of legislation in 18 States. Among the more

significant, public employees were made subject to the Hawaii Fair Employment Practice law, and the prohibition against sex discrimination was defined to specifically include discrimination because of pregnancy and related medical conditions. Connecticut also defined sex discrimination to include matters relating to pregnancy or related medical conditions, and also required that employees be informed of substances involved in the job which might cause birth defects, or be hazardous to a worker's reproductive system or to the fetus. Employment, transfers, or promotions may not be conditioned on the sterilization of the employee. A new law in Alaska prohibits sex discrimination in employment in public education.

In an area of emerging interest, California established a policy of "comparable worth" in setting salaries in State government in jobs dominated by women, on the basis of the value of the work performed. Resolutions were passed in Hawaii urging all employers to adopt this concept of equal pay for work of comparable value.

The antidiscrimination law in Vermont was amended to prohibit age discrimination, and mandatory retirement because of age was prohibited except for police officers, firefighters, and tenured employees of colleges and universities. The upper age limit in the ban on age discrimination in employment was raised from 65 to 70 in Georgia and Oregon. Although Nevada, which formerly had no age limits, made the prohibition on age discrimination inapplicable to those not between age 40 and 69.

Legislation for the benefit of veterans was enacted in a number of States. These laws either provide preference in public employment for veterans or their spouses, or establish training programs or seminars to further employment opportunities.

There is extensive State interest in developing legislative remedies to alleviate the impact of plant closings on workers and communities. Measures of this nature were proposed in 19 legislatures this year but not adopted. Although the proposals are not identical, they share one or more features, such as advance notice, severance pay, entitlement to retirement benefits, creation of a community assistance fund and, sometimes, employee option to purchase the plant. The only laws enacted in the past are a 1975 Wisconsin statute requiring that the State labor department be notified in advance of any closings, and a Maine law, expanded this year, which requires advance notification to the labor department, the employees, and the municipality, and severance pay to employees. Connecticut created a committee to study plant relocation and mass layoffs and to make legislative recommendations to the 1982 General Assembly.

California prohibited awarding of State contracts to contractors found to be in violation of a National Labor Relations Board order more than once in the pre-

ceding two years. Similar laws were enacted in Michigan, Ohio, and Wisconsin in 1980 and in Connecticut in 1979. Among other labor relations laws, local public employees in California were authorized to negotiate agency shop agreements, collective bargaining rights were extended to county employees in Maine, and North Carolina prohibited strikes by public employees.

Twelve States enacted legislation affecting the regulation of private employment agencies. Most significant actions were in South Dakota, which repealed its law; Montana, where maximum placement fees charged by agencies will no longer be set by statute; and South Carolina, where licensing and enforcement authority were removed from the Department of Labor, and rule-making, investigatory, and penalty provisions were deleted from the law. Licenses in South Carolina will now be issued by the Secretary of State, and enforcement will be by court action. Several amendments were made in the Ohio law, including a ban on registration fees, tightened restrictions on misleading advertising, and requirements that applicant contracts be in writing and placement fees refunded in certain circumstances. Maximum placement fees for jobs paying less than \$13,000 annually are now set by statute.

Five States: Connecticut, Illinois, Louisiana, Ohio, and Oregon, amended individual statutes in 1981 to protect from employer retaliation an employee who reports a violation of law or participates in an enforcement proceeding. Michigan adopted a separate "Whistleblowers' Protection Act" to afford such protection to all employees in both the private and public sectors.

The following is a summary, by jurisdiction, of labor legislation during 1981.

#### **Alabama**

*Wages.* Up to 40 percent of a parent's weekly disposable earnings are now subject to court-ordered garnishment for child support.

#### **Alaska**

*Wages.* By prior law, which sets the minimum wage at 50 cents per hour above the Federal rate, the minimum wage rate rose to \$3.85 on January 1, 1981.

Orders for support of a minor child now have priority over all other assignments or garnishments, and must contain an income assignment order, with 50 percent of gross wages or \$100 a week, whichever is less, exempt from assignment. Employees may not be discharged on the basis of this assignment.

*Child labor.* Restrictions for minors under 16 were relaxed to permit work as early as 5 a.m. and until 9 p.m. Previously, minors could not work before 6 a.m. or after 7 p.m.

*Equal employment opportunity.* Sex discrimination is now prohibited in employment in public education. No difference is allowed between the sexes in conditions of employment or advancement opportunities, and affirmative action procedures are to be developed by the State Board of Education, which will administer this law. Career counseling services must stress

access to opportunities without regard to sex.

#### **Arizona**

*Private employment agencies.* The law regulating private employment agencies no longer applies to agencies which do not charge a fee to job applicants.

*Employment and training.* Among numerous limitations placed on State agency competition with private enterprise, the Department of Economic Security, which administers the public employment service, is expressly prohibited from engaging in activity not prescribed by Federal or State law or Federal regulation, and may not participate in radio, television, or newspaper advertising of specific job openings unless prescribed by Federal law.

*Other laws.* Training programs receiving State assistance under the Work-Site Education and Training Act must now ensure training on a priority basis to Vietnam era veterans in addition to other groups previously specified.

#### **Arkansas**

*Wages.* The minimum wage rate was increased from \$2.70 an hour to \$2.80 effective January 1, 1982 with a further increase to \$2.95 scheduled for January 1, 1983. In addition, the maximum tip credit allowance permitted was changed from a dollar amount to 50 percent of the minimum wage.

#### **California**

*Wages.* Prior wage orders provided for an increase in the minimum hourly wage rate from \$3.10 to \$3.35 effective January 1, 1981.

Compensation of prison inmates for productive work in prisons was changed from a previous rate range of 2 cents to 35 cents an hour, to a rate not to exceed half the minimum wage.

The prevailing wage law threshold amount was increased from \$500 to \$1,000.

Ski establishment employers may arrange a regularly scheduled workweek of up to 56 hours without being in violation of overtime pay regulations, provided employees receive premium rates after 56 hours.

*Equal employment opportunity.* A new measure, effective in January 1982, established a policy of "comparable worth" in setting salaries based on value of work for women-dominated jobs in the State service. Also, the Department of Personnel Administration is to examine comparable worth studies done by other jurisdictions and make an annual report on them to the legislature, and to the exclusive bargaining agent of State employees prior to collective bargaining.

Compulsory retirement, otherwise prohibited for employees who wish to and can continue working, will be permitted for physicians who have attained age 70 and are employed by a professional medical corporation with bylaws on compulsory retirement.

The Fair Employment and Housing Commission was transferred from the Department of Fair Employment and Housing to the State and Consumer Services Agency. Under the same law, apprenticeship programs are no longer exempted from the prohibited age limitations in the age discrimination law.

Prohibitions on sex discrimination in employment may not affect the right of an employer to provide preferences for veterans and their surviving spouses. The law also prohibits the use of State funds to challenge this provision in court (an existing regulation provides that veterans preference may not

be used as a basis for selection unless work performed during military service is related to job performance, except where required by a constitutional provision authorizing such preference in the civil service, or by Federal law). A similar new law also allows employers to give special consideration to Vietnam era veterans.

*Worker privacy.* The law prohibiting employers from compelling employees or applicants to take a lie detector or similar test, now requires the employer, before requesting that the test be taken, to advise the employee in writing of the prohibition against compulsion.

The Department of Justice was authorized to furnish records of convictions to nonprofit corporations or other organizations, as specified by the Attorney General, involving sex crimes of persons who apply for employment, or volunteers for positions involving supervisory or disciplinary power over minors.

*Labor relations.* Local public agencies and their unions may now negotiate agency shop agreements. Religious or conscientious objectors may alternatively be required to pay sums, equaling union fees, to a nonreligious, nonlabor, charitable fund.

A new law was enacted governing local public transportation labor disputes, except for those involving local public agencies subject to other collective bargaining legislation. It provides for the exchange of contract proposals and data between the parties and for mediation of disputes. Where a strike or lockout appears likely, the Governor may appoint a board to investigate the issues and make a written report. Any strike or lockout during the period of investigation is prohibited.

*Garment industry.* A late 1980 law requires all garment industry manufacturers, jobbers, and contractors to register annually with the State Labor Commissioner, beginning July 1, 1981, and to keep certain hour, wage, production, and contract price records. Failure to register or doing business with an unregistered contractor may result in penalties, including fines and garment confiscation.

*Private employment agencies.* Agents for professional athletes are now to be licensed and regulated by the Labor Commissioner. Agents must deposit a \$10,000 bond and may not engage in certain practices.

Employment agencies which use a computer system as their only means of procuring employment for clients, are no longer limited to a nonrefundable fee of \$20. However, the fee to be charged for furnishing such services must be clearly stated in the contract.

*Employment and training.* The Director of Corrections is authorized to conduct demonstration industrial enterprises for prerelease work training of inmates. Inmates may be paid wages prevailing in comparable industries in the State, and wage deductions may be made for room and board, the California Victim Indemnity Fund, family support, savings, and personal expenses.

A California Welfare Employment Skills Training Act, administered by the Employment Development Department, provides for a program to give Aid-to-Families-with-Dependent-Children recipients vocational training and job placement assistance, so they may acquire marketable job skills.

Under the provisions of a new law, unemployed parents who do not qualify for Aid-to-Families-with-Dependent-Children

under Federal standards, but who qualify for the State program, are to receive priority for employment and training services under certain existing programs, and special pilot projects to provide on-the-job training are to be developed for these individuals. This act will become operative only if funds are made available by the legislature.

*Other laws.* State contracts are to contain a sworn statement by the contractor that no more than one final finding of contempt of court has been issued against the contractor within the last 2 years because of failure to comply with a Federal court order, enforcing a ruling of the National Labor Relations Board. In case of a false statement, the State may rescind the contract.

Public entities may not permit any peace officer to be employed by a private sector employer as a security guard at the site of a strike, lockout, picketing, or other labor dispute which occurs in the same jurisdiction where the peace officer is regularly employed or on loan.

### Colorado

*Wages.* Payment bonds must now be furnished on public works contracts exceeding \$50,000, rather than on those exceeding \$10,000 as was previously required.

*Equal employment opportunity.* The Division of Correctional Industries was authorized to contract for the training or employment of offenders, with training to be in accordance with standards set by the Department of Labor and Employment whenever possible. Wages earned under the program are to be used to compensate the offender's victims, pay support to the offender's dependents, defray costs of confinement, and establish a trust fund for the offender payable upon release.

*Occupational safety and health.* Coal mine inspections need now be made only once rather than four times annually, and inspections will be made only of mines in which an average of less than 75 full-time workers were employed during the preceding calendar year. Mines of larger size are deemed to affect interstate commerce and therefore are subject to Federal inspection.

### Connecticut

*Wages.* By prior law, the hourly minimum wage increased from \$3.12 to \$3.37 on January 1, 1981.

*Child labor.* Minors age 16 and 17 may now work until 11 p.m. (rather than 10 p.m.) on days preceding schooldays, in restaurants or as ushers in nonprofit theaters.

*Equal employment opportunity.* Prohibited discrimination on the basis of sex was defined to specifically include matters relating to pregnancy, child bearing capacity, sterilization, fertility, or related medical conditions. Employers must inform employees and job applicants of substances involved in the job which may cause birth defects or be hazardous to a worker's reproductive system or to a fetus. Employment, transfers, or promotions may not be conditioned on the sterilization of the employee.

*Labor relations.* The State Labor Relations Act was amended to provide that an agent investigating complaints or violations referred by the State Board of Labor Relations shall not disclose any confidential communication made during the investigation, unless authorized by the party making such

communication. Similarly, mediators appointed by the labor commissioner are now subject to the same restrictions.

No private employer or employee organization, involved in a labor dispute, may hire any member of a municipal police department in the town in which the dispute is taking place, for protection or other duties related to the dispute.

*Private employment agencies.* The surety bond that each employment agency must post was increased from \$5,000 to \$7,500, and agency license fees increased from \$75 to \$150.

*Occupational safety and health.* Any employee who believes there is a violation of the information and notice requirements for employers using or producing carcinogens may now request an inspection by filing a written complaint with the Labor Commissioner who is authorized to investigate and to assess civil penalties for violations. Retaliation against an employee for filing a complaint is prohibited.

*Employment and training.* The Department of Labor was authorized to contract with local and regional boards of education to provide full-time programs for adult basic education for qualified Work Incentive Program registrants.

*Other laws.* A committee consisting of legislative, labor, management and municipal representatives was created to study all aspects of plant relocation and mass layoffs, and to make recommendations for legislation to reduce the hardships.

## **Delaware**

*Child labor.* An 18- or 19-year-old child of a liquor store retailer may be employed in the store, except in the sale or service of liquors (20 is the minimum age otherwise applicable).

## **District of Columbia**

*Wages.* Wage Order Number 12, applicable to occupations not covered by other wage orders, was revised effective October 31, 1981 to increase the minimum wage rate for parking attendants to \$3.40 an hour, provided that at least 40 cents an hour is received in tips; for car wash attendants to \$3.50 provided that at least 15 cents an hour is received in tips; for day labor ticket takers and ushers to \$3.75; and for all other occupations from \$2.75 an hour to \$3.90.

Wage Order Number 10, applicable to hotel, restaurant, apartment building and allied occupations was also revised to increase the minimum hourly rate from \$2.80 to \$3.80, effective January 2, 1982. Among other changes, the maximum tip allowance against the minimum wage was increased from \$1.45 an hour to \$1.95, and the minimum hourly rate for employees under the age of 18 was raised from \$2.25 to \$3.35.

## **Florida**

*Agriculture.* The law providing for the licensing and regulation of migrant labor camps, which was scheduled for repeal on July 1, 1982 under sunset legislation, was extended to October 1, 1983.

*Child labor.* Numerous changes were made in the child labor law. Employment certificate provisions for children age 12 through 15 were repealed. Age certificates are authorized for such children, as well as for 16- and 17-year-olds, although employers may accept other forms of proof of age. Children are no longer permitted to work during school hours in domestic work or farm labor for their own parents. Nightwork restrictions for 16- and 17-year-olds were relaxed to allow work until 1 a.m. on days preceding schooldays, although in-

dividual variances had been allowed before.

Waivers of the child labor restrictions may be granted by the Division of Labor, on a case-by-case basis, if in the best interests of the child. High school graduates, minors who have served in the Armed Forces, and legally emancipated minors are exempted from coverage. Also, married minors and those with court approved employment continue to be exempt.

*Equal employment opportunity.* The prohibition under the Human Rights Act, against mandatory retirement, will not apply where individual applicants fail to meet bona fide job requirements. Nor will it apply where employment would require changes in bona fide retirement or pension programs or existing collective bargaining agreements during the life of the contract or until October 1, 1983, whichever is first. Employers may require physical examinations of applicants and employees to determine job fitness.

*Labor relations.* The definition of public employees, for collective bargaining purposes, was amended to exempt persons in inspection positions in Federal-State fruit and vegetable inspection service, persons employed by the Public Employees Relations Commission, and graduate and undergraduate students enrolled and employed by the State University System.

*Occupational safety and health.* Among changes to the law regulating elevators, annual safety inspection is now required, except that those elevators covered by a safety maintenance contract must be inspected every 2 years.

*Employment and training.* A new Public Assistance Productivity Act provides for the Department of Health and Rehabilitative Services to plan, integrate, and coordinate employment related services for public assistance recipients, and directs it to help fund a privately administered demonstration pilot project designed to reduce welfare costs and provide viable work opportunities to AFDC recipients.

The Department of Corrections is to lease the facilities of the prison industry program to a private nonprofit corporation organized solely for the purpose of operating the program. Deductions are to be made from prisoner wages for lodging, food, and other maintenance expenses, and for payments to dependents and crime victims.

## **Georgia**

*Wages.* Employee pensions subject to the Federal Employee Retirement Income Security Act of 1974 (ERISA) are subject to garnishment only for alimony or child support, and then only when the benefits are currently due and payable or transferable to the pension plan's member or beneficiary.

*Child labor.* The minimum age for employment was lowered from 14 to 12. Formerly children 12 and 13 were permitted to work only in stores (with permits) and in occupations exempt at any age—agriculture, domestic service, and family employment. Prohibitions on specific occupations for minors under 16 were removed, and the Commissioner of Labor was given rulemaking authority to declare occupations hazardous. Changes were also made in the certificate provisions.

*Equal employment opportunity.* The upper age limit in the ban on age discrimination in employment was raised from 65 to 70.

A new equal-employment-for-the-handicapped law prohibits discrimination based on physical or mental impairment (other

than drug or alcohol addiction) which substantially limits normal function. The law applies to both public or private employers of 15 or more persons, labor organizations, employment agencies, and to apprenticeship and other training programs, and will be enforceable in the courts.

A 15-member Commission on Women's Opportunities was created to study statutes, regulations and agency practices, to determine whether any distinction, exclusion, or preference is made based on sex, affecting equal employment opportunities. A report and recommendations are to be made to the Governor and the Legislature prior to the 1983 legislative session. The Commission may not make a recommendation on the merits of the Equal Rights Amendment to the United States Constitution.

Veterans' services are to be provided for surviving spouses of veterans, rather than only to widows as before, and veterans' preference in employment in the State Department of Veterans Service was also extended to widowers of veterans.

### Guam

*Wages.* The minimum wage rose to \$3.35 an hour on January 1, 1981, under a prior law which adopted the Federal Fair Labor Standards Act rates by reference.

A Child Support Employment Office was established in the Department of Public Health and Social Services, and the courts were authorized to order garnishment of wages or pensions for child support.

### Hawaii

*Wages.* By prior law, the minimum wage rate was increased from \$3.10 to \$3.35 an hour effective July 1, 1981.

Employment under the work release plan of a youth correctional facility may now be at a wage less than the minimum wage, provided that no more than five hours of a person's work week will be paid at the subminimum rate.

*Equal employment opportunity.* Employees of State and local government are now subject to the Fair Employment Practice law, and prohibition against sex discrimination was defined to specifically include discrimination because of pregnancy, childbirth, or related medical conditions. Investigation and enforcement authority and procedures are now spelled-out in greater detail.

House and Senate resolutions were passed expressing concern over inequities in the salaries of women, and urging all employers to adopt the concept of equal pay for work of comparable value.

*Other laws.* The protection against suspension or discharge from employment because of wage garnishment, employee bankruptcy, or work injury, was extended to include an employee's testimony or being subpoenaed to testify in proceedings relating to any such suspension or discharge.

Another law specifically prohibited discrimination against an employee, in addition to discharge or suspension, because of garnishment, employee bankruptcy, or work injury.

### Illinois

*Wages.* The requirement in the wage payment act that an employer notify the State Department of Labor of the amount of wages to be withheld when the amount or legitimacy of the deduction is in dispute, was amended to require the employer to also state in writing the reasons for withholding payment.

Courts may require an assignment of wages to enforce an order for child or spouse support. Employers may not dis-

charge or discipline an employee as a result of such an assignment.

*Agriculture.* Migrant labor camps housing fewer than 10 migrant workers or four families must now meet certain specified safety and health standards and be open to inspection by the Department of Public Health, although a license is not required.

*Worker privacy.* Local governments and school districts may obtain information on convictions from the Department of Law Enforcement for use in evaluating the character and qualifications of employees and job applicants.

*Other laws.* The identity of any State employee who reports the violation of any law, rule, regulation, or mismanagement, may not be revealed during an investigation, and no disciplinary action may be taken against the employee.

### Indiana

*Employment and training.* The Department of Commerce is to establish an industrial training program to train and upgrade the skills of potential employees of new or expanding industries.

### Iowa

*Labor relations.* The law requiring that official meetings be open to the public was amended. It now exempts meetings of governmental bodies held to discuss strategy, involving negotiations with employees not covered by collective bargaining agreements.

### Louisiana

*Wages.* An individual may not be denied employment or discharged because of a voluntary or involuntary assignment of wages.

*Child labor.* School records will no longer be required as a prerequisite for the issuance of street-trades permits or certificates for the employment of minors under 16 outside school hours during the school term.

*Private employment agencies.* Among changes to the employment agency regulatory law, the Private Employment Service Advisory Council was reconstituted to include three representatives from the industry, and one representative each from labor and consumer interests.

*Occupational safety and health.* Reprisals were prohibited against employees who report or complain of possible environmental violations. For infraction of the ban, in addition to other available remedies, an employee may bring civil action against the employer to recover triple damages and court costs including attorney's fees.

*Employment and training.* The Occupational Information Coordinating Council and the Governor's State Employment and Training Council were transferred to the Department of Labor.

*Other laws.* A new law gives preference in the awarding of nonconstruction public contracts to in-State vendors, over vendors from those States which favor their resident vendors over those from Louisiana. Public works construction contractors have been protected by a similar law.

## Maine

*Wages.* The minimum wage rate was increased to \$3.35 an hour on January 1, 1981, under a prior law which provided for matching State increases to the Federal rate, up to a maximum \$4 rate.

The minimum qualifying salary for exemption from the minimum wage law as an executive, administrative, or professional employee was increased from \$150 to \$175 a week.

The law permitting wage deductions to repay an employee's debt to the employer was restricted to a debt of benefit to the employee, and banned deductions for such items as cash or inventory shortages, dishonored checks or credit cards, damage to the employer's property, or merchandise purchased by a customer.

*Hours.* A law was enacted permitting State government employees to work alternative work schedules including flexible hours, part-time work, and job sharing.

*Child labor.* Nightwork restrictions were amended to permit 15-year-olds to work until 10 p.m., rather than 9 p.m. as before. The starting time of 7 a.m. was unchanged.

*Equal employment opportunity.* In an effort to expand work opportunities for handicapped citizens, the State Purchasing Law now permits giving preference to goods or services produced by in-State sheltered workshops.

*Labor relations.* Collective bargaining rights, previously granted to employees of municipalities, schools, and special districts, were extended to county employees.

An employer may not cancel a group health insurance policy during a strike until the insured employees have been notified.

*Occupational safety and health.* Penalties were established for refusing to comply with the requirement that information be provided to employees about the identities and hazards of chemicals in the work area by such means as labels, chemical identification lists, and education and training.

*Other laws.* The name of the Department of Manpower Affairs was changed to the Department of Labor, and the name of the Bureau of Labor was changed to Bureau of Labor Standards.

In addition to making severance payments to employees and notifying the Director of the Bureau of Labor 60 days in advance of relocating or terminating an establishment, employers of 100 or more persons must now also notify employees and municipal officers at least 60 days before relocating an establishment outside the State.

## Maryland

*Wages.* The minimum wage rate rose to \$3.35 to match the Federal rate under the existing State law which conforms to the Fair Labor Standards Act rate by reference.

Those agricultural employees who are subject to the State minimum wage are to be paid time-and-a-half their usual hourly wage rate for work after 60 hours per week.

*Equal employment opportunity.* Employment discrimination against public school teachers because of handicap was prohibited, unless the handicap adversely affects the person's ability to perform the duties of the position.

*Private employment agencies.* Private employment agencies whose fees are completely employer-paid and that do not require job applicants to sign a contract are not subject to the agency licensing and regulatory law.

*Occupational safety and health.* Temporary help firms may not permit their employees to work in confined spaces such as tanks, tunnels, vats, and sewers, without written authorization of the Commissioner of Labor and Industry based upon a satisfactory showing of adequate worker protection, or without an approved variance.

*Employment and training.* A State Use Industries Organization was established to develop industries to provide full-time work experience or rehabilitation programs for eligible prison inmates.

## Massachusetts

*Wages.* The minimum wage rose to \$3.35 an hour on January 1, 1981, under provisions of a 1977 amendment.

*Child labor.* An exception was made to the hazardous occupations restrictions on minors under 18, permitting 16- and 17-year-old minors to be employed, consistent with Federal law, if enrolled in State or local cooperative vocational training programs under specified circumstances. Formerly the exception applied only to agricultural training programs.

*Equal employment opportunity.* Conscientious objection to abortion may not be grounds for dismissal, discrimination in hiring, failure to promote, or withholding of pay.

A special commission was established to study the concerns of Vietnam era veterans, including government programs and practices relating to employment, re-employment, retraining, and rehabilitation.

*Labor relations.* Among various changes involving the Board of Conciliation and Arbitration, the Board is now an independent agency, composed of a permanent chairperson who is authorized to appoint one labor and one management representative to the Board on a case-by-case basis.

## Michigan

*Wages.* By prior law, the minimum wage increased from \$3.10 an hour to \$3.35 on January 1, 1981.

Constitutionality of the prevailing wage law, which relies solely on collectively-bargained rates to determine prevailing rates, was upheld by the State Court of Appeals. The appellate court reversed a lower court decision which had held the statute to be an unconstitutional delegation of legislative authority because of its method of rate determination.

*Child labor.* A minor may not work after sunset or 8 p.m., whichever is earlier, in an occupation that involves a cash transaction, unless an adult is present.

*Equal employment opportunity.* Among changes to the civil rights act for handicapped persons, coverage was extended to the restored mentally ill; employers were specifically required to accommodate handicapped persons unless it would impose an undue hardship. A union may not, because of a member's handicap give inadequate representation in a grievance process. Public contracts for the State or political subdivisions must include a prohibition against discrimination because of a

handicap that is unrelated to the individual's ability to perform a particular job, and the Civil Rights Commission was given rulemaking authority.

*Other laws.* A "whistleblowers' protection act" was passed, prohibiting reprisal against public or private sector employees who report, or are about to report, any violation of a State, local, or Federal law, or who participate in an investigation, hearing, inquiry or court action. An employer may not discharge, threaten, or otherwise discriminate against such an employee. The employee may bring a civil action for injunction or damages or both, and the court may order reinstatement, back pay, and other relief.

Coverage of the law on standards of conduct for State employees was amended to include elected or appointed officials. New protections from adverse actions for public officers or employees who report or are about to report violations were added, and provision was made for bringing civil action against violators.

### Minnesota

*Wages.* By prior law, the minimum wage rose from \$2.90 an hour to \$3.10 effective January 1, 1981. A further increase to \$3.35 is scheduled for January 1, 1982.

Employee payments for required uniforms, special clothing, equipment, and certain travel expenses are to be subtracted from wages paid in calculating whether minimum wage requirements are met.

Overtime pay requirements will not apply to employers of sugarbeet hand laborers who are paid on a piece-rate basis, provided that the regular hourly rate of pay exceeds the minimum wage rate by at least 40 cents. This provision was to expire December 13, 1981.

*Agriculture.* A new law requires employers using agents to recruit out-of-State migrant workers to provide each worker, at the time recruited, with a written employment statement of the minimum duration of employment, working conditions, wages, and housing provision if any. Workers are to receive a minimum of 70 hours pay, at no less than the Federal minimum wage, in any two consecutive weeks, unless work is unavailable due to weather conditions. Workers are also to receive a written pay statement itemizing deductions from wages. Workers may bring a civil action in case of violation.

*Equal employment opportunity.* Individuals may now file equal employment opportunity complaints directly in the district court instead of seeking prior administrative resolution, and the Commissioner of Human Rights was authorized to adopt policies to determine the order in which charges are to be processed. Reprisals against persons who have taken part in actions under this law were defined to include any form of intimidation, retaliation, or harassment.

The enforcement provisions of the Human Rights Act were amended. Penalty payments may now include damages for mental anguish and suffering, and the maximum award of punitive damages was raised.

*Worker privacy.* The law regulating the collection and dissemination of data by State agencies was amended to, among other things, classify labor relations information on specific labor organizations, as nonpublic data, and to permit the dissemination of personnel data to unions when it is determined that the information is needed for elections and other purposes.

*Labor relations.* The definition of public employee under the Public Employment Labor Relations Act was amended to exclude part-time instructors in adult vocational education programs.

An exception was made to the State open meeting law permitting public employers to hold closed meetings to determine strategy for labor negotiations. Such sessions must be tape recorded and must be available to the public after negotiations are completed and a contract signed.

### Mississippi

*Hours.* Restrictions on hours of work for persons over age 16 were removed. Hours had been limited to 10 per day in canneries, workshops, mills, factories, or manufacturing establishments. Night workers had been limited to 60 hours per week.

The law which prohibited a female from working more than 10 hours a day or 60 hours a week was repealed.

### Missouri

*Wages.* In January 1981, the State Supreme Court upheld the rate determination methodology, used by the Labor and Industrial Relations Commission under the prevailing wage act.

*Hours.* The maximum 8-hour day in any mining, mechanical, chemical manufacturing, or smelting business was amended to allow additional hours with the employee's consent.

### Montana

*Wages.* The minimum wage was increased from \$2.00 an hour to \$2.50 effective July 1, 1981 with a further increase to \$2.75 scheduled for July 1, 1982. The minimum amount that may be paid to seasonal farm workers on a monthly basis in lieu of the minimum hourly rate was increased from \$460 to \$575 a month on July 1, 1981, and to \$635 a month beginning July 1, 1982.

The labor department was granted subpoena power to compel the production of payroll records in case of public contractor refusal. Also, bid specifications and contracts are now to include the prevailing wage rates that are to be paid. Failure to do so relieves the contractor of his obligation to pay the prevailing wage rate and places such obligation on the contracting agency.

*Private employment agencies.* The maximum placement fees charged by private employment agencies will no longer be regulated by statute, but will now be determined by the agencies themselves. These fees were specifically made not subject to disapproval by the Commissioner of the Department of Labor and Industry. Agents for professional athletes were specifically exempted from the employment agency regulatory law.

### Nevada

*Wages.* The prevailing wage law was amended to exclude construction projects costing less than \$4,000 as well as contracts directly related to the normal operation of the government agency or the normal maintenance of its property, and contracts awarded to meet emergency situations resulting from natural or man-made disasters.

Payment bonds must now be furnished on all public works contracts exceeding \$5,000, rather than on those exceeding \$2,000 as was previously required.

Employers may not discharge or take disciplinary action against an employee because of court ordered wage assignment for child support.

*Equal employment opportunity.* Discriminatory actions based on an employee's age will not be considered unlawful if the person is less than 40 or more than 69 years of age. Formerly there were no age limits in the law.

The ban against unlawful job discrimination was extended to cover the hearing impaired (in addition to visual or physical handicap and other bases). It is unlawful for an employer to refuse to permit a hearing impaired employee to keep a hearing dog with him or her.

The labor commissioner is authorized to approve and regulate 6-month to 2-year programs for training in actual employment for veterans in occupations which do not offer programs of apprenticeship. Such programs must comply with Federal and State equal employment opportunity laws.

*Worker privacy.* A separate polygraph examiners licensing and regulatory law was enacted. Formerly, polygraph examiners were regulated along with private investigators, patrolmen, process servers and repossessors. The new law gives the examinee the right to refuse to answer any question which would tend to incriminate or degrade him. The person to be examined must be told of the purpose of the examination and consent to it in writing. The examination must not be conducted for the purpose of interfering with or preventing lawful activities of organized labor. Inquiries into the examinee's religion, political or labor organization affiliations, or sexual activities are prohibited unless germane and made at the request of the examinee.

Public agencies may request information from the FBI on the personal history of any person who is an applicant for a license or employment.

*Occupational safety and health.* Among amendments to the occupational safety and health law, a notice may be issued (in lieu of a citation) in cases of violations which are not serious and which the employer agrees to correct within a reasonable time. Also, temporary variances from standards adopted under the law will no longer be granted. Employers may still apply for permanent variances.

A comprehensive statute was enacted to control the generation, transportation, treatment, storage, and disposal of hazardous waste, and a separate statute instituted controls over the transport and disposal of radioactive, chemical, and other hazardous materials.

### **New Hampshire**

*Wages.* By prior enactment, the minimum wage rate rose to \$3.35 an hour on January 1, 1981 to match the Federal rate.

*Equal employment opportunity.* The Commission on the Status of Women which was to be terminated on July 1, 1981, under sunset legislation, was extended to July 1, 1987.

*Occupational safety and health.* The law regulating the management of hazardous wastes was amended to, among other things, require permits to transport such materials, and to prohibit employers from retaliating against employees for reporting violations as required by law.

The State Civil Defense Agency was directed to initiate and carry out a radiological emergency response plan for each nuclear electrical generating plant, in order to deal with the effect of nuclear incidents or accidents.

### **New Jersey**

*Wages.* The minimum wage rate was increased from \$3.10 an

hour to \$3.35 effective January 1, 1981. The rates for minors, whose minimum wage coverage is derived from wage orders rather than statute, were also increased to \$3.35, without any youth differential based on age alone.

A New Jersey Building Authority was established to construct and operate office buildings and related facilities to meet the needs of State agencies. The Authority is to pay prevailing wage rates, as determined by the labor commissioner, to workers employed on its construction projects, and is to establish an affirmative action program for the hiring of minority workers.

*Child labor.* Activities of 16-to 18-year-olds in any Junior Firemen's Auxiliary were specifically exempted from hazardous occupation restrictions in the child labor law. (Junior firemen cannot be required to perform duties exposing them to the same degree of hazard as regular members of a volunteer fire company). Restrictions on employment of minors under 16 in theatrical productions were eased.

*Equal employment opportunity.* The law against discrimination in employment was amended to include discrimination on the basis of a person's atypical hereditary cellular or blood trait, including sickle cell, cystic fibrosis, or Tay-Sachs.

*Private employment agencies.* Temporary help service firms are no longer subject to the private employment agency regulatory law, provided that no fee is charged any employee. Such firms may not prevent employees from accepting other employment, or knowingly send employees to places where strikes or lockouts are in progress.

### **New Mexico**

*Wages.* By prior law, the minimum wage rate was increased from \$2.90 an hour to \$3.35 effective July 1, 1981. The farm rate rose to \$3.10 on July 1, 1981, with a further increase to \$3.35 scheduled for July 1, 1982.

*School attendance.* A minor may be excused from compulsory school attendance at age 16, with parental consent, if he or she will be employed or engaged in an alternative form of education. Formerly the child could leave school on completion of the 10th grade, at whatever age, after a consultation between child, school officials, and parent, with no employment or other education requirement.

*Other laws.* The Human Rights Commission, the Labor and Industrial Commission, and the Office of Labor Commissioner, scheduled for termination under sunset legislation, were extended to July 1, 1987.

### **New York**

*Wages.* By prior law, the minimum wage rate for nonagricultural workers was increased from \$3.10 an hour to \$3.35 on January 1, 1981.

The wage payment law was amended to require employers to notify employees of the company policy on sick leave, vacation, personal leave, holidays, and hours, through written or posted notice.

Employers must have the advance written consent of an employee before depositing his or her pay directly in a bank or other financial institution.

The labor commissioner, rather than the fiscal officer, will now determine the rate of interest to be imposed by orders

directing the payment of wages or supplements, found to be due under the minimum wage act or the wage payment law.

*Labor relations.* Provisions in the civil service law for mediation and arbitration of collective bargaining disputes by the Public Employment Relations Board, due to expire July 1, 1981 were extended for 2 years.

*Garment industry.* A Garment Industry Job Retention Act was enacted, directing the Industrial Commissioner to study the garment manufacturing industry and the industrial homework process, including the feasibility of registration or licensing and bonding of employers in the garment industry. The study will also deal with labor standards practices and violations, and the adequacy of health and safety conditions. An advisory committee on garment manufacturing will be appointed to assist in the study, consisting of representatives of a cross section of the industry. Enforcement authority and penalty provisions were strengthened in the industrial homework law.

*Occupational safety and health.* The transportation law and the vehicle and traffic law were amended regarding the regulation of the transportation of hazardous materials. Rules and regulations are to cover transportation by highway, railroad or water, and are to be no less protective than those established by the Federal government. Hazardous materials were defined, training and education programs are to be established, and penalties were established for violation.

*Employment and training.* A pilot project to improve and expand employment opportunities for senior citizens through job development and placement efforts was established, to be implemented and administered by the Industrial Commissioner of the Department of Labor, in consultation with the Director of the State Office for the Aging.

*Other laws.* Contractors engaged in performing work or services, or providing goods to the State in an amount exceeding \$5,000 are prohibited from participating in an international boycott in violation of Federal law. Contracts will not be let to contractors who have previously participated in such boycotts.

### North Carolina

*Wages.* The minimum wage rate was increased from \$2.90 an hour to \$3.10 effective January 1, 1982 with a further increase to \$3.35 scheduled for January 1, 1983. The law will now be applicable to employers of three or more rather than four or more as before.

Among other amendments to the wage and hour act, the subminimum wage rate for full-time students, learners, apprentices, and messengers will now be 90 percent of the basic minimum rate rather than a fixed dollar amount. Also, changes were made in some of the wage deduction provisions, and in the exemptions from minimum wage, overtime, youth employment, and record-keeping requirements.

*Hours.* A work-options program for State employees providing for flexible work hours, job sharing, and permanent part-time positions was established, to be administered by the State Personnel Commission.

*Child labor.* Among various changes in the youth employment law, youths 14- and 15-years of age may now be employed only in occupations permitted under the Fair Labor Standards

Act (FLSA). Minors under 18 are still prohibited from working in occupations declared hazardous under FLSA. However, now the Commissioner of Labor may, after public hearing, declare additional occupations to be prohibited. Youths under 18 may not prepare or serve alcoholic beverages and youths under 16 may not be employed on the premises where such beverages are served. FLSA-covered employers, who have been exempt from all but the certificate provisions, will be subject to the prohibitions on occupations declared detrimental by the Commissioner and to the alcoholic beverage restrictions.

*Worker privacy.* The law restricting the dissemination of information contained in city and county personnel records was amended to, among other things, authorize the release of information concerning specific personnel actions when it is determined in writing that the release is essential to maintaining public confidence in the administration of city or county services.

*Labor relations.* A new law was enacted prohibiting strikes by public employees.

Any State employee may voluntarily authorize, in writing, dues deductions for membership in a State employee's association, provided the association has at least 5,000 members and does not engage in collective bargaining.

### North Dakota

*Wages.* Among other rights, persons with developmental disabilities performing labor of economic benefit for a public or private institution from which they are receiving treatment or other services, are entitled to receive wages commensurate with the value of the work performed and in accordance with applicable Federal and State laws.

Employees may not be discharged because their wages have been garnished for any reason (a prior law provides for protection against discharge as the result of wage assignment for child support payments). Also, wage garnishment for support payments will now be limited to 50 percent of disposable earnings if another spouse or child is being supported or 60 percent if not.

Court-ordered wage assignments and orders to withhold wages for child support payments are now subject to the limitations on withholding set by Federal law.

### Ohio

*Private employment agencies.* Among several changes in the Private Employment Agency Licensing Law, maximum placement fees for jobs paying less than \$13,000 annually are now set by statute. Registration fees were banned, restrictions designed to prevent misleading advertising were tightened, contracts with job applicants must be in writing, and placement fees must be refunded under specified circumstances.

*Other laws.* An employer may not discharge or threaten to discharge any permanent employee who is summoned for jury duty and who gives reasonable advance notice.

As part of a comprehensive surface mining control act, employers are prohibited from retaliating against employees filing a complaint or participating in any proceedings under the law.

### Oklahoma

*Wages.* Among amendments to the prevailing wage law, Federal Davis-Bacon rates will now be used where available, a new procedure was adopted for rate determination in the absence of such rates, a Wage Appeals Board was established,

and fringe benefits were added to the definition of a prevailing hourly rate of wages.

The required posting of a wage payment bond by coal mine employers was repealed.

*Equal employment opportunity.* The Civil Rights Act was amended to add discrimination because of handicap to the list of unfair employment practices. Such discrimination is prohibited unless the action is related to a bona fide occupational qualification. Handicapped person was defined to mean a person who has a physical or mental impairment which substantially limits the person's major life activities, has a record of such an impairment, or is regarded as having the impairment.

*Labor relations.* Principals and assistant principals in school districts with an average daily attendance of 15,000 or more will now constitute a separate entity for purposes of collective bargaining. An average daily attendance of 35,000 was previously required.

*Other laws.* A new law permits municipal employees to participate in political activities during off-duty hours if not in uniform, and if not prohibited from doing so by a Federal statute or municipal charter. Municipal corporations may establish employment requirements prohibiting employees from filing as a candidate for public office while employed by the municipality.

## Oregon

*Wages.* As provided in a prior law, the minimum wage rate was increased from \$2.90 an hour to \$3.10 effective January 1, 1981.

The Wage and Hour Commission may no longer set a subminimum wage rate for persons over 65 years of age. Also, authority to adopt rules prescribing procedures and requirements for issuance of special certificates authorizing employment of student-learners at subminimum wages was transferred from the State Board of Education to the Commissioner of the Bureau of Labor and Industries.

Among other changes in the prevailing wage law, the labor commissioner may now seek an injunction against employers to prevent future failure to pay the prevailing wage or overtime pay. Awarding agencies must notify the labor department of contracts which are subject to the law. And the commissioner may take Federally-determined rates into consideration as part of the rate determination process. Also, once a public works contract is executed, the prevailing wage rate will not be subject to attack in any legal proceeding, and an employer-employee agreement cannot serve as a defense for paying less than the prevailing wage.

*Agriculture.* The labor commissioner or any person may seek an injunction to prevent the use of unlicensed farm labor contractors or to prevent anyone acting as a contractor from violating the law. Up to triple the \$5,000 bond on deposit may now be required of license applicants with previously unsatisfied judgments. Workers must be furnished the names and addresses of owners of operations where they will be employed, and a notice of the existence of any labor dispute at the worksite. In addition, with each wage payment, they must receive a statement of hours worked and rate of pay, or, if on piece rate, rate of pay and pieces done.

*Child labor.* Nightwork restrictions were removed for children under age 16 employed under a special permit issued by the Wage and Hour Commission. Formerly, the permit prohibited

work before 7 a.m. and after 10 p.m. (children without special permits may not be employed before 7 a.m. or after 6 p.m.).

A civil penalty of up to \$1,000 may be imposed for each violation of the child labor law by employers who are not subject to FLSA. The penalties are payable to the labor commissioner, to be used for reimbursement of enforcement costs.

*Equal employment opportunity.* The maximum age for protection from age discrimination was increased from 65 to 70, and an amendment prohibits employment agencies from discriminating on any covered basis in classification or referral for employment except in the case of a bona fide occupational requirement.

The Vocational Rehabilitation Division or the Commission for the Blind may refer severely handicapped persons as applicants for vacancies in the State service. Such persons must be interviewed provided they meet the standards necessary to qualify for the position. The Personnel Division is to maintain a record of all handicapped individuals hired, and the Vocational Rehabilitation Division is to submit an annual statistical report on the employment progress of severely handicapped persons, along with recommendations for legislative action.

All State boards, commissions, and advisory bodies are to implement the State's policy of being a leader in affirmative action in making appointments. State agencies must submit their affirmative action objectives and performance to both the governor and legislature for review. They must also rate the effectiveness of managers in achieving affirmative action objectives.

*Worker privacy.* The Department of State Police may now make criminal offender information available to employers for employment purposes, provided the employer has first advised the employee or prospective employee that such information might be sought.

The law prohibiting employers from requiring a lie detector test as a condition of employment was expanded to include a breathalyzer test to detect the presence of alcohol. However, employers may require administration of such a test by a third party if there are reasonable grounds to believe the individual is under the influence of alcohol.

*Occupational safety and health.* The Director of the Workers' Compensation Department may require any public or private sector employer of 10 or more employees to establish and administer a safety committee if the employer has a rate of lost workday cases greater than that consistent with reasonable workplace health and safety for employees of that particular occupational classification.

The Workers' Compensation Department may not issue or enforce any occupational safety and health rules or standards with respect to farms on which temporary labor camps are not maintained and on which no more than 10 workers are employed, except that inspections and enforcement proceedings may be conducted in response to complaints relating to an accident, or relating to the issuance of a citation.

All amusement rides must be inspected annually by the Department of Commerce or a certified amusement ride inspector.

New procedures and requirements were enacted governing the transportation of hazardous materials within the State. A permit must be obtained to transport any material. Provision was made for requirements for notification, record keeping, reporting, packaging, and emergency response, and a civil pen-

alty may be assessed by the circuit court upon complaint of any person injured by a violation of the law.

*Private employment agencies.* Agencies no longer must enter into written contracts with job applicants and prepare written job referrals for placements in which the employer pays the fee. The exemption from the law from employer-paid fee agencies now applies if no referrals are made to positions paying less than \$50,000 per year instead of \$30,000 as before.

*Other laws.* Employers are prohibited from discharging, demoting, suspending, or otherwise retaliating against an employee who has in good faith reported possible violations of the laws regulating health care and residential facilities.

Employers may not restrict access by authorized persons, including government officials, to any employer-provided employee housing, but may adopt reasonable rules concerning use and occupancy, including hours of access. Retaliation is prohibited against employees who report violations or confer with or invite to residential areas any authorized or otherwise invited person.

### **Pennsylvania**

*Wages.* By previous enactment, the minimum wage was increased from \$3.10 an hour to \$3.35 effective January 1, 1981.

### **Rhode Island**

*Wages.* As provided for in a prior law, the minimum wage rate was increased from \$2.90 an hour to \$3.10 effective July 1, 1981 with a future increase to \$3.35 scheduled for July 1, 1982.

State overtime pay requirements no longer apply to motor carrier employees whose maximum hours of work are regulated under the Federal Motor Carriers Act.

Guaranteed daily pay was reduced from 4 hours to 3 for employees who report for duty with the employer's permission but who are not furnished work of that duration.

Violators of the prevailing wage law will not be allowed to bid on or be awarded any public works contract for a period of 18 months.

The wages of State and local government employees are now subject to garnishment. Retirement benefits and contributions will be exempt.

*Hours.* The law governing required meal periods was extended to men in addition to women and children as before.

*Equal employment opportunity.* Back pay, in cases where unlawful employment practices are found, was defined to include the economic value of all benefits and wage increases an employee would have been entitled to had an unfair employment practice not been committed.

Discrimination in employment will now be prohibited based on mental impairment as well as physical handicap. The definition of handicap was amended to refer to physical or mental impairment which substantially limits major life activities.

*Labor relations.* The law giving certified public school teachers the right to organize and bargain collectively was amended to specifically include certified support personnel whose positions require a professional certificate issued by the State Department of Education. Supervisors above the rank of assistant principal are excluded from coverage.

*Other laws.* A number of State agencies scheduled to be abolished between June 30, 1981 and June 30, 1985, under

prior sunset legislation, were continued, including the Labor Relations Board, the Governors Committee on Employment of the Handicapped, the Apprenticeship Council, and the Commission for Human Rights.

### **South Carolina**

*Labor relations.* Amendments to the public-sector law, relating to permissible payroll deductions for contributions to eligible charitable organizations and credit unions, were made specifically inapplicable to deductions for labor organizations.

*Private employment agencies.* Licensing and enforcement under the employment agency law were removed from the Department of Labor, and administrative authority to issue rules and regulations, conduct investigations and hearings, suspend and revoke licenses, and levy fines, was deleted. Licenses will now be issued by the Secretary of State, and enforcement is by court action.

### **South Dakota**

*Wages.* Parents may be directed to pay a specific portion of wages indirectly, from the parent's employer to the entitled child, in child support cases.

*Private employment agencies.* The law providing for the licensing and regulation of private employment agencies was repealed.

*Employment and training.* The Department of Social Services was directed to develop a workfare program to provide useful public service work for unemployed individuals who receive public assistance. Refusal to participate can result in the termination of aid.

### **Tennessee**

*Wages.* Courts may require an assignment of wages as part of an order to enforce child support, and employers may not discharge or discipline an employee on the basis of the wage assignment.

*Equal employment opportunity.* Handicapped applicants for State employment who are certified as unable to take a written examination, may instead be given a work-test period during their normal probation time.

*Labor relations.* The law governing payroll deductions for employee association dues for State employees was amended. Among other things, it now provides that a State employee who participates in, authorizes, or encourages a work stoppage will be guilty of gross misconduct, and will permanently forfeit the automatic deduction of membership dues previously authorized.

*Other laws.* The prohibition against Sunday employment was repealed.

### **Texas**

*Agriculture.* Licensing requirements for labor agents were amended to exclude farm labor contractors registered under the Federal Farm Labor Contractor Registration Act.

The use of short handled hoes in performing agricultural labor in commercial farming operations was prohibited, with the exception of work in greenhouses or nurseries.

*Child labor.* Effective January 1, 1982, the existing child labor law will be replaced by a modernized law with several new

features. Fourteen will be the basic minimum age for employment, with certain exceptions. Exempt employment includes newspaper delivery, agricultural employment when school attendance is not required, casual employment with parental consent, parent-supervised work in a family business, and work study participation. The labor commissioner will be required to declare occupations hazardous for minors under 18. Other new provisions relate to hours of work restrictions, age certificates, and granting the labor commissioner authority for rulemaking, inspections, and the issuance of variances in hardship cases.

*Equal employment opportunity.* Examiners in the public or private sector who are testing handicapped adult job applicants may use alternate forms of testing, including any procedure or adaptation to help ensure the applicant's best performance possible, including oral or visual testing, use of readers or tape recorders, removal of time limits, and use of multiple testing sessions.

A Committee on Purchases of Products and Services of Blind and Severely Disabled Persons was established, to facilitate the purchase by State agencies and political subdivisions of goods and services produced by handicapped individuals. The committee is authorized to adopt procedures, practices, and standards used for similar Federal programs.

*Worker privacy.* Limitations were placed on the disclosure of information obtained from a polygraph examination, and new penalties were enacted in the event of violation.

A school district may obtain the criminal history record of any applicant for employment from any law enforcement agency, provided it has written authorization from the applicant.

*Occupational safety and health.* Effective January 1, 1983, all State, county, and municipal full-time paid firefighters must be provided with protective clothing meeting minimum standards, and as of January 1, 1982, all self-contained breathing apparatus must be approved and certified, and tested at least every 30 days.

*Other laws.* The right of employees to attend a precinct convention of a political party without penalty was extended to include any county, district, or State convention to which the employee is a delegate. Employees need not be paid for any such time lost.

## Utah

*Wages.* An increase in the minimum wage to \$2.75 an hour, authorized by a 1978 administrative action, took effect on January 1, 1981, for the retail trade, public housekeeping, restaurant, laundry, cleaning, dyeing, and pressing industries in Salt Lake, Weber, Utah, and Davis counties, and in all cities with populations of 5,000 or more. The minimum wage for other areas was raised to \$2.50 an hour.

The prevailing wage law was repealed, over the governor's veto. A similar measure in 1979 was defeated when the governor's veto was sustained.

The \$400 limitation on wage claims considered preferred debts of a business in receivership was raised to \$1,000, and the Industrial Commission may now award reasonable attorney's fees in addition to amounts due for wages.

*Equal employment opportunity.* Authority was given the Director of the Department of Finance to contract with various veteran's organizations to provide assistance to veterans, and

their widows and children, especially those in the outlying areas of the State, by disseminating information on veteran's rights and benefits under State or Federal laws, on employment or reemployment of veterans, on preference for employment, and on emergency relief.

*Worker privacy.* The polygraph regulatory law governing use of equipment, and licensing of examiners was expanded to apply to all deception detection instruments, including voice stress devices. All instruments must have prior approval of the Department of Public Safety, and additional safeguards were prescribed to protect the subject. Denial or termination of employment may not be based on refusal to submit to any such examination.

*Employment and training.* The State Apprenticeship Council will permit apprentices to substitute prior educational experience in a trade for supplemental instruction if the apprentice passes an equivalency test administered by an accredited school.

## Vermont

*Wages.* By prior law, the minimum wage rate was raised to \$3.35 an hour effective January 1, 1981.

*Equal employment opportunity.* The anti-discrimination law was amended to prohibit discrimination in employment based on age (18 or older), or for physical or mental condition. A separate provision which had provided some limited protection for physically handicapped persons was repealed. Mandatory retirement because of age is prohibited, except under a police or firefighter retirement system, and except that institutions of higher learning may retire a tenured employee at age 65 (70 after July 1, 1982).

*Employment and training.* The name of the Department of Employment Security was changed to the Department of Employment and Training, and a new Comprehensive Employment and Training Office was created within it. The new office will provide job training and employment opportunities for economically disadvantaged, unemployed, or underemployed persons through a system of Federal and State programs, serving as a prime sponsor in accordance with the Comprehensive Employment and Training Act, so long as Federal funding continues.

## Virginia

*Child labor.* Minors participating in the activities of a volunteer rescue squad were exempted from the child labor law.

*Labor relations.* Collective bargaining contracts entered into by the Washington Metropolitan Area Transit Authority must hereafter prohibit strikes or lockouts. Binding arbitration to settle a bargaining impasse was replaced with procedures for mediation, and if mediation is unsuccessful, for advisory fact finding.

*Occupational Safety and Health.* The owner or operator of a company constructing a shaft or slope coal mine is now required to provide classroom and on-the-job training for workers hired on or after July 1, 1981, who have not had previous training or comparable experience in similar mine construction work.

Internal combustion engines will no longer be permitted underground in any coal mine. They were previously allowed with the written approval of the Chief of the Division of Mines.

*Employment and training.* The Apprenticeship Council was transferred to the Department of Labor and Industry.

*Other laws.* An employer may not discharge a person summoned to serve on jury duty, nor require the employee to use sick leave or vacation time, provided the employer was given reasonable notice of the summons.

### Virgin Islands

*Wages.* As the result of a wage order, effective in 1979, the minimum wage rate was automatically increased from \$3.10 an hour to \$3.35 on January 1, 1981 for non-tipped employees. A few individual occupational rates, established under earlier wage orders, which are higher than the \$3.35 rate remain in effect. The minimum rate for most agricultural employees rose from \$2.87 to \$3.17.

### Washington

*Wages.* For public works contracts over \$10,000, contractors must now post at the job site a copy of a statement of intent to pay prevailing wages, a copy of the rates determined for each classification of workers, and the address and telephone number of the Industrial Statistician of the Department of Labor and Industries where complaints or inquiries may be filed.

The exemption from wage garnishment was amended to now include any amount that is exempt under Federal law in addition to the prior exemption prescribed by State law, whichever is greater.

*Equal employment opportunity.* The Department of Employment Security is to conduct employer awareness seminars to ensure private-sector employer knowledge and support for veterans' employment programs. At least one seminar is to have direct impact upon incarcerated veterans.

### West Virginia

*Wages.* The minimum wage rate was increased from \$2.75 an hour to \$3.05 effective January 1, 1982, and certain employees of the legislature were exempted from coverage of the law.

The wage payment and collection law was extended to include fringe benefits in the same manner as wages. Employers are to pay wages and fringes within 5 days after they are due instead of 20 days before. Also, wage payment bonds will be required of all employers engaged in construction work or mining except for those who have been doing business in the State for at least 5 consecutive years. The Commissioner of Labor may waive or terminate the bond requirement upon determining that an employer is of sufficient financial responsibility to pay wages and fringe benefits.

*Child labor.* Children age 16 to 18 may work for volunteer fire departments if they have the proper training and written parental consent. They are not to operate fire-fighting vehicles, enter a burning building, or engage in other dangerous activities unless under the immediate supervision of a fire line officer.

*Equal employment opportunity.* The Human Rights Act was amended to prohibit discrimination in employment, public accommodations, and housing on the basis of handicap, in addition to blindness, the only previous prohibition.

A new law prohibits forced retirement prior to age 70 of college or university professors with unlimited tenure.

*Occupational safety and health.* The Commissioner of Labor is to establish and maintain a list of up to 600 chemical substances and materials which have been determined or are suspected to be hazardous or toxic to the health of employees. Employers of ten or more are to post a warning notice in the work area where any such substance or material is used, and all employers are to report incidents of over-exposure by employees within 10 days. The law does not apply to coal mining or processing or any agricultural or horticultural activity.

A Hazardous Waste Management Act was passed to provide for regulation of the storage, transportation, treatment, and disposal of hazardous waste by the Department of Natural Resources.

Coal mine operators must develop and submit for approval of the Director of the Department of Mines, under regulations to be established, a comprehensive safety program for each mine. Employees of each mine must be given a chance to review the plan and submit comments to the Director before its submission.

All surface mine employees must now wear approved safety helmets when working in areas of possible danger of head injury, unless operating machinery with adequate cab protection.

*Other laws.* The Department of Labor, scheduled to terminate on July 1, 1981 under sunset legislation, was continued until July 1, 1987.

### Wisconsin

*Wages.* By prior administrative action, the nonfarm minimum hourly wage rate was increased from \$3 to \$3.25 effective January 1, 1981. The farm rate was increased from \$2.80 an hour to \$3.05.

### Wyoming

*Wages.* Employees whose payroll records are maintained outside the State and who quit or are discharged must now be paid within 72 hours of termination instead of 48 hours as before.

Assignment of up to 25 percent of a parent's earnings is permitted in cases where support payments are more than 60 days overdue. The employer may deduct an additional \$2 for each payment made for costs incurred in administering the assignment. An employee may not be discharged because of the assignment.

*Private employment agencies.* Placement services of the University of Wyoming were specifically exempted from the private employment agency regulatory law.

*Occupational safety and health.* Controlled substances and persons under their influence are now banned in or around mines, aside from the previous ban on liquor.

The Department of Fire Prevention and Electrical Safety, scheduled to be abolished on July 1, 1981, under sunset legislation, was continued for 6 years. □

### FOOTNOTES

<sup>1</sup> Unemployment insurance and worker compensation are not within the scope of this article. Separate articles will appear on each of these subjects in forthcoming issues of the *Monthly Labor Review*.

<sup>2</sup> Kentucky was the only State where the legislature did not meet in

1981. Sessions were held in Idaho, Kansas, Nebraska, and Puerto Rico, but no significant labor legislation was enacted in the concerns covered by this article.