

# State labor legislation enacted in 1983

*In addition to traditional employment standards fields, many of the major pieces of legislation addressed newer issues such as comparable worth, plant closings, and the rights of employees to receive information on toxic substances*

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State labor legislation enacted in 1983 covered a wide variety of subjects and included several significant new laws.<sup>1</sup> A growing interest was evident in newer areas of concern such as equal pay for jobs of comparable worth, the impact on employees of plant closings or relocations, and requirements that employees be informed of and given training on toxic substances found in the workplace. Major laws were also passed in some of the more traditional labor standards fields, including minimum wage, employment discrimination, public employee collective bargaining, job training, and restrictions on the use of polygraph examinations.

Eight States enacted legislation this year providing for minimum wage-rate increases effective in 1983 or 1984, and in addition, rates were raised in two States as the result of automatic increases provided for by previous enactments. Across-the-board increases were adopted in Arkansas, Colorado, Delaware, Illinois, and Oklahoma. Rates were increased in New York for farmworkers, eliminating the previous wage differential for this group, in New Mexico for tipped employees, and in the District of Columbia for employees covered by wage orders for clerical and semi-technical and for laundry and drycleaning occupations. Twenty-two jurisdictions now have a minimum rate for some

or all occupations equal to or exceeding the \$3.35 per hour Federal standard, and Illinois will reach \$3.35 in July 1985.

The extent to which employers may offset employees' tips against the minimum wage was reduced in Delaware and Illinois.

Among other minimum wage and overtime changes, persons age 65 and older will no longer be exempt from minimum-wage payment requirements in Oklahoma; a subminimum wage rate will be permitted for participants in resident drug-abuse and alcohol treatment programs in Alaska; Colorado expanded coverage under a revised wage order to include the food and beverage, janitorial, and medical profession industries; and Michigan issued new wage-deviation rules for handicapped workers to ensure payment at a minimum rate commensurate with productive capacity.

Minnesota made requirements for the prompt payment of wages when an employee is discharged, quits, or resigns applicable to farmworkers, and New Hampshire added to the kinds of payments to be considered as wages under its wage-payment law. Employers in Illinois will now be liable for punitive damages in civil actions to recover underpayments under the minimum wage law, and California employers who pay less than the required minimum wage will now be subject to a civil penalty in addition to any criminal penalties. The Commissioner of Labor in New Hampshire was authorized to impose a civil penalty for any labor law violation.

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State prevailing wage laws, which specify that wage rates paid on publicly funded construction contracts be not less than those prevailing in the locality, continued to be of interest, with measures introduced in a number of States. A bill to repeal the Idaho law passed the legislature but was vetoed by the Governor. Maryland extended coverage of its law to local and school construction contracts receiving less than the total State funding previously required, and amended the rate-determination procedures. The New York law was amended to require use of the collectively bargained rate as the prevailing rate when at least 30 percent of the workers in a locality receive such a rate. Among several changes in the Illinois law, coverage was extended to the performance of maintenance work, the labor department was given a greater role in the rate-determination process, and debarment of contractors for violation of the law was authorized. The minimum project dollar amount was increased for coverage under prevailing wage laws in Nevada and Oregon.

A constitutional amendment permitting garnishment of wages for the enforcement of court-ordered child support payments was passed by Texas voters in the November general election; in a separate measure, employees were authorized to make voluntary wage assignments and the court to order involuntary assignments, to satisfy required child-support payments. Nine other States enacted laws pertaining to wage garnishment or assignment. Most of these laws dealt with support payments and set limits on the amount of earnings subject to these actions. Employees in North Dakota and Texas were protected from disciplinary action imposed as the result of any garnishment or assignment, while the Louisiana law was amended to permit discharge of persons whose wages have been subjected to three garnishments or more for unrelated debts in a 2-year period.

There was little activity this year related to child labor law or regulations. Alaska and Minnesota made changes in restrictions on work in places where liquor is sold; New York reduced the minimum age for newspaper deliveries from 12 to 11; and South Carolina prohibited work for those under age 18 in occupations involving power-driven bakery machines and in connection with mining other than coal. In late 1982, Mississippi enacted a new Compulsory School Attendance Law as part of a comprehensive Education Reform Act with implementation scheduled on a staggered basis, with 1 year added to the compulsory age bracket each year until the 1989-90 school year, when attendance will be required of children ages 6 to 14.

Employment discrimination received considerable attention in 1983, with 29 jurisdictions enacting laws addressing at least one of its various forms. Among the significant actions, new laws covering many forms of employment discrimination and applicable to both the public and private sector were enacted in Louisiana and North Dakota, and a similar measure applicable to the private sector was passed in Texas. In addition, Kansas adopted an age discrimination in employment act applicable to both the public and private

sector, and California abolished mandatory retirement ages for most State and local public employees. Rhode Island and South Carolina enacted new protections for handicapped workers, and Minnesota and New Mexico passed laws requiring employers to make reasonable accommodations for the handicapped. Delaware prohibited sex-based pay differentials for equal work under a new equal pay law.

Major amendments to existing law raised the upper age limit in the ban on age discrimination in employment from 62 to 70 in Pennsylvania, made the Nebraska equal pay and age discrimination in employment laws specifically applicable to the State and its political subdivisions, and in Illinois added agricultural labor to employment covered under the Human Rights Act and made sexual harassment in employment a civil rights violation.

The concept of "comparable worth" in setting salaries in State government in male- or female-dominated occupations on the basis of the value of the work performed attracted increased attention. A new law in Washington requires that comparable worth for the jobs of State employees be achieved by June 30, 1993. The Montana Department of Administration is to work toward the goal of equal pay for jobs of comparable worth in the State service, and Iowa established a policy to begin in 1984 of payment to State employees based on comparable worth.

Maine passed a law providing for consideration, at the November 1984 election, of a proposed Equal Rights Amendment to the State Constitution, and nine States adopted resolutions urging the Congress to approve an Equal Rights Amendment to the U.S. Constitution.

Thirteen States enacted legislation affecting the regulation of private employment agencies. Among these were laws in Iowa where employers may not require job applicants to pay a fee as a condition of application or hire, including reimbursement for fees paid to employment agencies, and in California which required licensing of job listing services. In Tennessee, administration of the regulatory law was transferred from the labor department to the Department of Insurance, and in Colorado the employment agency law was repealed and agency fee restrictions added to the criminal code.

In an area of increasing concern, laws requiring employees to be informed of and given training on toxic substances found in the workplace were adopted in seven States (Alaska, Illinois, Maine, Minnesota, New Hampshire, New Jersey, and Rhode Island) and a commission was established in Maryland to study the issue and develop proposed legislation. A West Virginia law enacted in 1981 survived a constitutional challenge this year when a Federal appellate court held among other points that the State law was not preempted by the Federal Occupational Safety and Health Act.

Aid to workers and communities facing mass layoffs or plant closings, an area that has received a growing amount of legislative attention in the last few years, continued as an issue in 1983 with five States taking action. California

and New York initiated programs to assist employees of plants that are about to be closed or relocated, to acquire such plants and operate them as employee-owned corporations. The Alabama Commissioner of Labor is to assist cooperative employee efforts to minimize the impact of a closing and is to provide services such as educational seminars and meetings with affected individuals and organizations. Connecticut employers of 100 persons or more who close or move their businesses must continue group health insurance for affected employees for up to 90 days. Rhode Island extended the life of a legislative study commission.

Legislation was enacted in several States to implement participation under the Federal Job Training Partnership Act. This law, designed to provide job training and related assistance to economically disadvantaged individuals, dislocated workers, and others with significant employment barriers, was signed in 1982 and became effective on October 1, 1983. Under the Act, many responsibilities previously performed by the Federal Government are transferred to State and local governments. Also in this area, following the trend of the past few years, five additional States (Arkansas, Indiana, Minnesota, Mississippi, and Nevada) passed laws designed to create new jobs in economically depressed areas, designated as enterprise zones, within which em-

ployers will be encouraged to locate or expand through use of tax credits and other financial incentives.

Comprehensive new laws grant collective bargaining rights to State and local public sector employees in Ohio, and in Illinois to teachers and most other public employees with the exception of police and firefighters. Strikes are prohibited in Ohio, but a limited right to strike is permitted in the Illinois laws. Other enactment of interest this year include laws in Iowa and West Virginia prohibiting employers from requiring employees or applicants to take a polygraph examination as a condition of employment, measures in Arkansas, Delaware, and Wyoming protecting workers from discharge or other retaliation because of required jury service, and laws in eight States giving preference to State contractors or residents on public works projects. North Carolina made it a felony offense to hold a person against his or her will by coercion or intimidation for the performance of labor. Maine enacted a Whistleblowers' Protection Act prohibiting reprisal against any employee who reports a violation of law, who refuses to take part in an illegal activity, or who participates in an enforcement proceeding.

The following is a summary, by jurisdiction, of labor legislation during 1983.

### **Alabama**

*Plant closings.* The Commissioner of Labor is to aid workers affected by mass layoffs or plant closings by such means as educational seminars on financial counseling, providing written materials, and meeting with employees or employers or their organizations. The Commissioner may also assist cooperative employee efforts and take other measures to minimize the impact of the closing.

*Employment and training.* The State Manpower Planning Council (CETA) was renamed the Office of Employment and Training, and was merged along with several other agencies into a new Department of Economic and Community Affairs within the office of the Governor.

*Other laws.* State employees were given the specific right to participate in State political activities on their own time, but were barred from using State funds or property for political activities and from soliciting political contributions from subordinate employees or attempting to coerce them to work in a political cause.

### **Alaska**

*Wages.* Participants in residential drug-abuse and alcoholism treatment programs may be paid less than the State minimum wage for work therapy employment if the

rate has been approved by the labor commissioner.

*Child labor.* It was specified that the newly enacted restrictions on the presence of 19- and 20-year-olds in hotels and restaurants with liquor licenses does not prevent the employment of this age group if they do not sell, serve, deliver, or dispense alcoholic beverages.

*Equal employment opportunity.* The Commission on the Status of Women, scheduled to terminate on June 30, 1983, was renamed the Women's Commission and continued through June 30, 1987. In addition to its prior duties, the Commission is now to encourage the development of regional and municipal women's councils or commissions.

A joint resolution requests that the U.S. Congress again propose an amendment to the Constitution guaranteeing equal rights to women.

*Occupational safety and health.* Employers must conduct safety education programs for employees before they perform work that may result in being exposed to a toxic or hazardous substance. Information on such substances must also be posted and provided to the employees on request.

*Other laws.* Employers may request records of all convictions involving contrib-

uting to the delinquency of a minor and any sex crimes of a person holding or applying for a job involving supervisory or disciplinary power over a minor.

### **Arkansas**

*Wages.* The minimum wage rate rose from \$2.80 an hour to \$2.95 on January 1, 1983, and will rise to \$3.05 on January 1, 1984, with a further increase to \$3.15 scheduled for January 1, 1985. Also, tourist attractions having an annual sales volume of less than \$362,500 were added to the list of establishments that must pay overtime after 48 hours in a workweek, as required for hotels, motels, and restaurants, rather than after 40 hours as is otherwise required.

The exemption from the minimum wage law for employees of an employer not using more than 500 "man-days" of agricultural labor in any calendar quarter of the preceding year, was clarified to specify that the employer be an agricultural employer.

A resolution was adopted requesting an interim legislative committee to study the economic impact of the State prevailing wage law on publicly funded construction contracts.

*Equal employment opportunity.* The Commission on Human Resources was given authority to adopt rules and regulations, and is now to encourage the employment of qualified people without regard to handicap

in addition to race, sex, religion, age, or national origin as before.

The House Committee on Aging and Legislative Affairs was directed to conduct a study of the Older Workers Service Program and of the current method of administering the program.

*Occupational safety and health.* Among amendments to the State Radiation Control Act, the requirement to maintain individual radiation exposure records and make them available to employees will now apply to those who manufacture, distribute, sell, install, or repair a source of ionizing radiation, as well as those who possess or use these materials as was previously required.

*Economic development.* An Enterprise Zone Act was enacted to stimulate business and industrial growth in economically depressed areas of the State by providing assistance to businesses and industries, including providing a variety of tax incentives. Enterprise zones will be identified based on such factors as rate of overall and youth unemployment, and the number of residents receiving public assistance.

*Other laws.* Employers are prohibited from taking any retaliatory actions, including discharge or loss of sick leave and vacation time against employees because of jury service.

Procedures for the examination and licensing of electrical contractors and electricians, administered and enforced by the Department of Labor, were amended to authorize a new classification of electrician's license for industrial maintenance electricians.

## California

*Wages.* An employer who pays less than the required minimum wage, except for household occupations, will now be subject to a civil penalty in addition to any criminal penalty arising from the violation. The Labor Commissioner was authorized to bring court action to recover any civil penalties due.

*Hours.* The authority of the Chief of Labor Standards Enforcement to exempt, for reasons of hardship, an employer or employees from a mandatory days off requirement contained in an Industrial Welfare Order was extended from January 1, 1984, to January 1, 1986.

Workers in underground mines, smelters, and plants reducing or refining ores or metals may now work up to 12 hours in a 24-hour period, instead of 8, when the employer and the employee's union have a

collective bargaining agreement providing for wages, hours, and working conditions.

*Agriculture.* The subject of safe use of pesticides must appear on the licensing examination for farm labor contractors. Their annual licensing fee is increased from \$100 to \$250, and each may renew the license without reexamination if, among other conditions, no violation of any pesticide worker safety requirement is found against the contractor.

*Equal employment opportunity.* Mandatory retirement ages for State and local public employees, except those in public safety, have been abolished. Able employees may continue to work past their anticipated retirement dates upon written request and approval, as previously applicable to private sector employees. Mandatory retirement is still permitted for tenured higher education faculty members, and certain executives and physicians.

By resolution, the Commission on the Status of Women is to undertake several activities pertaining to the issue of comparable worth, such as reporting annually to the legislature on pay inequity for women; preparing comments on the Department of Personnel Administration's findings with respect to pay inequities in State government; and establishing a representative task force to propose solutions to pay problems for work of equal value in the public and private sectors, with recommendations for legislative change.

A resolution urged the State Personnel Board to develop proposals for new employment testing procedures for the disabled in order to increase their job opportunities in State government.

Another resolution requested the President and the Congress to propose to the States the adoption of a constitutional amendment prohibiting denial of rights on the basis of sex.

*Worker privacy.* The law guaranteeing employees the right to inspect their personnel files was amended to extend coverage to employees of local public agencies. Inspection is to be at the location where the files are stored and at no loss of pay.

*Private employment agencies.* The employment agency law was amended to require licensing of job listing services. These services and prepaid computer employment agencies must furnish a \$10,000 surety bond instead of \$3,000 as required of other agencies, are subject to specific refund procedures and requirements, and must use contract language giving specific job and fee information.

The Bureau of Employment Agencies is now specifically required to hold public hearings before making changes in licensing and other fees for private employment agencies. In addition, under the regulatory law for talent agencies, which is administered by the Labor Commissioner, the annual license fee was raised from \$150 to \$225.

*Plant closings.* Through enactment of the Employee Ownership Act of 1983, the Department of Economic and Business Development is to assist employees, upon request, in the formation of employee-owned corporations, to assume ownership of businesses or places of work that are closing or in danger of closing, by providing technical assistance, information, or access to sources of financing.

*Employment and training.* Various changes were made in the job preparation, training and placement services program to assist economically disadvantaged persons in order to conform to the requirements of the Federal Job Training Partnership Act.

The State Economic Adjustment Team, which was previously created to alleviate adverse conditions that might cause plant closures and assist local efforts to secure alternative employment and retraining opportunities for displaced workers, is to establish a one-stop Displaced Worker Assistance Center, when funding has been allocated from the Federal Job Training Partnership Act, to assist local entities in obtaining access to Federal and State programs.

Another measure to use Federal Job Training Partnership Act funds was passed to provide a variety of training and employment programs for economically disadvantaged older workers. The programs are to be developed through the State Job Training Coordinating Council in conjunction with private industry councils.

The Governor was requested to direct the Job Training Coordinating Council to develop a program enabling Vietnam era, disabled, and recently separated veterans to be assisted under the Federal Job Training Partnership Act in proportion to their needs and representation in the State work force, and to direct the State agency assigned to administer the Act to assist community-based veterans organizations in maximizing their participation under the program.

A Community Services Block Grant Program was established to administer Federal block grants for various programs including those designed to assist low-income participants to secure and retain meaningful employment.

*Other laws.* The labor department was required to establish and maintain a distinct field enforcement unit. This unit, known as the Bureau of Field Enforcement, was created by reorganization within the Division of Labor Standards Enforcement.

A referendum measure was passed by San Francisco voters in November, approving a smoking pollution control ordinance requiring employers to make accommodations for the preferences of both nonsmoking and smoking employees. If a satisfactory accommodation to all affected nonsmoking employees cannot be reached, the employer is to prohibit smoking in the office workplace.

## Colorado

*Wages.* Under a revised minimum wage order with coverage expanded to include the food and beverage, janitorial, and medical profession industries, the minimum wage rate was increased from \$1.90 to \$2.50 an hour on July 1, 1983, with an additional increase to \$3.00 scheduled for July 1, 1984. For unemancipated minors under 18, the new rate is \$2.15 now and \$2.55 in 1984. Premium overtime pay is now required after 12 hours a day, aside from after 40 hours a week. Federally certificated handicapped workers were exempted from the State law, but other handicapped workers must be paid at least the same as the youth rate.

Employee-authorized wage deductions, by revocable wage assignment, may be authorized by employees for rent, board, and subsistence in connection with employment, but the employer may not make such deductions a condition of employment. Such wage assignments are not subject to otherwise applicable procedural requirements.

*Private employment agencies.* The law regulating the activities of private employment agencies, including the licensing of agencies, was repealed. However, by addition to the criminal code, it was made a misdemeanor for an employment agency to charge a job applicant a fee until placed in employment, and in cases of employment terminating for any reason within 100 days, agencies are prohibited from charging more than 1 percent of the total fee for each day employed.

*Employment and training.* The apprenticeship council is to establish a level of training ratio as part of its policies and procedures permitting an employer to hire an apprentice for each master or journeyman employee.

*Other laws.* The executive director of the Department of Labor and Employment now has specific directorate and supervisory au-

thority over the administration of the component Division of Labor, and Division of Employment and Training, including rule making; regulation; licensing; promulgation of rules, rates, regulations, and standards; and the rendering of findings, orders, and adjudications.

## Connecticut

*Wages.* Individuals employed as head residents or resident assistants by a college or university were excluded from coverage of the minimum wage law.

A change was made in the prevailing wage law to specify that agents empowered to award public works construction contracts are to contact the labor commissioner, at least 10 but not more than 20 days before such contracts are advertised for bid, to ascertain the prevailing rate of wages and welfare fund payments, as determined by the labor commissioner.

*Labor relations.* The exemption from the municipal employee collective bargaining law for part-time employees working less than 20 hours a week was limited to those part-timers who work on a seasonal basis, defined as working not more than 65 working days in a calendar year.

Private and public sector employers may not discipline or discharge employees because they exercise their first amendment rights, provided such activity does not interfere with the employees job performance or the working relationship between the employee and the employer.

*Private employment agencies.* Employment agencies must now identify themselves as such in all advertisements.

*Plant closings.* Employers of 100 or more who close or relocate their establishments must pay for the continuation of existing group health insurance for each affected employee and dependents for up to 90 days.

*Employment and training.* The Commissioner of Human Resources is to establish a program of grants for comprehensive job training and related services or job opportunities programs for economically disadvantaged, unemployed, and underemployed persons, through opportunities industrialization centers and other community-based organizations.

Employers who operate or create programs for the employment and training of unemployed workers 50 years of age or older were made eligible for State tax credits.

The labor commissioner is to provide assistance in the form of job training and other

employment services for homemakers displaced because of dissolution of marriage or other loss of family income, and whose opportunity for finding work is diminished by age and lack of recent paid job experience. The commissioner is to appoint an advisory council to develop criteria for identifying displaced homemakers and determining appropriate programs and services.

The labor commissioner is also to establish a pilot training program to prepare economically disadvantaged women for entrance into apprenticeship programs in emerging occupational areas and in occupations with a shortage of skilled workers. Priority is to be given to women receiving public assistance and to displaced homemakers.

## Delaware

*Wages.* The minimum wage rate was increased to \$3.00 an hour effective June 29, 1983. Formerly, the rate was \$2.00 for non-tipped employees and \$1.60 for those receiving tips. Also, the tip credit allowance was reduced from 50 percent of the required minimum wage to 33-1/3 percent, and employers were prohibited from taking or retaining any part of an employee's tips.

*Equal employment opportunity.* Sex-based discrimination in rate of pay in the same establishment for equal work is now prohibited under a new equal pay law. A separate measure prohibits State agencies from making purchases or requisitions from persons or firms that discriminate on the basis of sex.

Public servants who knowingly perform their official functions in a way intended to discriminate on the basis of age or handicapped status, as well as because of race, creed, color, sex, or national origin, as before, are guilty of official misconduct, which is a Class A misdemeanor.

*Other.* Employers may not discharge, threaten to discharge, intimidate, or coerce any employee because of his or her jury service.

## District of Columbia

*Wages.* Under a revised wage order for clerical and semitechnical occupations, the minimum wage rate was increased from \$2.90 an hour to \$3.90 effective June 4, 1983. The rate for minors under age 18 was raised from \$2.40 to \$3.35 an hour.

Another revised wage order increases the minimum wage rate for laundry, drycleaning, and shoe repair employees from \$3.00 an hour to \$3.70 effective January 7, 1984. The minimum for learners with less than

60 days of experience was set at \$3.50 an hour.

### Florida

*Agriculture.* Powers and duties under the farm labor contractor registration law were transferred from the Farm Labor and Rural Manpower Section of the Bureau of Rural Manpower Service within the Division of Employment Security of the Department of Labor and Employment Security to the Division of Employment Security.

The Department of Labor and Employment Security was authorized to enter into an agreement with the U.S. Department of Labor to administer the Migrant and Seasonal Agricultural Worker Protection Act with the State.

The law regulating migrant labor camps was extended from October 1, 1983, to October 1, 1993. The Department of Health and Rehabilitative Services may enter any premises which it has reason to believe is being established, maintained, or operated as a migrant labor camp without a permit, but permission of the owner is required in the absence of a warrant from the Circuit Court. Camps providing housing for four workers or fewer were exempted from this act.

*Employment and training.* The Division of Labor, Employment and Training was created in the Department of Labor and Employment Security by combining two existing divisions. The new division's responsibilities include operation of the State employment service, administration of the apprenticeship law, licensing of union business agents and registration of labor organizations, enforcement of the child labor law, and implementation of State responsibilities under the Federal Job Training Partnership Act.

### Georgia

*Wages.* A requirement for overtime pay after 40 hours a week for employees of cotton and woolen mills was repealed and replaced with a provision fixing a maximum 10-hour day or, alternatively, a maximum of 60 hours a week. Those employed as engineers, firefighters, guards, mechanics, teamsters, yard employees, clerical workers, or persons needed to clean up and repair machinery were exempted.

*Equal employment opportunity.* Among many changes in the Fair Employment Practices Act which applies to public employment only, the authority of the administrator was expanded. Aside from conciliating complaints as before, the administrator can now make determinations,

require production of documents, issue regulations, and approve or disapprove plans required by the Governor to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age. Also, complainants may now seek court enforcement of a conciliation agreement. A termination date of July 1, 1985, for the act was removed.

### Guam

*Employment and training.* Provision was made for a 1983 Summer Youth Employment Program for registered college and high school students 14 to 23 years of age. Employment of up to 30 hours a week paid at the minimum wage rate in an area meaningful to the student's career development was to be with the government of Guam or private firms complying with all fair labor laws. At least 25 percent of the student employees were to be assigned to a Farm Preparatory Training Program. Participating private employers were to be reimbursed one-half of wages paid under the program.

### Hawaii

*Wages.* Salespersons primarily engaged in selling automobiles or trucks and employed by licensed dealers were exempted from coverage of the wage and hour law, and the exemption for salaried employees was amended to raise the minimum monthly guaranteed compensation requirement from \$700 to \$1,000.

*Private employment agencies.* The employment agency law is now administered by the Director of the Department of Commerce and Consumer Affairs instead of the Director of the Department of Regulatory Agencies. The process for appeals and hearings on license revocation, suspension, or denial was changed.

*Economic development.* In order to create more job opportunities for skilled, technical, and scientific personnel, a high technology development corporation was created to develop industrial parks and assist in the construction of facilities for high technology enterprises. Also, a Pacific International Center for High Technology Research was established to provide support for such enterprises.

*Employment and training.* Executive Director and Program Assistant positions were created to serve as staff to the Job Training Coordinating Council in order to implement the new Federal Job Training Partnership Act.

The Director of the Department of Labor and Industrial Relations is to establish a program to assist dislocated workers, including the long-term unemployed and those terminated as the result of a business closing, to obtain employment through assistance, training, and related employment services.

*Other laws.* In order to address certain problems attributed to unlicensed contractors, such as high unemployment rates in unions within the State, financial losses to the construction industry and the State itself, and failure of out-of-State contractors to pay Hawaii workers' compensation premium rates, all contractors performing construction directly or indirectly for the Federal Government are now subject to the State's contractor licensing requirements.

### Idaho

*Wages.* A bill which would have repealed the prevailing wage law passed the legislature but was vetoed by the Governor.

The legislature voided, by resolution, an administrative rule change by the labor department which would have required contractors subject to the prevailing wage law to submit, on a weekly basis, certified payrolls showing wages and fringe benefits paid to each employee performing work on public buildings or projects.

### Illinois

*Wages.* Minimum wage amendments increase the minimum rate for persons 18 years of age or older from \$2.30 per hour to \$2.65 on January 1, 1984, with further increases to \$3.35 scheduled by July 1, 1985. The rate for minors under 18 will rise from \$1.95 to \$2.25 on January 1, 1984, to \$2.55 on October 1, 1984, and to \$2.85 on July 1, 1985. The tip credit allowance of 50 percent of the minimum wage declines to 45 percent on January 1, 1984, and then to 40 percent on July 1, 1984. Employees of restaurants and motion picture theaters, currently entitled to overtime pay after 46 hours (restaurants) and 45 hours (motion pictures) in a week will be entitled to overtime pay after 43 hours effective January 1, 1984, and after 40 hours effective July 1, 1984.

Camp counselors residing in a seasonal camp of a nonprofit corporation will not be subject to the adult minimum wage if they work 40 or more hours a week and receive a total weekly salary of at least the minimum wage for a 40-hour week. Employers are entitled to an allowance for meals and lodging up to 25 percent of the minimum wage rate.

In an employee civil action to recover underpayments under the minimum wage law, employers will now also be liable for punitive damages in the amount of the lesser of 2 percent of the underpayment for each month it remains unpaid, or an amount equal to the underpayment. The Director of the Department of Labor was authorized to supervise the payment of any unpaid minimum wage or overtime compensation owing and to bring any legal action necessary to recover these wages and an equal amount as punitive damages.

Among changes in the wage payment and collection law, the definition of wages now includes any compensation owed an employee pursuant to an employment contract or agreement between the employee and employer. The State's Attorney of any county is specifically authorized to prosecute actions for violations of the act or to enforce the provisions independently and without specific direction of the Department of Labor, and employers are now prohibited from discharging or otherwise discriminating against any employee for filing a complaint, instituting a proceeding, or testifying in an investigation under the act.

Among changes in the prevailing wage law, coverage was extended to the performance of maintenance work, by removal of the former exclusion, and the rate setting procedures were amended. Prior to the amendment, prevailing wage rates were established by the public agency awarding a contract or by the labor department if requested to do so by the public body. Now, the department is required to annually determine rates for each county in the State, and these rates will be used if a public body does not investigate and ascertain the rate as required.

At the request of any laborer, workman, or mechanic who is paid less than the required prevailing wage rate by a public works contractor, the Department of Labor may now take an assignment of the wage claim and bring any legal action necessary to collect the wages due, with the contractor required to pay the collection costs incurred.

The director of the labor department is to publish a list of contractors and subcontractors found to be in violation of the prevailing wage law following receipt of a complaint and a hearing. Public works contracts are not to be awarded to those on the list for 2 years from the date of publication.

*Agriculture.* Among amendments to the Migrant Labor Camp Law, the State's Attorney of a county in which a violation occurs is authorized to bring an action for an injunction to restrain such violations or to enjoin the operation of a migrant labor camp, and the Department of Public Health was

given power to close a camp in emergencies, with suspension or revocation of the license. Migrant workers may bring suit for violation, but may not be evicted, discharged, or otherwise discriminated against for filing a complaint or instituting or testifying in any proceeding under the act.

A new Field Sanitation Act requires every farm operator employing 10 agricultural workers or more for a period of more than 2 hours during any day to comply with specified standards in the provision of readily accessible drinking water and toilet and handwashing facilities. Retaliation against a worker who files a complaint or participates in a proceeding under the act is unlawful.

*Equal employment opportunity.* The State Human Rights Act was amended to now cover agricultural labor, and to make sexual harassment in employment a civil rights violation.

*Labor relations.* A new Labor Relations Act was adopted, granting collective bargaining rights for most public employees except teachers, who are covered under another new law, and police and firefighters. The Act, which is to be administered by a Labor Relations Board, establishes permissible subjects for bargaining, unfair labor practices, and procedures for the resolution of disputes, and permits a limited right to strike. Employees may be required to pay a fee equivalent to their share of the costs of the collective bargaining process, not including political contributions. Those who object on religious grounds may pay an equal amount to a nonreligious charitable organization.

An Educational Labor Relations Act, to be administered by an Educational Labor Relations Board, grants collective bargaining rights to teachers in public schools, colleges, and universities. It is similar to the new Labor Relations Act in that it includes provisions governing the scope of bargaining, impasse resolution, unfair labor practices, and fair share fee, and it permits a limited right to strike.

*Occupational safety and health.* A Toxic Substances Disclosure to Employees Act was adopted to ensure that employees be given information concerning the nature and suspected health hazards of the toxic substances with which they work. The director of the labor department is to establish and periodically update a list of toxic substances. Employers are to obtain safety data sheets for, and to label toxic substances used in the workplace, and provide employees with education and training programs. Employees may refuse to work with substances for which required information

has not been furnished and may not be discharged or otherwise disciplined or discriminated against for such refusal, for exercising any other rights under the act, or for taking part in any proceeding or action related to the act.

*Employment and training.* Under a new Vietnam Veterans Leadership Program Act the director of Commerce and Community Affairs is to designate multipurpose service centers for veterans operated by community nonprofit agencies or organizations. The centers are to provide services including job counseling, referral, and placement.

*Other laws.* An Employee Patent Act was adopted providing that an employment agreement provision requiring an employee to assign his or her rights in an invention to the employer will not apply to inventions for which no equipment, supplies, facilities, or trade secrets of the employer were used, which do not relate to the employer's business or work performed for the employer, and which were developed entirely on the employee's own time.

## Indiana

*Private employment agencies.* Among changes to the law, employment agencies are no longer required to submit copies of their records each month, and the Department of Revenue was authorized to inspect agency records at any time.

*Occupational safety and health.* The State occupational safety and health law was amended to prohibit the Commissioner of the Division of Labor from adopting or enforcing any provision of the law that is more stringent than corresponding provisions under the Federal law.

Among new mine safety requirements, coal mine operators are to keep, in a surface location, detailed maps of each mine, with temporary notations indicating such things as the location of each working face and escapeways.

A mine rescue team, trained by the Bureau of Mines, is to be provided at each underground mine in the State, and at any surface coal mine at the request of the mine owner or operator. Also, the Bureau of Mines is to acquire and maintain the equipment required to equip two complete rescue teams.

*Economic development.* A new law established a program to redevelop and create new jobs in areas designated as enterprise zones on the basis of high levels of poverty and unemployment and general economic distress through use of tax credits and other incentives.

**Employment and training.** Legislation was enacted to implement the Federal Job Training Partnership Act within the State. Responsibility was assigned to the Office of Occupational Development and a newly created Job Training Coordinating Council.

A Jobs Training Program was created to provide job training and related services to dislocated workers including those unemployed as the result of any permanent closure of a plant or facility.

## Iowa

**Equal employment opportunity.** A new law establishes a policy, to begin July 1, 1984, that State employees will be paid at a rate based on comparable worth. Prior to implementation of this policy, the Merit Employment Department is to conduct a job evaluation study of merit system jobs on the basis of their comparable worth, with particular attention given to predominantly male- or female-dominated jobs.

**Worker privacy.** Employers, other than those hiring peace officers, may not require an employee or an applicant for employment to take a polygraph examination as a condition of employment.

**Private employment agencies.** Employers are prohibited from requiring job applicants to pay a fee as a condition of application or hire, including reimbursement for fees paid to employment agencies.

**Employment and training.** The Office of the Governor was directed to establish a job training partnership program, to supplement and implement the legislative requirements of the Federal Job Training Partnership Act. Under the program, employment and training assistance will be provided to dislocated workers and the economically disadvantaged.

An industrial new jobs training program was established under which vocational schools and community colleges may enter into agreements with employers for the education and training of workers for jobs in new or expanding industries. Costs to employers may be partially offset by property and other tax credits or by tuition or other student fees.

**Other laws.** Small businesses will be permitted a business deduction for income tax purposes of 50 percent of the wages paid to handicapped individuals or to persons who are convicted felons, on parole, on probation, or in a work release program who are hired for the first time by the employer during the tax year and who successfully complete a probationary period.

## Kansas

**Equal employment opportunity.** A new age discrimination in employment act is applicable to employers of four workers or more, including public employers and contractors, employment agencies, and unions. The law protects persons between the ages of 40 and 70 from age discrimination in hiring, compensation, and terms and conditions of employment. Administration is vested in the Commission on Civil Rights.

## Louisiana

**Wages.** Persons may now be discharged from employment if their earnings are subjected to three garnishments or more for unrelated debts in a 2-year period, excluding garnishment resulting from an accident or illness which causes 10 consecutive days or more absence from work. Previously, there could be no discharge because of wage garnishment.

**Child labor.** Employers must post a schedule of the hours of employment for each minor under 16 years of age, rather than only for those under 14 as was previously required.

**Equal employment opportunity.** It is unlawful for public or private sector employers, including unions and employment agencies, to intentionally discriminate against or in favor of an individual with respect to compensation, terms, conditions or privileges of employment, because of race, color, religion, sex, or national origin. Complainants may sue for compensatory damages, back pay, reinstatement, and related benefits. Private educational or religious institutions and nonprofit corporations were excluded from coverage.

**Occupational safety and health.** Responsibility for inspection and regulation of boilers outside the City of New Orleans was transferred from the Department of Labor to the State Fire Marshal. The City of New Orleans retains jurisdiction over boilers within the city itself. The Board of Boiler Inspector Examiners was abolished and its functions transferred to the Office of the Fire Marshal.

**Employment and training.** A House resolution requested the Board of Elementary and Secondary Education, Board of Regents, Departments of Education, Commerce, Labor, Urban and Community Affairs, and local school boards to begin preparations for implementing the coordinated job training program envisioned by the Federal Job Training Partnership Act, and to combine and coordinate their efforts to create a viable work force capable of

attracting new industries and jobs to the State.

**Other laws.** The law granting resident contractors preference in the letting of public work contracts over contractors from States which give their contractors a preference over those from Louisiana was amended to remove an exemption for contracts for maintenance or repair of highways and streets and to extend coverage to contracts subject to the State procurement code. An exemption was retained for contracts financed in whole or in part with Federal funds.

## Maine

**Wages.** Former employees of employers who have terminated their businesses with no assets to pay earned wages or have filed for Federal bankruptcy may now receive payment for wages for up to 2 weeks instead of 1 week from the Wage Assurance Fund.

Wage garnishment for support payments is now restricted to 50 percent of disposable earnings if the individual is supporting another spouse or child, or 60 percent if not. These amounts are increased by 5 percent if the garnishment is to enforce an order for delinquent support payments.

**Equal employment opportunity.** A law was passed providing for consideration, at the Statewide election in November 1984, of a proposed Equal Rights Amendment to the State Constitution.

The Governor's Committee on Employment of the Handicapped, scheduled for termination on June 30, 1983, under previously adopted sunset legislation, was continued, and the program for subsidized personal care assistance services to the severely physically handicapped to enable them to work was reinstated.

**Labor relations.** A new law stipulates that State payments to health care institutions may not be allowed for the hiring of a person whose services result in committing an unfair labor practice under Federal or State law.

The Supreme Judicial Court was authorized to provide for collective bargaining for Judicial Department employees.

**Occupational safety and health.** The Bureau of Labor Standards was given specific authority, with certain exceptions, to administer the chemical substance identification law under which employers must maintain and make available to employees a safety data sheet for each hazardous or toxic substance to which employees may be exposed, and must provide an education

and training program for exposed employees. Employers may not retaliate against employees who assist in the enforcement of the law.

The Department of Labor is directed to debar from participation in State contracts for 2 years an employer found to have committed a serious, willful violation or serious, repeated violations of safety standards under the U.S. Occupational Safety and Health Act or State requirements on chemical substance identification.

If an employer willfully and repeatedly violates standards, rules, or orders promulgated by the Board of Occupational Safety and Health, and the violations are determined to be serious, conviction may result in a fine of up to \$10,000, 6 months imprisonment, or both, with the penalties doubled for subsequent violations. Previously, such penalties could be imposed only for willful violations resulting in an employee death.

*Employment and training.* A Job Training Partnership Fund was created and the Commissioner of Labor authorized to enter into agreements with Federal, State, and County agencies to implement the new Federal Job Training Partnership Act.

A Conservation Corps was created in the Department of Conservation to provide job training and work opportunity for unemployed individuals on projects involving improvement of public property.

A target of filling 10 percent of the registered apprenticeships in State agencies with qualified candidates who are recipients of Aid to Families with Dependent Children was established. The Bureau of Labor Standards is to assist in the development of the program and in the development of apprenticeships established by State agencies.

*Other laws.* A Whistleblowers' Protection Act was passed, prohibiting reprisal against public or private sector employees who report any violation of a State, local, or Federal law, or who refuse to carry out illegal directives, or who participate in an investigation, hearing, inquiry, or court action. An employer may not discharge, threaten, or otherwise discriminate against such an employee. In case of violation, the employee may bring a civil action, and the court may order reinstatement, back pay, and other relief.

## **Maryland**

*Wages.* By clarification of the State minimum wage law, employees engaged in agriculture who are exempt from overtime pay under the Federal Fair Labor Standards Act are to receive time and one-half the employee's regular rate for any time worked over 60 hours a week.

Coverage of the prevailing wage law was amended to include local contracts involving 50 percent or more State funding (75 percent in the case of school construction). Previously, local contracts were covered only if 100 percent State-funded. Also, procedures for determination of prevailing wage rates, previously included in regulations, were made part of the law and amended to provide for a 40 rather than 30 percent rule as the second basis for determination (the first basis is the rate paid to at least 50 percent of the workers if that many in a classification receive the same rate).

The authority of the Labor Commissioner to assess civil penalties against employers for failure to pay wages under the wage payment and collection law was repealed, and a provision added permitting the court to award employees up to three times the amount of wages unlawfully withheld in cases brought by the commissioner.

A Child Support Enforcement Administration was established within the Department of Human Resources and assigned responsibility for the State program to recover support payments including court action to garnish wages.

The Advisory Committee on Wage and Hour Law scheduled for termination on July 1, 1984, under sunset legislation was extended to July 1, 1994.

*Equal employment opportunity.* Senate and House Joint Resolutions were passed urging the Congress to again pass an Equal Rights Amendment to the U.S. Constitution so that it may be submitted to the States for ratification.

*Private employment agencies.* The Employment Agency Advisory Board, scheduled to terminate on July 1, 1984, through sunset legislation, was extended to July 1, 1994.

*Occupational safety and health.* A Hazards Communication Study Commission was established to develop a report and propose legislation concerning necessary and appropriate standards and requirements for employers regarding access to information on and the handling of hazardous and toxic substances in the workplace.

The Occupational Safety and Health Advisory Board and statutory provisions related to the regulation of occupational safety and regulations promulgated under the act scheduled to terminate July 1, 1983, were extended to July 1, 1993.

*Employment and training.* A cabinet-level Department of Employment and Training was established. The new Department will consolidate and increase the focus on employment security, job training and retrain-

ing, and placement activities, formerly performed under the Department of Human Resources, and will also absorb the apprenticeship program and council, formerly in the Division of Labor and Industry of the Department of Licensing and Regulation.

A job training partnership program was established to implement the new Federal law in the State, and to provide employment, training, supportive, and related services for unemployed individuals who are economically disadvantaged, for dislocated workers, and other qualified individuals such as displaced homemakers, school dropouts, teenage parents, the handicapped, older workers, and veterans.

*Other laws.* In awarding State contracts under competitive bid, resident firms will receive the same percentage preference over nonresident firms as the State of the nonresident firm gives to its own residents. Previously, the resident preference was 2 percent.

The Division of Labor and Industry scheduled to terminate July 1, 1983, under sunset legislation, was extended to July 1, 1993. Also, the Advisory Council on Prevailing Wage Rates due to terminate on July 1, 1984, was continued to July 1, 1994.

## **Massachusetts**

*Wages.* Amusement parks operated not more than 150 days a year were exempted from overtime pay requirements.

Employers are now required to remit to food and beverage employees, in proportion to the service provided by the employees, any service charges added to the customer's bill. This is comparable to the existing provision barring the employer from appropriating tips given directly to the employee.

The Commissioner for the Blind is to establish standards for the assignment and compensation of blind workers and trainees in workshops operated by the State Commission for the Blind. No blind worker or trainee in a commission operated workshop may be paid less than the full Federal minimum wage. The commissioner is also to set standards for closing Commission-operated workshops that cannot become financially viable and for transferring blind workers to private nonprofit or similar workshops for the employment of handicapped persons.

*Child labor.* Fourteen- and fifteen-year-olds who have been certified by the Department of Education as having completed training in vocational agriculture may operate farm tractors and are exempt from the age 16 minimum otherwise applicable.

*Equal employment opportunity.* The Congress was urged, by resolution, to approve an equal rights amendment to the Constitution.

*Worker privacy.* A person receiving a pardon from the Governor shall have all records sealed relating to the pardoned offense. Such sealed records shall not disqualify a person in any examination, appointment, or application for employment, and the conviction need not be acknowledged on job applications or interviews.

*Other laws.* A cabinet-level Executive Office of Labor, headed by a Secretary of Labor, was established. The new Office includes the existing Department of Labor and Industries, the Minimum Wage Commission, and the Health, Welfare and Retirement Trust Funds Board. Several other agencies with labor functions are also within the new office but are expressly not subject to its jurisdiction, including the Division of Industrial Accidents, the Labor Relations Commission, the Department of the Board of Conciliation and Arbitration, and the Joint Labor-Management Committee.

## Michigan

*Wages.* New wage deviation rules issued for handicapped workers establish specific procedures and criteria to ensure payment at a minimum rate commensurate with productive capacity.

A law passed late in 1982 made it unlawful for an employer to require, as a condition of employment, nondisclosure by an employee of his or her wages, or to discharge, discipline, or otherwise discriminate against employees who disclose their wages.

*Employment and training.* Provision was made for State participation, under the Federal Job Training Partnership Act, in providing comprehensive job training and related services by establishing criteria for participation by economically disadvantaged and unemployed individuals and for the selection of service providers.

A youth corps program was created to provide summer employment and work training, with payment at the minimum wage, for unemployed youths of 18 through 21 years of age.

## Minnesota

*Wages.* Among changes in application of the State minimum wage to farmworkers, coverage was extended to minors under age 18 who do hand fieldwork when one or both of their parents are also hand fieldworkers. Salaried farmworkers, whose weekly wage

is more than the equivalent of 48 straight hours and 17 overtime hours at the minimum wage, were excluded from coverage.

Another amendment to the minimum wage law exempts from the overtime provisions on-farm silo builders working on a unit or piece rate basis whose pay per hour exceeds the State minimum wage rate.

Requirements for the prompt payment of wages when an employee is discharged, quits, or resigns were made applicable to farm laborers.

*Child labor.* The prohibition on the employment of persons under 18 in rooms where intoxicating liquors are sold at retail was amended to permit the employment of waiters or waitresses in restaurants, hotels, or motels, in rooms in which only wine is sold, provided they do not actually serve or sell wine, in the same manner that musicians, busboys, or dishwashers may be employed on such premises.

*Equal employment opportunity.* Employers of 50 workers or more must make reasonable accommodation to facilitate the employment of qualified disabled persons including job restructuring, modified work schedules, acquisition or modification of equipment, provision of aides, and other measures.

*Private employment agencies.* Personnel consulting firms paid solely by employers are now specifically exempt from the employment agency law. Such firms, along with management consultants, are classified as "search firms," and must register with the labor commissioner and post a surety bond, but are exempt from other requirements. Employers are prohibited from requiring job applicants placed by such firms to pay any of the firm's fee.

*Occupational safety and health.* A Right to Know Act requires that before assigning an employee to a workplace where he or she would routinely be exposed to hazardous substances, employers must provide training concerning such substances. Employees are to receive information on the names, locations, properties, symptoms of exposure, appropriate emergency treatment, proper methods of safe use, and procedures for cleanup of leaks and spills of such toxic substances. Employees acting in good faith can refuse to work under conditions which they reasonably believe present an imminent danger. In such cases, employers are prohibited from discriminating against the employees.

*Economic development.* Criteria were established for the Commissioner of Energy, Planning and Development to consider in

making recommendations on the designation of enterprise zones within which employers will be encouraged to locate or expand through such incentives as tax credits. Among the criteria is the degree of poverty and unemployment in the area and the extent to which the projected development in the zone will provide employment to local residents.

*Employment and training.* A job skills partnership program was created to bring together employers having specific training needs with educational or other nonprofit institutions which can design programs to fill those needs.

The Commissioner of Economic Security was authorized to distribute funds for comprehensive job training and related services for economically disadvantaged, unemployed, and underemployed persons through opportunities industrialization centers. An emergency employment development program was enacted, to be administered by a coordinator reporting directly to the Governor.

Counties experiencing chronic high unemployment are authorized to establish emergency employment programs including providing job training and jobs through public works projects to meet the needs of economically disadvantaged, unemployed residents.

*Other laws.* Any public works construction project for which competitive bidding is not required by law is to be awarded to a State resident, and if competitive bidding is required, the contract is to be awarded to the resident making the lowest bid if it is not more than 10 percent higher than the lowest nonresident bid. Whenever possible, resident laborers, workers, and mechanics are to be used to perform all work covered by the contract.

A new law requires employers who permit paternity or maternity leave to biological parents to provide the same benefits to adoptive parents upon request.

## Mississippi

*School attendance.* A Compulsory School Attendance Law was enacted as part of the Education Reform Act approved in late 1982. Implementation is mandated on a staggered basis with children 6 and 7 years of age required to attend school during the 1983-84 school year. Each year thereafter, 1 year is to be added to the compulsory age bracket, and by the 1989-90 school year, attendance will be required of children aged 6 to 14.

*Economic development.* The Board of Economic Development was authorized to designate certain counties or areas as en-

terprise zones in order to stimulate business and industrial growth in distressed areas having high levels of poverty and unemployment by providing special tax incentives and financial assistance.

*Employment and training.* A Department and Board of Rehabilitation Services were both created in order to provide rehabilitation and other services to disabled persons in order that they may engage in useful occupations to the extent of their capabilities. Rehabilitation for adults was formerly provided by the Department of Education.

## Missouri

*Other laws.* Missouri contractors will receive the same percentage preference on bids on State contracts over out-of-State contractors as those contractors would receive in a similar contract from the State in which they are located.

## Montana

*Wages.* When established by collective bargaining agreement, or by mutual agreement of the employer and employee when no collective bargaining agreement exists, municipal or county government employees working for a period not to exceed 40 hours in a 7-day period and employees of hospitals and similar health-care establishments working for 80 hours or less in a 14-day period and 8 hours a day were excluded from overtime pay requirements otherwise applicable, but they must be paid overtime pay for any excess hours.

Firefighters working under a collectively bargained work schedule with a public employer were exempted from the overtime pay requirement of the minimum wage law and from the provision designating 8 hours as constituting a day's work for certain public employees.

Earnings are now exempt from garnishment for maintenance or child support only to the extent permitted by Federal law.

*Equal employment opportunity.* A new law directs the Department of Administration to work toward the goal of establishing a standard of equal pay for jobs of comparable worth in the State service. The Department is to compare, in the classification of positions, factors for determining job worth across occupational groups, whenever those groups are dominated by men or women, and is to eliminate the use of judgments and factors that contain inherent biases based on sex.

The prohibition in the Human Rights Act against discrimination because of marital status was restricted to situations where the reasonable demands of a job training or apprenticeship program do not require such

a distinction, or where the differentiation is a bona fide occupational qualification.

The legislature requested that an interim committee be assigned to study the State's employment preference laws for veterans, veterans' spouses and dependents, and disabled civilians, as a result of a recent court decision that minimally qualified persons in these categories are entitled to employment preference over all others rather than preference only in cases of ties.

*Labor relations.* The law governing collective bargaining for nurses was amended to include unfair labor practices committed by employee organizations. Administrative duties concerning this law are now handled by the Board of Personnel Appeals instead of the Department of Labor and Industry.

*Private employment agencies.* Placement fees charged by agencies must now be based on a percentage of the first full month's gross income rather than the applicants first year's income as was previously required.

*Other laws.* The functions of the Commissioner of Labor and Industry under the Maternity Leave Act, including jurisdiction over unlawful employer practices, were transferred to the Commission for Human Rights.

## Nebraska

*Wages.* Resolutions designated the Business and Labor Committee of the legislature to review the need to raise the State minimum wage, and to study the Wage Payment and Collection Act to determine whether changes are needed in the procedures governing employee claims for wages.

*Equal employment opportunity.* The equal pay and age discrimination in employment laws now specifically apply to the State and its political subdivisions, which may be sued in the same manner as other employers under these laws. The numerical exemption, applicable to the private sector, does not apply to public sector coverage.

## Nevada

*Wages.* The minimum project amount for coverage under the prevailing wage law was increased from \$4,000 to \$20,000.

The maximum amount of an employee's lien when a corporation becomes insolvent or is dissolved was increased from \$600 to \$1000 for wages due the employee, other than officers of the corporation, which were earned within 3 months prior to the date of the insolvency or dissolution.

Money withheld from an employee's wages for deposit in a financial institution must be deposited by the employer within 5 working days of the employee's payday.

*Child labor.* As part of the State's overall program to promote tourism and economic development, including the production of motion pictures, the child labor law was amended to exempt minors employed as motion picture performers from the minimum age, maximum hours, and work during school hours restrictions.

*Labor relations.* Among other changes, the law governing local government collective bargaining was amended to specify that employee safety is a subject of mandatory bargaining, but that safety of the public is not.

*Economic development.* The Governor was given authority to designate certain areas as specially benefited zones in order to encourage business and industrial growth and the revitalization of neighborhoods through incentives including tax credits and loans. Zones are to be selected on the basis of factors such as levels of poverty, unemployment, loss of jobs, and population.

## New Hampshire

*Wages.* The provision permitting a youth rate of 75 percent of the applicable minimum wage rate will now apply to persons age 17 or under rather than 18 or under as before.

The wage payment law was amended to add severance pay, personal days, holiday pay, sick pay, and payment of employee expenses, to vacation pay, as benefits considered wages under the law when they are a matter of employment practice or policy.

*Child labor.* A new law stipulates that it is not unlawful for a person age 18 or older to drive in intrastate commerce any vehicle carrying home heating oil for the purpose of making retail deliveries, provided he or she holds a valid driver's license for the particular vehicle class and the driver and vehicle are in compliance with all other applicable laws and rules.

*Labor relations.* Membership on the legislative joint committee on employment relations was increased from 8 to 14 members with the chairperson and ranking minority member of the house labor, human resources and rehabilitation committee among the additions. The committee is to hold hearings and make recommendations to the legislature on all collective bargaining agreements with State employees and on all relative fact-finders reports.

*Occupational safety and health.* Under a new Workers Right to Know Act, applicable to both public and private employment, employers must keep on file and post information on toxic substances to which

employees may be exposed, provide training to employees on safe handling, and inform employees of their rights under the law. Employees may refuse to work with toxic substances if the employer fails to furnish them with requested information on the substance, and are protected from discharge or discipline for the filing of a complaint or exercising any rights under the act. The Commissioner of Labor may conduct inspections if there is cause to believe violations are occurring.

The Division of Public Health Services in the Department of Health and Welfare is to contain an occupational health unit and is to develop policies and conduct programs for evaluation of hazards associated with the use of chemical or physical agents, to advise, consult, and cooperate with other agencies, including the State labor department, and to collect and disseminate health information relating to protection from these agents. The Commissioner of Labor is to provide occupational health and safety services to public and private sector employers.

*Other laws.* The Commissioner of Labor may now impose a civil penalty of up to \$500, in addition to any criminal penalty previously provided, for any violation of the State's labor laws. A penalty appeal board was established to hear appeals from penalties imposed.

Employers are to give employees, upon request, the opportunity to inspect and copy their personnel files. In the event of a disagreement with any information in the file, the employee may submit a written statement, explaining his or her version together with supporting evidence, that will become a part of the permanent record.

### New Jersey

*Child labor.* A late 1982 law exempted participants in junior achievement programs from the occupational limitations of the child labor law. Under such programs, minors under the age of 18 engage in business activities pursuant to an economic education program supervised by adults from the business community.

An additional exemption to the child labor law permits minors to be employed in domestic services in a residence other than a minor's own home, when performed outside of school hours or during school vacation, with parental permission. This is similar to an existing exemption for domestic service in the minor's own home for the parent.

*Equal employment opportunity.* An affirmative action program for Vietnam veterans was enacted guaranteeing them equal

employment opportunity on public works projects of the State exceeding \$250,000 in cost in areas including recruitment, hiring, training, promotion, and compensation.

*Occupational safety and health.* A comprehensive Worker and Community Right to Know Act to be effective August 29, 1984, requires public and private sector employers to report hazardous substances in the workplace to the Health Department and to provide the Department of Environmental Protection with information on each hazardous substance, including its chemical name, use, and amount discharged. This information must be maintained at places of employment and be available to employees upon request. If such request is not honored in 5 days, the employee may stop work without penalty until given the information. Employers, in addition, must provide education and training on the use, storage, and effects of hazardous substances in their workplaces.

*Employment and training.* The Commissioner of the Department of Labor is to implement programs to provide job training and employment opportunities for long-term unemployed, underemployed, economically disadvantaged, and displaced workers including those displaced because of plant closings, technological change, or modifications in the product line, and others in need of job training or retraining.

### New Mexico

*Wages.* For tipped employees, the minimum wage aside from tips was increased from \$1.60 to \$2.01 an hour. In a separate measure, the minimum wage law was extended to persons regularly enrolled in vocational or training schools.

The fact that a plaintiff or complainant is an undocumented worker may not be used as a defense to any action brought under the wage payment law.

The maximum wages that may be withheld for past due child support is now 50 percent instead of 60 percent of disposable earnings, whether or not a spouse or other dependent child is being supported.

*Equal employment opportunity.* It is a discriminatory practice under the Human Rights Act for an employer to refuse or fail to accommodate to an individual's physical or mental handicap unless such accommodation is unreasonable or an undue hardship. The exemption from the age discrimination provisions applicable to the compulsory retirement of high-salaried executives between the ages of 65 and 70, as contained in Federal law, was adopted under the State law.

The State legislature urged the introduction in the Congress of an equal rights amendment to the U.S. Constitution.

*Occupational safety and health.* The State Occupational Health and Safety law was amended to specify that it and its regulations are to apply to places of employment subject to the jurisdiction of the U.S. Department of Labor under the Federal Occupational Safety and Health Act, rather than acts and regulations enforced by the State mine inspector.

The State law was also amended to specify that the Environmental Improvement Division of the Health and Environment Department may not privately question employers and employees, until after regulations have been adopted protecting the rights of those questioned.

Under a Medical Radiation Health and Safety Act, persons operating medical equipment which emits ionizing radiation must meet standards of education and training and be certified by the Environmental Improvement Division.

*Employment and training.* The Commerce and Industry Department was directed to establish programs to provide quick-response preemployment and in-plant development training, custom-designed to provide new or expanding industries with qualified personnel. This program replaces the Development Training Act, enacted in 1972, which had similar purposes.

### New York

*Wages.* The minimum wage for farmworkers will be increased from \$2.00 to \$2.75 an hour, effective February 4, 1984, with a further increase to \$3.35 scheduled for July 1, 1984, bringing it on a par with the current rate for nonfarm workers.

The penalty section of the minimum wage act was amended to provide for an additional fine of up to \$10,000, in addition to any other penalties including fines, upon conviction for a second or subsequent violation if the previous conviction was within the preceding 5 years.

Violations of the minimum wage act will now be class B misdemeanors rather than misdemeanors as before, resulting in changes in possible prison sentences.

The prevailing wage law was amended, changing the wage determination formula. The collectively bargained rate will be the prevailing rate for 1 year starting July 15, 1983. After July 15, 1984, the collectively bargained rate is to be used in localities where at least 30 percent of the workers receive such a rate. (The previous law called for use of the majority rate; or, if none, the

rate paid to 40 percent; if none, then the average rate.)

**Hours.** The requirement that truck and bus drivers receive at least 8 consecutive hours off was amended to apply after 15 rather than 14 hours duty in any consecutive 24-hour period, or after 10 hours driving time within a consecutive period of 15 rather than 14 hours.

**Child labor.** The minimum employment age as a newspaper carrier was reduced from 12 to 11.

A new chapter of the consolidated laws was enacted entitled the Arts and Cultural Affairs Law. Included in the new chapter are provisions substantially the same as existing provisions regulating child performers and models transferred from repealed sections of the education law, and provisions substantially the same as existing provisions regulating theatrical employment agencies replacing repealed sections of the general business and labor laws.

**Labor relations.** The law making it an unfair labor practice for a public sector employer to deliberately refuse to continue all the terms of an expired agreement until a new agreement is negotiated, was amended in late 1982 to exclude those instances where the employee organization strikes during negotiations.

**Private employment agencies.** The maximum time permitted between inspections of employment agencies was increased from 6 to 18 months, and speakers' bureaus were specifically exempted from licensing and regulation under the employment agency law.

The New York City Department of Consumer Affairs, which regulates employment agencies in the city, issued new regulations. Agencies placing persons in unskilled or semiskilled positions will now be required to maintain detailed records on fees charged and refunds to applicants, and to provide applicants with receipts showing how refunds are computed. A career counseling firm will be exempt from the law only if it states in all advertising and contracts that it is not an agency, does not try to get clients jobs, arrange interviews, or contact employers, and does not have access to otherwise unavailable job information.

**Plant closings.** An employee ownership assistance program was established in order to encourage and assist employees of plants that are about to be permanently closed or relocated to acquire such plants and to continue to operate them as employee-owned enterprises. Loans are available to employee ownership associations through local development corporations.

**Employment and training.** The legislature declared a State policy to utilize the Federal Job Training Partnership Act structure and mechanisms in the administration or funding of job training and development programs, and established a job training coordinating council as required to implement the Federal law.

A dislocated workers' program was established under which funds will be provided for on-the-job training and apprenticeship programs for dislocated workers including those terminated as a result of a permanent closure of a plant or facility, and in another measure an emergency employment intervention program was initiated to provide training for private sector jobs for such workers.

**Other laws.** Employers may not discharge or otherwise penalize employees for their absence from work to serve as a witness as a result of being a crime victim. However, employers may withhold the wages of any such employee.

## North Carolina

**Wages.** As provided in a prior law, the minimum wage rate was increased from \$3.10 an hour to \$3.35 effective January 1, 1983.

Seasonal religious or nonprofit educational conference centers were exempted from the minimum wage and overtime requirements of the wage and hour act.

**Equal employment opportunity.** The Office of State Personnel and the State Personnel Commission were designated by the State as the official deferral agency under Section 706 of the Civil Rights Act of 1964, for charges filed by covered public sector employees with the Federal Equal Employment Opportunity Commission.

**Occupational safety and health.** Municipalities with a population of 10,000 or fewer may by resolution exclude their fire departments from the State safety and health program requirements.

**Economic development.** A Technological Development Authority was created to increase the rate at which new jobs are created by stimulating the development of existing and new small businesses.

**Other laws.** It was made a felony offense to hold a person against his or her will, by coercion or intimidation, for the performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt, or to induce someone to go to another place with the intent that they be held in involuntary servitude. It was

also made a misdemeanor for a party to any labor contract to fail to report to the county sheriff a violation of these prohibitions, when any person reports the violation to the contracting party.

Payment and performance bonds will now be required of any contractor with a public construction contract of more than \$15,000 on a project where total contracts exceed \$30,000, or on any other construction contracts at the discretion of the contracting body. Previously, bonds were required of contractors receiving public construction contracts in excess of \$10,000.

## North Dakota

**Wages.** Voluntary wage assignments are permitted for court-ordered child support payments, and employers are prohibited from disciplining any employee as a result of such wage assignment.

**Equal employment opportunity.** A Human Rights Act was enacted prohibiting discrimination in employment, housing, and other fields, on the basis of race, color, religion, sex, national origin, age for persons between 40 and 70 years, physical or mental handicap, marital status, or public assistance status. The law applies to all public and private sector employers of 10 or more, labor organizations, and employment agencies. An aggrieved person may bring court action or file a complaint with the labor department, which has 60 days to negotiate a settlement. A previous declaration of State policy prohibiting discrimination in all employment practices by employers of more than 15 was repealed.

A resolution urged the Congress to again propose to the States for ratification, an equal rights amendment to the U.S. Constitution.

**Employment and training.** A concurrent resolution calls for a Legislative Council study and evaluation of the State's work force and job market to determine the need for legislation to create employment opportunities and job training for the unemployed and underemployed, with a special emphasis on the needs of youth.

**Other laws.** The Legislative Council was directed by a Senate resolution to study the feasibility of combining the Department of Labor, State Job Service, Workmen's Compensation Bureau, and any other State agencies whose primary responsibilities are related to labor and employment services. A report on findings, recommendations, and any legislation required is to be made to the 1985 Legislative Assembly.

Another resolution urged the President and the Congress to propose and enact leg-

islation amending the Employee Retirement Income Security Act to eliminate the Federal preemption and to permit the respective States to regulate employee health benefit plans.

## Ohio

*Equal employment opportunity.* A joint resolution requests the Congress to adopt, and submit to the States for ratification, an equal rights amendment.

*Labor relations.* A comprehensive new law grants collective bargaining rights to State and local public sector employees. The law includes procedures for grievance resolution including fact-finding, mediation, and final and binding arbitration, as well as requirements for certification, unit determination, and permissible subjects of bargaining. Unfair labor practices for both employers and employee organizations were established and include a strike prohibition. Employees may not be required to join an employee organization but may be required to pay a fair share fee in an amount equal to union dues. A State Employment Relations Board was created to administer the law.

## Oklahoma

*Wages.* The minimum wage law was amended, effective November 1, 1983, to delete the specific minimum wage rate of \$3.10 an hour and to adopt the current Federal minimum wage by reference for employers of 10 or more at one location and all those with annual gross sales over \$100,000. For all other employers, the minimum hourly wage was increased from \$1.00 to \$2.00, and an exemption for those age 65 and over was eliminated.

Wage garnishment for judgments arising from consumer credit sales, leases, or loans may not exceed the amount by which disposable earnings exceed 30 times the Federal minimum wage. For other debts, garnishment remains limited to 25 percent of disposable earnings, except for child support payments (33-1/3 percent).

*Labor relations.* The School District and Employee Negotiation Act was amended to prohibit an employee organization, employee, or employer from impeding, restraining, or coercing employers or employees in the exercise of their guaranteed rights, and to give the district courts jurisdiction to prevent and restrain violations of the act or to grant relief to employers or employee organizations if violations occur.

The Public Employees Relations Board, scheduled for termination under sunset legislation, was continued until July 1, 1989.

## Oregon

*Wages.* Volunteer firefighters were specifically excluded from coverage under the minimum wage law. In addition, the exemption from coverage for persons performing voluntary noncompensated service for a religious or charitable nonprofit institution was expanded to also exempt such service for educational, public service, or similar nonprofit corporations, organizations, or institutions.

Among amendments to the prevailing wage law, the threshold amount for coverage was increased from \$2,000 to \$10,000, contractors are now required to post the prevailing wage rates for a project in or about that project, and new requirements were enacted on reporting and maintaining payroll records. Also, the labor commissioner or any other person may now bring a civil action to require a public agency party to a public contract to withhold twice the wages in dispute if a contractor has intentionally failed to pay the prevailing rate, and to require contractor to pay the prevailing rate and any deficiencies. In addition to other relief, the court may enjoin any such person from committing future violations, and the contractor may be debarred from public contracts for 3 years. If the awarding agency fails to include a provision in the contract stating the prevailing wage rate, it shall be liable for unpaid wages.

Any contractor or subcontractor on public works contracts who violates hours of labor and overtime requirements will now be liable to the employees affected in the amount of their unpaid overtime wages and an equal amount as liquidated damages. An action to enforce liability to workers may be brought as an action on the contractor's bond.

The Commissioner of the Bureau of Labor and Industries is now authorized to assign wage claim judgments for collection or to obtain assistance in collection of such judgments and to deduct and pay a collection fee from any monies collected.

*Agriculture.* Persons who act as farm labor contractors in forestation or reforestation must obtain an authorizing endorsement on their license from the labor commissioner and are to provide the commissioner with a copy of all payroll records. Among other amendments to the farm labor contractor law, the format to be used in furnishing information to workers was specified, contractors were prohibited from inducing workers to give up any part of their wages, and money penalties for violation were increased.

Hereafter, the labor commissioner, who already has responsibility for farm labor contractor licensing, may issue the license only to a sole proprietor under the person's

own name or an assumed registered business name; to two persons or more operating as a partnership under their own names or an assumed registered business name; or to a corporation authorized to do business in the State.

*Equal employment opportunity.* The list of unlawful employment practices, subject to action under the civil rights act, was expanded to include certain already banned employer practices, such as retaliation against the employee, use of lie detector tests, employee payment for employer-required medical examinations, and employer refusal to employ a person because another family member is currently employed by the employer. It was also made unlawful for an employer to refuse to employ a person because another family member formerly worked for that employer.

A Commission for Women was created to work for economic, social, legal, and political equality for women and to continually assess issues and needs, including evaluations of nontraditional job opportunities and employment policies and practices of public and private sector employers.

State agencies are to include in their affirmative action reports to the Governor and legislature, information concerning the award of construction, service, and personal service contracts to minority businesses.

*Labor relations.* The Public Employee Relations Board may award a civil penalty, of up to \$1,000 per case, to any person as a result of an unfair labor practice complaint hearing which has either found repeated or flagrant violations or which has determined that the complaint was frivolously filed, or filed with the intent to harass the other person.

*Private employment agencies.* Any business which offers as one of its main objects to assist, teach, or prepare individuals to obtain employment, and which charges for its services, is subject to the employment agency regulatory law. The required surety bond for employment agencies was increased from \$2,000 to \$5,000.

The law regulating private employment agencies is scheduled for repeal on June 30, 1988, under sunset review legislation.

## Pennsylvania

*Equal employment opportunity.* A late-1982 law extended the age discrimination provisions of the Human Relations Act from persons ages 40 to 62 to those ages 40 to 70. Persons protected by future amendments to the Federal Age Discrimination in Employment Act will automatically be covered.

## Rhode Island

*Wages.* The Director of the Department of Administration was requested to conduct a survey of the State's job classification system to determine the presence and extent of sex-based pay inequities within the State system.

*Equal employment opportunity.* A comprehensive new chapter was added to the State Affairs and Government law prohibiting employment and other forms of discrimination against handicapped persons by any person or entity doing business in the State or receiving financial assistance from the State. Handicapped individuals continue to be protected against discrimination by public and private sector employers under the State Fair Employment Practices Act.

A joint resolution called for the creation of a legislative commission to study the feasibility of establishing a revolving low-interest loan fund to purchase equipment enabling the employment of severely disabled persons, and to recommend legislation.

Another resolution requested the Director of the State Department of Transportation to use all diligent effort to seek out and hire qualified State women, as well as men, to perform work funded with Federal construction grants to be received by the Department over the next 2 years.

The Congress was requested to enact an equal rights amendment to the U.S. Constitution for State ratification.

*Worker privacy.* Applicants for employment, except for law enforcement agency positions, whose conviction of a crime has been expunged, may state that they have never been convicted of a crime.

*Occupational safety and health.* Employers who use, transport, store, or otherwise expose employees to toxic or hazardous substances must make available to employees at each workplace a list of all such substances, and provide initial training to all new employees and annual training thereafter. Employees who request information cannot be required to work with a substance until the information has been provided and are not to be disciplined for such action. Administration of the law is vested in the Department of Labor.

It was specified that occupational safety programs in the State may include in-service training and other educational programs, and the Division of Occupational Safety was authorized to apply for and accept grants and to enter into contracts with public or private organizations or individuals in carrying out its functions.

*Plant closings.* A special legislative commission created in 1982 to study the problems caused by the closing of industrial plants was extended for 1 year. Findings and recommendations are now due by February 2, 1984.

## South Carolina

*Child labor.* The legislature approved regulations of the State labor department adopting restrictions, identical to those adopted under the Federal Fair Labor Standards Act, for work by minors between 16 and 18 years of age in occupations involving the operation of power-driven bakery machines and all occupations in connection with mining other than coal. Regulations identical to the other Federal hazardous occupation orders had been adopted by the State in 1981.

*Equal employment opportunity.* A bill of rights for handicapped persons was enacted under which discrimination in employment is prohibited. The Human Affairs Commission is to administer the act, and violations will be considered unlawful employment practices under the Human Affairs law.

*Occupational safety and health.* An occupational health and safety review board was established and authorized to hear contested cases and to provide administrative review of citations issued by the Commissioner of Labor, penalties assessed, or periods of abatement set. The administrative review was previously conducted by the Commissioner of Labor.

*Economic development.* A Jobs-Economic Development Fund program was enacted to encourage the location of new businesses in the State, and the rehabilitation of existing businesses in order to provide maximum opportunities for creation and retention of jobs. The program is to be accomplished through loans, investments, research, technical and managerial advice, data compilations, and other means.

*Employment and training.* A House resolution was adopted, urging the Governor to call a statewide conference of governmental and business leaders to address the problems of economic and technological unemployment and to develop short- and long-range strategy on employment in the State.

## South Dakota

*Labor relations.* The law regulating public employees' unions was amended to establish time limits on requests to the Department of Labor to intervene in im-

parte situations, and for filing certain notices of appeal and unfair labor practice complaints with the department.

## Tennessee

*Wages.* Any business, including private clubs, lounges, bars, or restaurants, which includes on bills given to and paid by customers an automatic percentage or dollar amount for tips, must pay that full amount to the employee or employees who rendered the service.

*Equal employment opportunity.* It is no longer a prohibited practice to discriminate on the basis of age in referral, admission to, or employment in apprenticeship and training programs.

*Private employment agencies.* By Executive Order, administration of the law regulating private employment agencies was transferred from the labor department to the Department of Insurance.

*Occupational safety and health.* Provisions requiring periodic inspection of elevators and escalators now include dumbwaiters as well, and the time between inspections of each was made uniform at 6 months. Also, inspection fees for elevators and boilers were increased.

## Texas

*Wages.* The payment of wages law now permits monthly payment to employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act, retaining the semimonthly payment requirement for all other employees. The maximum 16-day holdover period was removed.

A proposed constitutional amendment was adopted for submission to the voters and approved at the November 1983 election, permitting garnishment of wages for the enforcement of court-ordered child support payments. The constitution previously prohibited wage garnishment for any purpose.

Employees were authorized to make voluntary wage assignments to satisfy court-ordered child support payments, and the employer must withhold the assigned amount up to one-third of the employee's disposable earnings. Employers may not take any disciplinary action against an employee or refuse to hire an applicant because of such assignment. With passage of the proposed constitutional amendment authorizing wage garnishment for court-ordered child support, the courts were also empowered to order involuntary wage assignment for such purposes.

*Agriculture.* The law regulating migrant labor housing facilities by the Department

of Health was amended to increase license fees and penalties, to add specific time periods for fulfilling certain requirements, and to make license revocation or suspension subject to specified hearing rules.

*Equal employment opportunity.* An anti-discrimination law applicable to the private sector was enacted for the first time. Administered by a newly created Commission on Human Rights, the law prohibits discrimination by employers of 15 workers or more, unions, and employment agencies on the basis of race, color, handicap, religion, sex, national origin, or age. The Commission is empowered to receive and investigate complaints; to endeavor to eliminate alleged unlawful practices through conference, conciliation, and persuasion; to seek temporary injunctive relief; and to bring civil action if attempts to resolve the discriminatory practice are unsuccessful. Previously, laws prohibited discrimination in public employment only, and against handicapped persons.

By Executive Order, the Governor's Committee on Employment of the Handicapped was restructured and renamed the Governor's Committee for Disabled Persons. Among its functions, the committee is to encourage coordination between local, State, and Federal agencies in their activities to promote the employment and public awareness of persons with disabilities, encourage employer acceptance and placement of such workers, and advise in preparing and implementing a State plan for disabled persons.

*Employment and training.* A Job Training Partnership Act was passed for purposes of implementing the new Federal law. The State program is to be implemented and managed by the Department of Community Affairs, with policy development, planning, monitoring, and evaluation performed by a job-training and employment staff created in the Governor's Office.

*Other laws.* A State or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who in good faith reports a violation of law to an appropriate law enforcement authority. In case of violation, the employee may bring a civil action for injunction or damages, or both, and the court may order reinstatement, back pay, and other relief.

Institutions of higher education are now entitled to obtain criminal record information pertaining to applicants for employment in security-sensitive positions, and to deny employment to any applicant for such a position who fails to provide a complete set of fingerprints upon request.

In a similar measure, the Department of Mental Health and Mental Retardation and certain community centers were authorized to obtain conviction data from law enforcement agencies that is relevant to applicants for employment in positions in direct contact with mentally ill patients or mentally retarded clients. Employment may be denied to applicants determined to be not qualified or suitable as a result of previous criminal conviction.

## Utah

*Hours.* Work in excess of 8 hours per day in smelters and underground mines or workings will no longer be unlawful in non-emergency situations if the Industrial Commission certifies in writing to the employer that such work is not detrimental to the life, health, safety, and welfare of the workers.

*Occupational safety and health.* Mine owners are to maintain rescue teams at each of their mines or otherwise ensure the availability of a mine rescue team in the event of an emergency, in accordance with Federal requirements. Any person who participates in a mine rescue operation and provides emergency care or assistance is not to be liable for damages arising from such actions.

Mine electricians must now be certified by the Industrial Commission.

*Other laws.* Contractors submitting bids on State contracts for supplies, services, or construction, who, when available, use products grown or manufactured in the State and employ State residents, will receive preference in the award of the contracts if their bid is within 5 percent of nonpreferred bidders, and if they agree to meet the low bid in writing within 72 hours after notification.

A new measure requires that prior to the award of a contract by the State or any of its political subdivision for a public works construction project, the contractor is to furnish the awarding agency a payment bond in an amount equal to the contract price for the protection of persons supplying labor or materials.

## Vermont

*Employment and training.* The Department of Employment and Training is to administer a public works jobs program to provide temporary employment of up to 18 weeks to unemployed residents of the State, meeting prescribed eligibility criteria.

## Virginia

*Wages.* A resolution requested the Commission on the Status of Women to study

the subject of equal pay for equal work for women in the State and to report and make recommendations to the Governor and legislature by October 1, 1983.

*Private employment agencies.* The employment agency advisory board was abolished and its functions were assumed by the existing Board of Commerce. Employer-paid agencies were specifically exempted from the law.

*Employment and training.* A work-study program, to be administered by the State Council of Higher Education, was established to provide financial assistance to students attending eligible postsecondary State institutions. Jobs created under the program are to be limited usually to part-time or summer employment that is career related, and may not displace employed workers.

The Joint Subcommittee to Study the Funding and Administration of Sheltered Workshops, established in 1982, was continued and is to complete its work in time to make recommendations to the 1984 General Assembly.

## Washington

*Equal employment opportunity.* A new law requires the State Department of Personnel and the Higher Education Personnel Board to adjust their salary and compensation plans at least annually to achieve comparable worth for the jobs of State employees by June 30, 1993. Comparable worth is defined as the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

A Department of Services for the Blind was created to deliver a variety of services to blind persons including a program of vocational rehabilitation to assist them in overcoming vocational handicaps and to develop skills necessary for self-support and self-care. The State Commission for the Blind was abolished.

The State legislature urged the President and the Congress to renew efforts to pass an equal rights amendment to the U.S. Constitution.

*Occupational safety and health.* Among a number of changes in the law relating to elevators, lifting devices, and moving walks, administration of the law and rulemaking was assigned directly to the labor department rather than that department's Division of Industrial Safety and Health, and new provisions authorize suspending or revoking permits obtained through fraud or error or where the conveyance has become unsafe or was not properly installed or maintained. Other changes empower the department to assess a penalty against vi-

olators and authorize the Attorney General to take legal action against those who repeatedly violate the law.

*Employment and training.* A job skills program was established to provide short-term training designed for specific industries; train prospective employees before a new plant opens or an existing industry expands; train and retrain workers employed in an industry where necessary to avoid dislocation, or to provide upgrading of existing employees which would create new vacancies for unemployed persons; and to serve areas with high concentrations of economically disadvantaged persons and high unemployment, areas with new and growing industries, and areas with shortages of skilled labor.

A Youth Employment and Conservation Act was enacted to provide public service jobs, of up to 1 year's duration, for unemployed persons from 18 to 25 years of age in assignments addressing community needs and conservation problems and that will assist the community in economic development efforts. Such work is not to displace currently employed workers. Enrollees are to be assisted in the transition to permanent employment through such activities as orientation to the labor market, on-the-job training, and placement in the private sector. The act is to be administered by a Youth Employment Exchange with the Employment Security Department. A separate act creates a conservation corps, with similar enrollment requirements and project guidelines, to be implemented by several State departments concerned with the ecology and natural resources and coordinated by the Youth Employment Exchange.

*Other laws.* The Director of General Administration is to adopt and apply rules designed to provide some reciprocity in bidding on State purchasing between Washington and those States with in-State preferences of their own.

## West Virginia

*Worker privacy.* A new law requires the licensing of polygraph examiners by the Commissioner of Labor and prohibits private and public sector employers from requiring or requesting that employees or prospective employees take a polygraph or similar test as a condition of employment. Exempted are law enforcement agencies, State military forces, and employers authorized to manufacture, distribute, or dis-

pense certain drugs. Qualifications are specified for polygraph examiners, including taking a competency test conducted by the Commissioner, who is to promulgate rules governing administration of tests to employees.

*Occupational safety and health.* A Federal appellate court upheld the constitutionality of a 1981 State law requiring employer disclosure to employees of chemical hazards in the workplace. The court held, among other points, that the Federal Occupational Safety and Health Act does not preempt this State law because of differences between them, in that Federal standards cover exposure levels, whereas the State law seeks to implement a "notice and posting" standard.

*Employment and training.* An Emergency Employment Supplemental Matching Program was enacted, under which private employers may be reimbursed up to one-half of the employer's prevailing starting hourly wage for each eligible unemployed person hired for a period not to exceed 6 months. The State's contribution may not exceed the Federal minimum wage for a maximum 40-hour week.

*Other laws.* Until December 31, 1984, public works contracts will require that more than 50 percent of the nonmanagement personnel employed by the contractor and subcontractors must be State residents. During the same temporary period, in-State bidders on highway contracts financed entirely from State funds will receive preference over out-of-State bidders if their bids are no more than 5 percent higher, instead of the 2 percent as in the current law. Political subdivisions including boards of education may grant the same preference percentage to resident bidders who claim it.

## Wisconsin

*Equal employment opportunity.* A Women's Council was created to identify barriers that prevent women from fully and equally participating in all aspects of life, and to recommend changes including legislation to further women's economic and social equality.

*Employment and training.* The Governor's Employment and Training Office was directed to establish a statewide coordinated employment and training delivery system to meet the needs of persons un-

employable because of lack of skills or education. Also, a labor training program was established within the Department of Development to provide specialized job training to State residents in new technologies and industrial job skills to meet critical manpower needs where the training is not otherwise available.

## Wyoming

*Wages.* Court ordered garnishment of wages for child support has priority over all other garnishment or withholdings, and is limited to 30 percent of income if the parent is single and not supporting any other dependent child, or 25 percent if remarried or supporting another dependent child.

*Occupational safety and health.* An investigator of the Occupational Health and Safety Commission must give written notification to an employer immediately before an inspection starts, of the employer's right to refuse entry without a warrant. All contests of notice of violation, proposed penalty, or abatement periods for violations will no longer be heard by a commission review board, but by independent hearing officers, who will recommend a decision to the commission.

As part of a recodification of the mine safety law, a provision was added dealing with bonding of inspectors, and the maximum fine for willful violations was increased from \$200 to \$750.

*Employment and training.* A plan for displaced workers' education and training is to be established and maintained by the Division of Manpower Planning within the Office of the Governor. Occupational transfer and retraining programs and other services are to be provided for workers unemployed because of plant closures or major layoffs, those eligible for retraining under the Federal Trade Adjustment Assistance Act, and other unemployed workers as determined by the division's director.

*Other laws.* The law giving State residents employment preference on public works projects was amended to include skilled manual labor in addition to unskilled as before, and to increase the penalty for violation.

Employers are prohibited from discharging, threatening to discharge, or intimidating employees because of their jury service or attendance or scheduled attendance in connection with jury service. □

### —FOOTNOTE—

<sup>1</sup>Unemployment insurance and workers' compensation are not within the scope of this article. Separate articles on each of these subjects are included in this issue of the *Monthly Labor Review*. Kentucky was the only State in which the legislature did not meet in 1983. Sessions were

held in Arizona and the Virgin Islands, but no significant legislation was enacted in the fields covered by this article. Information on Puerto Rico was not received in time to include in this article, which is based on information received by November 10, 1983.