

State labor legislation enacted in 2000

Increases in minimum wage rates, overtime requirement changes, child labor revisions, bans on employment discrimination, and protection from workplace harassment and violence were major subjects of State labor legislation

Richard R. Nelson

The volume of State labor legislation enacted in 2000 was lighter than in recent years. Six State legislatures did not meet in regular session and some States met only for budget purposes.¹ Despite this lower volume, there were clusters of activity in some important labor standards areas.

Activity was concentrated in the traditional subjects of minimum wage protection, regulation of child labor, and bans on employment discrimination. Trends continued from previous years with additional States granting employers immunity from civil liability for disclosure of work performance information and authorizing reciprocal agreements for the collection of wage claims. New laws enacted address workplace harassment and violence, and protect whistleblowers. A first-in-the-Nation law enacted places limits on mandatory overtime; also, for the first time, an indexed State minimum wage rate took effect.

This article summarizes significant State labor legislation passed in 2000. It does not, however, cover legislation on occupational safety and health, employment and training, labor relations, employee background clearance, economic development, and local living wage ordinances. Changes in unemployment insurance and workers' compensation laws appear elsewhere in this issue.

Wages. Again this year, minimum wage was an important area of legislation and activity, with bills to increase rates introduced in several States and at the Federal level. New

legislation increased minimum wage rates in California, Connecticut, and Rhode Island; rates also increased in Connecticut, Delaware, Massachusetts, and New York as the result of previous laws. On January 1, 2001, as the result of a 1998 ballot measure, Washington became the first State in the Nation to have a rate that is annually adjusted for inflation. Bills proposing increases in the minimum wage were vetoed in Maine and New Mexico., and a bill to increase the Federal minimum wage rate by \$1 over 2 years failed to be adopted as well.

As of January 1, 2001, minimum wage rates were higher than the Federal standard in Alaska, California, Connecticut, Delaware, the District of Columbia, Hawaii, Massachusetts, Oregon, Rhode Island, Vermont, and Washington.

Provisions that allow employers to use tips received by employees to meet a portion of the minimum wage, were revised in New York and Rhode Island; and a lower minimum wage for certain tipped employees was authorized in Connecticut. In Hawaii, employers are to notify customers if service charges added to the sale of food or beverages are used to pay for costs or expenses other than wages and tips of employees.

Certain computer software professionals and certified nurses are now exempted from the overtime requirements of California's minimum wage law; and Maine is the first State to place limits on the amount of mandatory overtime that employees can be required to work.

Prevailing wage laws pertaining to public works projects currently exist in 31 States and the Federal Government. Only a few major amendments to these existing laws were enacted in 2000. California passed measures expanding coverage, amending the administrative hearing process, and

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holding contractors and subcontractors jointly and severally liable for amounts due to employees; the Maryland law now covers certain school construction projects that were previously exempted; Wisconsin administratively increased the dollar threshold amount for coverage for State and municipal public works contracts; threshold amounts also increased in Ohio; and New Jersey implemented the registration of public works contractors, as provided for in 1999 legislation.

Other significant wage legislation authorized the Vermont labor commissioner to collect unpaid wages, and raised the maximum size of a wage claim that may be accepted in Alaska. The Iowa wage collection law now specifies that rights and obligations provided for in the law continue until they are fulfilled, even if the employer-employee relationship has been severed.

In a case brought by farmworkers, the California Supreme Court held that workers who are required to ride employer-owned vehicles to and from their jobs must be paid for that particular type of travel time.

New Jersey became the 30th State to adopt legislation authorizing reciprocal agreements with other States for the collection of claims for wages, benefits, and penalties.

Family issues. A few States attempted to pass legislation that would have provided unemployment benefits for individuals on family and medical leave, but these all failed to pass into law. One of these, however, a New Hampshire bill, was amended and adopted as a measure to create a study committee to examine the use of these types of benefits.

A resolution was adopted in Tennessee urging employers to excuse employees from work to attend parent/teacher conferences, and a committee in South Carolina was assigned to develop recommendations for the use of employer tax credits as incentives to provide paid time off for employees to attend school functions.

Puerto Rico provided paid time off upon adoption of a child.

Child labor. Again this year, a number of child labor laws were enacted, with some adding more restrictions on work by children and others permitting children to work at younger ages, for longer hours, or in additional occupations.

The Nevada labor commissioner banned employing children under age 16 in youth peddling (or door-to-door sales), adding to the number of States that have addressed this issue in recent years. New, more restrictive hours limitations were adopted in Alabama. In addition, the Alabama Building Commission will expand its building site inspection duties to include investigation of child labor law violations. Administrative penalties were increased for violations of the Colorado, Minnesota, and Pennsylvania laws.

Kansas enacted restrictions on the employment of in-

fants under age 1 month on any motion picture set or location. Kansas also adopted a requirement for placing in trust a portion of the earnings of all minors having entertainment industry contracts.

California State agencies are not to purchase equipment, materials, or supplies produced by using abusive forms of child labor or the exploitation of children in sweatshop labor.

Restrictions were eased on work by minors around alcohol in Alabama, Maryland, and Pennsylvania. Children were also provided with expanded employment opportunities in Connecticut, South Carolina, and Wisconsin. Minors under age 16 in Vermont may now work later in the evening as bat girls or bat boys. Exceptions from hours restrictions for minors under age 16 who are employed by their parents were adopted in Oregon.

The Massachusetts attorney general was authorized to suspend the application of the child labor law in emergency or hardship situations.

Equal employment opportunity. The trend to enact legislation banning employment discrimination against individuals based on genetic characteristics, genetic information, or test results continued this year, with new laws passed in Massachusetts and Michigan.

Among other measures that were enacted, banning various forms of employment discrimination, Tennessee repealed a prohibition on the employment of public school teachers past age 70, and an Executive Order was issued in Maryland establishing a special commission to study sexual orientation discrimination. Measures addressing workplace harassment were enacted in Arizona and California. California also revised definitions of mental and physical disability and medical condition as applicable to prohibited employment discrimination in the State civil service system. An Executive Order was issued in Wyoming adopting an antidiscrimination policy in State government, including a specific prohibition on sexual harassment.

Drug and alcohol testing. Virginia now requires that all public bodies include in every contract they let over \$10,000, a statement that the contractor agrees to provide a drug-free workplace. In Tennessee, each employer with five or more employees who contracts with the State or any local government to provide construction services must submit an affidavit stating that the employer has a drug-free workplace program in effect at the time of submission of a bid.

Worker privacy. Virginia continued a recent trend by adopting legislation providing immunity from civil liability to employers who furnish information about a current or former employee's job performance to a prospective or current employer. Protection from civil liability for providing cer-

tain employment information was also extended to escrow agents in Arizona.

Two laws were enacted in California pertaining to employee access to their personnel files. The Iowa law permitting the use of polygraph examinations for certain law enforcement officers was amended to apply to additional occupations. Tennessee made it unlawful to sell medical information that directly identifies an employee.

Private employment agencies. Private employment agencies operating in Kentucky will no longer be regulated or licensed. The California law regulating advance-fee talent services was amended to remove certain activities from coverage.

Whistleblowers. New whistleblower laws were enacted in California, applicable to school and community college employees, and in Wisconsin, applicable to health care workers. These laws bar reprisal against an employee who discloses an unlawful workplace act or practice. The Rhode Island whistleblower law was amended to specify that it covers at-will employees, contract employees, and independent contractors, and the Tennessee law was amended to provide that, in the event of violation, employees may recover reasonable attorney fees and costs.

Violence. A Victims of Domestic Violence Employment Leave Act was adopted in California. Also, in California, employers who employ community health care workers are to keep a record of any violence committed against them. In Georgia, an employer, where there has been violence or a threat of violence against an employee at the workplace, may seek a temporary restraining order and an injunction prohibiting further violence. The 1999 Maine Employment Leave for Victims of Violence law was amended to clarify

that it applies to all public and private sector employers.

Other laws. Among other laws of interest, California established a Farm Labor Contractor Special Enforcement Unit and revised farm labor vehicle regulation and safety provisions. California also provided job protection for employees who take off work to perform emergency duty as reserve peace officers or emergency rescue personnel, and made it unlawful to use State funds to assist, promote, or deter union organizing. Maine Department of Labor rules were approved governing administrative civil money penalties for labor law violations. In Nebraska, a position of Meatpacking Industry Worker Rights Coordinator was established within the Department of Labor.

A number of significant initiatives made their way to the ballot or through the legislature, but were not enacted. They are as follows: (1) two measures in the November general election would have amended the Oregon State constitution to prohibit the use of payroll deductions from employee wages for political purposes; (2) a bill was vetoed in California that would have expanded the family leave law to include unpaid leave to care for a grandparent, sibling, or domestic partner with a serious health condition; (3) for the second consecutive year, California's Governor vetoed a bill that would have made it unlawful for an employer to secretly monitor the electronic mail or other personal computer records of an employee; and (4) the Maine legislature adopted an act adding discrimination in employment, housing, public accommodations, and credit, on the basis of sexual orientation, to the forms of unlawful discrimination prohibited under the State Human Rights Act, but the voters rejected it on the November ballot.

The following is a summary, by jurisdiction, of labor legislation enacted in 2000.

Alabama

Wages. A resolution urges business and industry in the State to adopt and enforce an equal pay for equal work policy for women.

Child labor. The Governor issued Executive Order 13, requiring that the Department of Industrial Relations, while remaining by statute responsible for the State's child labor law, transfer the day-to-day operation and administration of the law to the Department of Labor. Implementing legislation was enacted.

Executive Order 23 requires the Department of Labor and the Building Commission to enter into any necessary agreements that will allow them to exchange information so as to maximize enforcement

of child labor laws. The Building Commission will expand its building site inspection duties to include investigation of child labor law violations. The Department of Labor will oversee all child labor related inspections undertaken by Building Commission personnel.

The child labor law was amended to restrict the work hours of 18-year-olds enrolled in school to no later than 10 P.M. on any night preceding a school day and to no earlier than 5 A.M. These restrictions previously applied only to 16- and 17-year-olds enrolled in school.

The law prohibiting the employment of persons under age 21 to serve alcoholic beverages was amended to permit persons who are 19 years or older and working as a waiter, waitress, or server to serve alcoholic beverages during normal dining hours in a

restaurant which holds an Alcoholic Beverage Control Board restaurant retail license. An employer who employs a person between the ages of 19 and 21 to serve alcoholic beverages must be a licensee of the board, who has been annually certified as a responsible vendor under the Alabama Responsible Vendor Act.

Other laws. April 28, 2000, will be recognized as Workers' Memorial Day to remember those who have suffered and died on the job and to renew the fight for safe workplaces.

Alaska

Wages. The maximum size of a claim for wages that may be accepted by the Department of Labor and Workforce Development

increased from \$7,500 to an amount of up to \$20,000, exclusive of costs, interest, and attorney fees. The department may file actions in small claims court if necessary to effectuate enforcement. The requirement for payment to terminated employees within 3 working days after termination was amended. Now, if the employment is terminated by the employer, regardless of the cause, payment is due within 3 working days, but, if the employment is terminated by the employee, payment is due at the next regular pay day that is at least 3 days after the employer received notice of the employee's termination of services. An employer found liable for failing to pay within the deadlines will be required to pay a waiting time penalty.

Arizona

Hours. Longer hours of uninterrupted work are now permitted for certain drivers transporting agricultural commodities or farm supplies. To qualify, the work must be limited to an area within a 100-mile radius from the source of the commodities or the distribution point for the farm supplies; must be limited to the planting and harvesting seasons; and is from the field to cooling facilities to the first point of processing or packing. With limited exceptions, these drivers are not to drive for any period after having been on duty 16 hours following 8 consecutive hours off duty or for any period after having been on duty for 112 hours in any consecutive 7-day period.

Equal employment opportunity. An employer, or an authorized agent of an employer, may now file a written verified petition with a magistrate, justice of the peace, or superior court judge for an injunction prohibiting workplace harassment. If the court grants the injunction, it also may restrain the defendant from coming near the employer's property or place of business, contacting the employer or other person while that person is on or at the employer's place of business, or performing official work duties, and grant any other relief necessary for the protection of the employer, the workplace, the employer's employees, or any other person who is on or at the employer's property or place of business or who is performing official work duties. The court may not issue a temporary restraining order or injunction that prohibits speech or other activities that are protected by law, including actions involving organized labor disputes.

Worker privacy. Escrow agents were added to coverage of the law protecting banks,

savings and loan associations, and credit unions from civil liability when providing a written employment reference that reports an applicant's involvement in a theft, embezzlement, or misappropriation that has been reported to Federal authorities or to the Arizona Banking Department. In order for the immunity from civil liability to apply, a copy of the written reference must be sent to the applicant, and the information cannot be knowingly false or provided with malice.

California

Wages. The State minimum wage rate increased to \$6.25 from \$5.75 per hour on January 1, 2001, as the result of action by the State Industrial Welfare Commission. A further increase to \$6.75 is scheduled for January 1, 2002.

Certain computer software professionals are exempted from the overtime requirements of the State's minimum wage law. These computer professionals are exempt if they (1) are primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment, (2) are highly skilled and proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering, and (3) their hourly rate of pay is not less than \$41. Certified nurse midwives, certified nurse anesthetists, and certified nurse practitioners who are engaged in performing duties for which their certifications are required also are exempted.

Several changes were made to the law relating to public works contracts. Among these, the awarding body now is required to report promptly any suspected violations of the laws regulating public works contracts to the labor commissioner and to retain all amounts required to satisfy any civil wage and penalty assessment issued by the labor commissioner. Significant changes were made in the administrative hearing process where a contractor or subcontractor is alleged by the labor commissioner or an awarding body to have violated the law and has been issued a civil wage and penalty assessment. Contractors and subcontractors will be held jointly and severally liable for all amounts due pursuant to a final order, but the labor commissioner shall collect amounts due from the subcontractor before pursuing the claim against the contractor. Wages for workers who cannot be located are to be placed in the Industrial Relations Unpaid Wage Fund. Penalties are to be paid into the General Fund.

Project sponsors under the Downtown

Rebound Program and the Multifamily Housing Program, administered by the Department of Housing and Community Development, must now pay prevailing wages on construction projects assisted through the programs. The department must require, as a condition of loan closing, a certification that prevailing wages have been or will be paid.

The definition of "construction" for purposes of coverage under the public works prevailing wage law was amended to now include work that is performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.

The prevailing wage law previously provided that whenever a contractor or subcontractor performing a public works project was found by the labor commissioner to be either in violation of certain provisions of the law relating to payment of prevailing wages, with intent to defraud, or in willful violation, then the contractor or subcontractor or a firm, corporation, partnership, or association in which the contractor or subcontractor had a substantial interest was ineligible to bid on or receive a public works contract for up to 3 years. The law was amended to delete the requirement that the contractor or subcontractor have a substantial interest in an entity in order for it to be ineligible to bid or contract. Now, any interest in an entity may render it ineligible.

Amendments were made to a number of statutes that regulate wages and hours, including administrative and enforcement procedures. Among these changes, an employer who is in the process of appealing a decision by the labor commissioner must post an appeal bond to guarantee the payment of wages; the penalties levied on employers in the building and construction industry who issue insufficient funds payroll checks were extended to apply to all employers; case law regarding the awarding of attorney's fees for unpaid wages was codified; employers must now include piece rate and hourly wage information on itemized wage statements and penalties were increased for employers who knowingly and intentionally are in violation; penalties were established in the Labor Code for violations of meal and rest periods in accordance with Industrial Welfare Commission wage orders; and the right of certain employees to retain their tips was protected.

The law requiring an employer to indemnify his or her employees for all that the employee necessarily expends or loses as the result of performing the employee's duties or as a result of obeying the employer's directions was amended to de-

fine necessary expenditures to include all reasonable costs, including attorney's fees incurred by the employee in enforcing his or her rights.

In a case brought by farm workers (*Morillion v. Royal Packing*), the California Supreme Court, on March 27, held that workers who are required to ride employer-owned vehicles to and from their jobs must be paid for that particular type of travel time.

A resolution adopted declares May 11, 2000, to be "Equal Pay Day" and urges the citizens of the State to recognize the full value of women's skills and significant contributions to the labor force. May 11 symbolizes the day on which the wages paid to American women so far in 2000, when added to women's earnings for all of 1999, equal the 1999 earnings of American men.

Hours. The requirement that employers provide a 30-minute meal period after 5 hours of work was amended to permit the Industrial Welfare Commission to adopt working-condition orders permitting a meal period to start after 6 hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees.

Family issues. A Victims of Domestic Violence Employment Leave Act adopted prohibits employers from discharging, discriminating, or retaliating against an employee who takes time off from work to receive social services related to domestic violence. Victims of domestic violence may take either paid or unpaid time off to seek medical attention for injuries resulting from domestic violence; seek legal assistance or participate in legal proceedings; seek assistance or services from a domestic violence shelter, program, or rape crisis center; obtain psychological counseling; or participate in activities designed to ensure a victim's safety and well being, such as relocation. The new law applies to employers with 25 or more employees and limits the amount of time to that provided in the Family Medical Leave Act (12 weeks).

Child labor. State agencies are to provide in every procurement contract, other than in public works contracts, that no equipment, materials, or supplies provided under the contract shall have been produced, in whole or in part, by the use of abusive forms of child labor or the exploitation of children in sweatshop labor. Violation may result in a civil penalty and removal from the bidder's list for up to 360 days.

The Department of Industrial Relations is to contract with a coordinator to estab-

lish a statewide young worker health and safety resource network. The resource network will assist in increasing the ability of young workers and their communities statewide to identify and address workplace hazards in order to prevent young workers from becoming injured or ill on the job.

Agriculture. The labor commissioner was authorized to establish and maintain a Farm Labor Contractor Special Enforcement Unit within the Division of Labor Standards Enforcement of the Department of Industrial Relations to enforce provisions of law relating to farm workers by revoking, suspending, or refusing to renew farm labor contractors' licenses. Other changes increase the annual licensing fee for farm labor contractors to \$500 from \$350, and increase to quarterly from annually the frequency with which the labor commissioner shall submit a list of licensees to the State Highway Patrol. Farm labor contractors are required to deposit a surety bond with the labor commissioner based on the size of the person's annual payroll. They are also required to pass a written test on current laws and regulations pertaining to farm labor contractors.

The State Vehicle Code was amended to add provisions relating to the safety of farm labor vehicles. Among these provisions are: a requirement that all cutting tools or tools with sharp edges carried in the passenger compartment of a farm labor vehicle be placed in securely latched containers that are attached to the vehicle; a prohibition on transporting farm workers on flatbed trucks for more than one mile on a highway; and a prohibition, after March 21, 2002, on transporting any person in a farm labor vehicle that lacks passenger seats or seating systems in compliance with Federal regulations.

It is now unlawful to operate a farm labor vehicle that has been determined to be unsafe except to return it, without passengers, to the owner's property or to take it to a repair facility.

Equal employment opportunity. The Fair Employment and Housing Act was amended to expressly provide that employees of any covered entity are personally liable for any prohibited harassment that is perpetuated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action. Under the act, employers, labor organizations, and apprenticeship and employment training programs are civilly liable for harassment of an employee, an

applicant for employment, or a person providing services under a contract, on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

Several changes were made relating to the rights of workers with disabilities. Among these changes, definitions of mental and physical disability and medical condition were revised and made uniform across different State civil rights statutes, including employment in the State civil service system. It is now an unlawful employment practice for an employer or employment agency to make any medical, psychological, or disability-related inquiry of any job applicant or, with regard to an employee, to make such an inquiry unless it is job-related and consistent with business necessity. It is also an unlawful employment practice for an employer or other covered entity to fail to engage in a timely, good faith, interactive process to determine and provide reasonable accommodations at the request of disabled applicants and employees.

Worker privacy. State law pertaining to employee access to personnel files was unified by eliminating an exemption for some public employers from a general requirement that employers make employee personnel files available for inspection and bringing public and private employers under the same records-access provisions of the Labor Code with the exception of public safety officers and employees of agencies subject to the Information Practices Act of 1977. Employers are to make the contents of personnel files available to an employee at reasonable intervals and times. Records relating to the investigation of a criminal offense, letters of reference, and specified ratings and reports are exempt.

A new measure requires employers of public safety officers to permit an officer to inspect his or her personnel file, or a copy thereof, during usual business hours, with no loss of compensation. If the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, he or she may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Within 30 calendar days of receipt of a request, the employer must either grant the officer's request or notify him or her of the decision to refuse to grant the request. In the event of a refusal, the employer must state in writing the reasons for refusing the request, and the written statement will become part of the officer's personnel file.

The law providing that peace officer personnel records are confidential and may not be disclosed in a criminal or civil proceeding, except by discovery pursuant to law, was amended to specify that the prohibition against disclosure refers to disclosure by the department or agency that employs the peace officer.

Private employment agencies. The law regulating advance-fee talent services will no longer cover activities performed for the artist, including registering or listing an artist for employment in the entertainment industry or as a customer of the advance-fee talent service; creating or providing photographs, filmstrips, videotapes, audition tapes, demonstration reels, or other reproductions of the artist, or casting or talent brochures or other promotional materials; creating or providing costumes, providing lessons, coaching, or similar training; and providing auditions. These activities were deleted from the definition of "advance-fee talent service."

Whistleblowers. A Reporting by School Employees of Improper Governmental Activities Act and a Reporting by Community College Employees of Improper Governmental Activities Act were adopted protecting these employees who, among other things, make disclosures of information that may evidence an improper governmental activity, refusal to obey an illegal order, or any condition that may significantly threaten the health or safety of employees or the public if the disclosure is made for the purpose of remedying the condition. A person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a protected employee or applicant for employment is subject to a fine of up to \$10,000 and up to a year in jail.

Other laws. Employers who employ community health care workers must keep a record of any violence committed against these workers. They are to file a copy of that record with the Division of Labor Statistics and Research within the Department of Industrial Relations.

The existing law which provides that an employer is not to discharge, refuse to promote, or otherwise discriminate against an employee for taking time off to perform emergency duty as a volunteer firefighter was amended to extend those protections to reserve peace officers and emergency rescue personnel.

Public agencies in the State, recipients of State grants, and contractors that receive

more than \$50,000 in State funds are now prohibited from using the State funds to assist, promote, or deter union organizing. Violators will be subject to civil penalties.

Colorado

Wages. The law stipulating when final payment shall be made to a terminated employee was amended to provide that, if the accounting unit of the employer is located off the work site, the employer shall deliver the final paycheck to the separated employee no later than 24 hours after the start of the employer's next regular workday to either the work site, the employer's local office, or the employee's last known address.

Hours. A law provision was repealed which had limited work in and about cement manufacturing plants and plaster manufacturing plants to no more than 8 hours within any 24-hour period.

Child labor. The child labor law was amended to increase the administrative penalties for employers who violate restrictions on the times that minors under age 16 are permitted to work. If an hours-of-work violation is found, the director of the division of labor will give the employer written notice of the violation. Within 10 days of receipt of the notice of violation, the employer may file a request for a hearing on the issue of whether the violation exists. After a hearing or 20 days after the issuance of a notice of violation during which the employer has neither requested a hearing nor ceased the unlawful conduct, the director may issue a final cease-and-desist order. At any time thereafter, the director may order the employer to pay a penalty of from \$200 to \$500 for a first offense; of \$500 to \$1,000 for a second offense within 6 months of the first offense; or of \$1,000 to \$10,000 for a third or subsequent offense within 6 months of the first offense. Orders issued by the director of labor are to be posted at the work site and are to include information on permitted hours of work, notice and appeal provisions, and possible penalties for violation.

Connecticut

Wages. As the result of previous legislation, the State minimum wage rate rose to \$6.15 from \$5.65 per hour on January 1, 2000.

New legislation was enacted increasing the State minimum wage rate to \$6.40 from \$6.15 per hour on January 1, 2001, with a

further increase to \$6.70 scheduled for January 1, 2002. During the period from January 1, 2001 to December 31, 2002, the minimum wage for persons employed in the hotel and restaurant industry, including hotel restaurants, who regularly receive tips will be \$4.74 per hour, and the minimum wage for bartenders who regularly receive tips will be \$6.15 per hour.

Child labor. The child labor law was amended to allow 15-year-old minors to be employed as baggers, cashiers, or stock clerks in retail food stores on any Saturday during the year. Previously, this work was limited to periods of school vacation during which school was not in session for 5 consecutive days or more.

Delaware

Wages. As the result of previous legislation, the State minimum wage rate increased to \$6.15 from \$5.65 per hour on October 1, 2000.

Child labor. Beginning in 2001, the Secretary of Education shall submit an annual education outcome report to the governor and general assembly. The report is to show the dropout rate among seniors in Delaware high schools and the enrollment and/or employment status of students who complete the 12th grade.

Equal employment opportunity. An Executive Order was issued declaring that no State agency or department shall discriminate against an employee or job applicant because of race, color, religion, union affiliation, age, gender, marital status, sexual orientation, handicap or disability in hiring, job appointment, promotions, tenure, or compensation.

Georgia

Other laws. An employer, whose employee has suffered unlawful violence or a credible threat of violence at the workplace, may seek a temporary restraining order and an injunction prohibiting further violence or threats of violence at the workplace or while the employee is acting within the course and scope of his or her employment.

On July 1, 2001, the Division of Rehabilitation Services will be transferred from the Department of Human Resources to the Department of Labor.

Hawaii

Wages. Any hotel or restaurant, which ap-

plies a service charge for the sale of food or beverage services, must either distribute the service charge directly to its employees as tip income or else clearly disclose to the customers that the service charge is being used to pay for costs or expenses other than wages and tips of employees.

A resolution was adopted requesting the Legislative Reference Bureau to compile data on the number and percentage of employees of private companies on contract with the State who may be affected by the implementation of a living wage law; contact other jurisdictions that have enacted living wage laws for information relating to their experience with the implementation of these laws; and submit proposed legislation, prior to the start of the 2001 session of the legislature, for a living wage law for employees of private companies on contract with the State.

Idaho

Wages. A resolution was adopted authorizing the Legislative Council to appoint an interim committee to study the issues of whether to repeal the exemption of farm workers from the State minimum wage law and whether farm labor contractors should be licensed. A report of findings, recommendations, and proposed legislation, if any, shall be made to the 2001 session of the legislature.

Inmate labor. The law relating to the escape of prisoners was amended to specify that escape will be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer.

Illinois

Wages. The Illinois Income Tax Act was amended to add the tax-exempt amount contributed to a medical savings account to the information that must be provided to employees on an income-withholding information statement.

Indiana

Hours. Contract carriers that transport railroad employees are now required to limit the hours of service by the contract carriers' drivers. Drivers are to be limited to 12 hours of vehicle operation per day; 15 hours of on duty service per day; and 70 hours of on duty service in 7 consecutive days. A driver who has 12 hours of vehicle operation per day or 15 hours of on duty service

per day must have at least 8 consecutive hours off duty before operating a vehicle again.

Iowa

Wages. The Wage Payment Collection law was amended by adding a section specifying that the rights and obligations provided for in the law continue until they are fulfilled, even though the employer-employee relationship has been severed.

Worker privacy. The law permitting the use of polygraph examinations for candidates for employment as peace officers or corrections officers was amended to also permit these examinations for applicants for positions with a public law enforcement agency where the employee filling the position has direct access to prisoner funds, any other cash assets, and confidential information.

Kansas

Child labor. The child labor law exempts from coverage those children employed outside of school hours as actors, actresses, or performers in motion pictures, theatrical, radio, or television productions. An exception to this exemption was adopted providing that no infant under age 1 month may be employed on any motion picture set or location unless a licensed physician and surgeon who is board-certified in pediatrics provides written certification that the infant is at least 15 days old and was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant's lungs, eyes, heart and immune system are sufficiently developed to withstand the potential risks. In addition, a new requirement provides that 15 percent of the gross earnings of all minors with entertainment industry contracts be set aside by the minor child's employer and preserved for the benefit of the minor child, either in a trust fund or other savings plan approved by the district court. The Department of Human Resources was authorized to adopt rules and regulations setting out standards for minor children on motion picture sets as may be necessary to protect their safety and well being.

Kentucky

Private employment agencies. Private employment agencies operating in the State will no longer be regulated or licensed as

the result of the repeal of authorizing legislation. This repealed legislation had also provided for an Employment Advisory Council.

Maine

Wages. A new law places limits on the amount of mandatory overtime that employees can be required to work. Employers may not require employees to work more than 80 hours of overtime in any consecutive 2-week period. Employers and employees may agree to limit mandatory overtime to fewer than the 80 hours. The limit will not apply to work performed in response to an emergency declared by the governor; to an employee who performs essential services for the public such as utility service or road maintenance; to an employee whose work is necessary to protect the public health or safety; to an individual exempt from the State minimum wage law; to a salaried employee who works in a bona fide executive capacity and whose regular compensation, when converted to an annual rate, exceeds 3,000 times the State's minimum hourly wage; to an employee of a seasonal employer; to a medical intern or resident engaged in an approved graduate educational program; or to certain employees who work for an employer who shuts down an operation for annual maintenance or work performed in the construction, rebuilding, maintenance, or repair of production machinery and equipment.

Other laws. The legislature approved rules adopted by the Department of Labor governing administrative civil money penalties for labor law violations.

The Employment Leave for Victims of Violence law, enacted in 1999, was amended to clarify that it applies to all public and private sector employers, including the State and its political subdivisions.

Maryland

Wages. The prevailing wage law was amended to remove an exemption for the construction of elementary or secondary schools for which 75 percent or more of the money used for construction is State money. This school construction will now be treated the same as other public work and be covered by the prevailing wage law if 50 percent or more of the funding is State money. Another change requires that consideration be given to the bidder's plans for the utilization of minority contractors in letting contracts for school

buildings, improvements, supplies, or other equipment.

Child labor. The law regulating the sale of alcoholic beverages was amended to provide that a person 18 years or older may be employed as a lottery ticket terminal operator in an establishment holding a Class A alcoholic beverages license.

Equal employment opportunity. An Executive Order was issued establishing a Special Commission to Study Sexual Orientation Discrimination in the State. The Commission will examine the characteristics, coverage, and exclusion of existing laws that prohibit discrimination in employment, housing, and public accommodations based on sexual orientation. It is to gather information on complaints filed, lawsuits brought and potential employer liability; solicit input from the business community, nonprofit organizations, religious groups, advocacy groups, government entities, and State citizens; and develop recommendations to eliminate sexual orientation discrimination, including legislative proposals for introduction during the 2001 session of the General Assembly, as well as any proposals for executive action that the commission deems appropriate.

Massachusetts

Wages. As the result of prior legislation, the State minimum wage rate increased to \$6.00 from \$5.25 per hour on January 1, 2000, and to \$6.75 per hour on January 1, 2001. The \$2.63-per-hour cash wage that was required to be paid to employees who receive part of their compensation from tips was frozen at that level.

Child labor. Following a hearing where it has been shown that an emergency exists or that a hardship exists in an industry or individual establishment, the attorney general was authorized to suspend the application or operation of the child labor law or any rule or regulation made under that law which regulates, limits, or prohibits the employment of minors over the age of 16. This authority is limited to the time periods: (1) May 26, 2000, to June 21, 2000, and May 25, 2001, to June 21, 2001, on Friday and Saturday evenings only; (2) June 21, 2000, to September 4, 2000, inclusive and June 21, 2001, to September 3, 2001, inclusive; and (3) September 5, 2000, to October 31, 2000, and September 4, 2001 to October 31, 2001, on Friday and Sat-

urday evenings only.

Equal employment opportunity. It was made an unlawful discriminatory practice for any employer, employment agency, labor organization, or licensing agency to refuse to hire, represent, grant membership to, or license a person on the basis of that person's genetic information, or to solicit or require a genetic test or disclosure of genetic information from any person as a condition of employment, membership, or obtaining a license. It is also unlawful to offer a person an inducement to undergo a genetic test or otherwise disclose genetic information; to question a person about their genetic information or genetic information concerning their family members; to inquire about previous genetic testing; or to use the results of a genetic test or other genetic information to affect the terms, conditions, compensation, or privileges of a person's employment, representation, membership, or the ability to obtain a license.

Michigan

Equal employment opportunity. It was made unlawful for an employer to require an individual to submit to a genetic test or to provide genetic information as a condition of employment or promotion. Genetic information, which is unrelated to the ability to perform job duties, also may be neither the basis for an employer's refusal to hire or promote an individual, nor the basis for discharging or otherwise discriminating against an individual with respect to compensation or the terms, conditions, or privileges of employment.

Plant closing. A resolution was adopted urging approval of trade adjustment assistance for terminated workers of Kellogg's Battle Creek South Plant.

Minnesota

Child labor. A section in the State's budget bill provided for an increase in the fines that may be recovered in civil actions for violations of the child labor law. The fine for employing minors without proof of age was increased from \$25 to \$250 for each employee. Fines were increased from \$50 to \$500 (each employee) for employment of minors under the age of 14; employment of minors under the age of 16 during school hours while school is in session; or employment of minors under the age of 16 before

7 A.M., after 9 P.M., over 8 hours a day, or over 40 hours a week. Fines were increased from \$100 to \$1,000 (each employee) for employment of a high school student under the age of 18 in violation of hours restrictions on work before schooldays and for employment of minors in occupations hazardous or detrimental to their well-being. The fine for minors under the age of 18 injured in hazardous employment was increased from \$500 to \$5,000 for each employee. An employer who refuses to make certificates or lists available as required by law will be assessed a \$500 fine.

Other laws. The Department of Economic Security is, to have as a goal, to process completed applications for certification for permanent alien laborers within 60 days of receipt of the completed application.

Missouri

Child labor. The child labor law was amended in 1999 to exempt children 12 years of age or older participating in a youth sporting event as a player, referee, coach, or other position necessary to the sporting event. A new amendment eliminates the exemption for the specific act of playing.

Other laws. A permanent memorial for workers who were killed on the job in Missouri or who suffered an on-the-job injury that resulted in a permanent disability is to be established and located on the grounds of the State capitol.

Nebraska

Other laws. As part of a law relating to immigrant workers, a position of Meatpacking Industry Worker Rights Coordinator was established within the State Department of Labor. The coordinator shall inspect and review the practices and procedures of meatpacking operations in the State as they relate to the provisions of the Governor's Meatpacking Industry Workers Bill of Rights. These rights are: (1) the right to organize; (2) the right to a safe workplace; (3) the right to adequate facilities and the opportunity to use them; (4) the right to complete information; (5) the right to understand the information provided; (6) the right to existing State and Federal benefits and rights; (7) the right to be free from discrimination; (8) the right to continuing training including supervisor's training; (9) the right to compensation for work performed; and (10) the right to seek State

help. The coordinator will annually submit a report to the legislature and the Governor regarding any recommended actions deemed necessary or appropriate to provide for the fair treatment of workers in the meatpacking industry.

Nevada

Child labor. The labor commissioner banned youth peddling, or the employment of children under age 16 in door-to-door sales, under the authority provided by the child labor law to declare employment to be dangerous to the lives or limbs, or injurious to the health or morals of children under age 16. It is now unlawful to employ any person under 16 years of age in the practice of door-to-door sales, including but not limited to candy sales, or otherwise soliciting for commercial purposes products, goods, or services, including the selling of subscription contracts for books, magazines or other periodical publications other than newspapers, unless permitted by written authorization of the labor commissioner. Door-to-door sales will not include the activities of individuals who, as volunteers without compensation, sell products, goods, or services on behalf of not-for-profit organizations such as the Girl Scouts, schools, and churches. It also will not include the delivery of newspapers to the customer's residence or place of business, nor 14- and 15-year-olds employed in compliance with the Federal Fair Labor Standards Act at fixed retail locations.

New Hampshire

Wages. A procedure was established for hearings and appeals of decisions by the labor department concerning equal pay claims. Employers will be served with a copy of claims by the labor commissioner and will have 10 days from receipt to file any objections. If requested, a hearing will be held, at which time any party may appear and present evidence and cross-examine opposing witnesses. A written decision will be made within 30 days after the hearing. If wages are found to be due, an order for payment will be issued. Any party aggrieved by the decision may appeal to the superior court within 20 days. The court may affirm, vacate, or modify the decision of the commissioner or may remand the matter to the commissioner for further findings. In the absence of a reasonable appeal, the decision and order will be final, will be entered upon the docket of the superior court at the request of the prevailing party,

may be enforced as judgement of the court, and will be a lien upon the property of the employer for three years from the date of the decision.

An employee, who incurs work-related expenses at the request of the employer which are not paid for by wages, cash advance, or other means from the employer, shall be reimbursed for these expenses within 30 days of the presentation of proof of payment. This does not apply to those expenses normally borne by the employee as a precondition of employment.

Family issues. A committee was established to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it. Findings and any recommendations for proposed legislation were to have been reported to the legislature and governor by December 1, 2000.

A committee was established to study the workplace policies and practices in small businesses of 50 or fewer employees that enable employees to balance work responsibilities with family commitments. These may include workplace policies such as flexible schedules, jobsharing, cafeteria benefit plans, use of sick leave to care for family members with extended illnesses, and leave banks. The committee also may examine possible changes to statutes or rules that would allow for greater flexibility on the part of small businesses to accommodate the changing needs of employees and their families. A report of findings and any recommendations for proposed legislation was to have been sent to the legislature by November 1, 2000.

Private employment agencies. Provisions were repealed which had prohibited employees from obtaining money or property from a person in payment for procuring employment for that person; had prohibited offering money or property to an employee in payment for securing employment; and which had made violation of these provisions a misdemeanor. An exception had provided that these provisions would not affect the right to hire laborers, or accept apprentices in the ordinary course of business, or in any way abridge the right to obtain and exercise licenses to conduct employment offices.

Other laws. The commissioner of labor, in consultation with the commissioner of health and human services, shall adopt rules to protect health care workers from occupational exposure to blood or other potentially infectious materials.

New Jersey

Wages. A new law was adopted in response to a 1999 U.S. Court of Appeals decision (*Keeley v. Loomis Fargo & Co.*) that held that the New Jersey Commissioner of Labor exceeded his statutory authority when he promulgated a regulation that excluded certain trucking industry employees from the State's statutory overtime pay requirement. The new law codifies the substance of the regulation, explicitly requiring drivers, helpers, loaders, and mechanics employed by motor carriers, who are subject to requirements for maximum hours prescribed by the U.S. Secretary of Transportation under the Federal Motor Carrier Act, to be paid an overtime wage rate not less than one and one-half times the State's minimum wage rate and permitting these employees to be excluded from the State overtime requirement otherwise applicable.

The State Commissioner of Labor was authorized to enter into reciprocal agreements with the labor department or other corresponding agency of any State for the collection of claims and judgments for wages, administrative fees, or penalties based on claims arising in each others' States.

Child labor. Minors under the age of 18 who have successfully reached the ninth or higher grade level and who have the approval of a parent or guardian to participate or work in any educational program in science will be exempt from the prohibited employment sections of the child labor law. A school student may not participate or work in the program more than 20 hours a week during the school year.

Equal employment opportunity. Executive Order Number 112 established the Governor's Study Commission on Discrimination in State Employment and Contracting. The study commission will investigate, research and report on the nature and scope of any past or present discrimination in State employment and contracting. Where evidence of such discrimination is found, the study commission is to identify and evaluate remedies, consistent with legal guidelines. Findings and recommendations are to be reported to the governor by April 16, 2001.

New York

Wages. As the result of a law enacted in late December 1999, the State minimum wage rate rose to \$5.15 from \$4.25 per hour on March 31, 2000. In a departure from prior practice, this increase applied to both non-agricultural and agricultural workers on the

same date. The law also provides for adopting any higher Federal rate that may be established in the future.

Legislation was enacted creating a new employee classification for certain tipped employees in the restaurant and hotel industries. The classification "food service worker" includes any employee primarily engaged in the serving of food or beverages to guests, patrons, or customers in the hotel or restaurant industries, including, but not limited to, wait staff, bartenders, captains, and bussing personnel who regularly receive tips. These employees may be paid a cash wage of \$3.30 per hour provided that their tips added to the cash wage equal or exceed the State minimum wage. If the cash wage payable under the Federal Fair Labor Standards Act is increased, the cash wage payable under State law will automatically be increased proportionately. Within 6 months of enactment of any change in the State minimum wage, the labor commissioner must appoint a wage board to recommend any changes to wage orders governing wages payable to food service workers.

The rate at which State agencies or public benefit corporations, entering into public works contracts, are required to contribute to the Public Work Enforcement Fund, for labor law enforcement by the labor department, was increased from 0.0334 to 0.05 of the cost of the contract.

The duration of a lien for labor done or materials provided for a public improvement project was extended from 6 months to 1 year from the time of the filing of the notice of the lien.

Other laws. The section of the racing, pari-mutuel wagering, and breeding law relating to licenses for participants and employees at harness race meetings was amended to provide that licenses will not be required for seasonal employees hired solely to work for no longer than 6 weeks during the summer meet at the Syracuse mile.

Ohio

Wages. By law, threshold amounts for contract coverage under the State prevailing wage law are adjusted every 2 years according to the change in the Bureau of the Census Implicit Price Deflator for Construction, provided that no increase or decrease exceeds 6 percent for the 2-year period. As a result, effective January 1, 2000, the threshold amount for new construction rose from \$55,574 to \$58,958, and the threshold amount for reconstruction, remodeling, or renovation

increased from \$16,672 to \$17,687.

Equal employment opportunity. A resolution was adopted recognizing the State's State Use Program as a necessary, viable, and valuable means for carrying out the State's policy of promoting gainful employment for citizens of Ohio with severe disabilities.

Other laws. Employers are prohibited from terminating employees who are volunteer firefighters of volunteer providers of emergency medical services, if they miss or are late to work, because of responding to a medical emergency.

Oklahoma

Wages. Payroll deductions for a college savings account administered under the Oklahoma College Savings Plan Act will now be permitted under the law regulating voluntary payroll deductions by State employees.

Drug and alcohol testing. The definition of "testing facility," for purposes of the Standards for Workplace Drug and Alcohol Testing Act, was amended to specify that the administration of onsite drug screening tests to applicants or employees to screen out negative test results are not considered to be laboratory services under the law if the onsite tests used are cleared by the Federal Food and Drug Administration for commercial marketing, and all positive results of such tests are confirmed by a testing facility in accordance with the Standards for Workplace Drug and Alcohol Testing Act.

Oregon

Child labor. Amended child labor rules allow the Wage and Hour Commission to grant exceptions to the work-hour restrictions for minors under age 16 who are employed by their parents, and authorizes these minors to work as late as 9 P.M. if the commission determines that the employment will not adversely affect the health, safety, or education of the children.

Pennsylvania

Child labor. In late 1999, the section of the child labor law restricting the employment of minors in establishments where alcoholic beverages are brewed, bottled, sold, or served was amended to specifically permit minors 14 and 15 years of age to be employed at ski resorts, golf courses, and amusement parks, as long as they are not

permitted to serve or handle alcoholic beverages, and as long as they do not work in any room in which alcohol is being served or stored. Fines for any violation of the child labor law were increased. The fine for a first violation was increased from a range of \$100 to \$300 to a range of \$200 to \$400. The fine for a subsequent violation was increased from a range of \$250 to \$1,000 to a range of \$750 to \$1,500 and/or imprisonment of up to 10 days at the discretion of the court.

Other laws. The law governing military affairs was amended to provide that an employee who has been granted a military leave of absence may receive pay from his or her civilian employer while on the leave. Another amendment eliminated the position of Veterans' Ombudsman.

Puerto Rico

Wages. The process for collection of wage claims was clarified by providing that when any employee files a claim against his or her employer for wages, overtime hours, vacation, or medical leave, penalty for working during rest or meal periods, and other benefits, the prescriptive period for all wage claims is 3 years.

A 1999 enactment authorized employers, with employee consent, to make payroll deductions for negotiated payments of income tax owed to the Department of Finance.

Another 1999 law provides that all employers of health care employees who require the employees to wear uniforms are to pay for the uniforms. Coverage includes nurses, lab technicians, and therapists.

Family issues. The Working Mothers Act which provides for paid time off from work before and after the birth of a child was amended to also allow paid time off upon the adoption of a child under 5 years old who is not enrolled in school.

Equal employment opportunity. A Law that Guarantees Equal Work Opportunities for both Genders was passed in 1999. This law reaffirms the public policy of the Government of Puerto Rico of eliminating workplace discrimination based on gender. It will be administered by the Commission for Women's Affairs in the Office of the Governor. All public agencies, with the assistance of the commission, are to develop and implement affirmative action plans in order to guarantee that no one is discriminated against, who is working or who seeks employment, because of gender.

The commission will develop and offer training to agencies to help them enforce the law, and will offer, to other government agencies, assessment of processes dealing with recruitment, selection, nomination, exams, transferring, promotions, seniority, and other terms and conditions of employment. The commission has the authority to assess administrative fines if agencies do not comply.

Drug and alcohol testing. The Law to Regulate Tests for the Detection and Prevention of Controlled Substances in the Private Sector permits employee drug testing in the event of a workplace accident. The definition of "accident" for purposes of this law was amended to now cover any unexpected event or action resulting from an action of the employee that jeopardizes health, safety, or property. Previously, "accident" was more narrowly defined, referring to an incident that resulted in serious damage or physical harm.

Rhode Island

Wages. Legislation was adopted raising the State minimum wage rate to \$6.15 from \$5.65 per hour on September 1, 2000. The minimum cash wage that must be paid to employees receiving gratuities will remain at \$2.89 per hour.

Hours. The law regulating work performed on Sundays and holidays was amended to exempt those manufacturers who operate for 7 continuous days per week from the requirement that they not penalize employees for refusing to work on a Sunday or holiday.

Equal employment opportunity. A resolution was adopted urging the President and the Secretary of State to place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee.

Employee leasing. The responsibility for bonding of employee leasing companies was transferred from the Department of Labor and Training to the Division of Taxation within the Department of Administration.

Whistleblowers. The definition section of the Whistleblowers' Protective Act was amended to specify that coverage of the law includes at-will employees, con-

tract employees, and independent contractors.

Other laws. The governor is to issue annually a proclamation recognizing March 31st as "César Chávez Day," in remembrance of the accomplishments of César Chávez on behalf of our nation's farm workers.

South Carolina

Family issues. As part of a new comprehensive Parental Involvement in Their Children's Education Act, an Education Oversight Committee, in cooperation with the Department of Commerce, the Department of Revenue, and the South Carolina Chamber of Commerce, shall develop recommendations for employer tax credits as incentives to provide parent-employee release time for parent-teacher conferences or attendance at their children's academic-related events without loss of pay, and to develop workplace policies which enable parents to improve their literacy, assist their children with academics, and become more involved in their child's education as a result of employers working with local school officials. Recommendations are to be reported to the legislature by January 1, 2001.

Child labor. The law relating to election poll managers was amended to allow any person at least 16 years of age, who has completed the necessary training and who is not otherwise disqualified by law, to be appointed as a poll manager's assistant by the appropriate county election commission. No polling place may employ more than one 16- or 17-year-old assistant poll manager.

South Dakota

Wages. A resolution was adopted urging all employers in the State to abide by the equal pay for equal work law. This law prohibits employers from paying wages to any employee in any occupation at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work.

Tennessee

Wages. A resolution was adopted urging the governor to recognize May 9, 2000, as "Equal Pay Day" in the State. May 9 symbolizes the day in which the wages paid to American women to that date in the year 2000, when added to women's earnings for all of 1999, equal the 1999 earnings of

American men.

Family issues. A resolution was adopted urging all employers doing business in the State to excuse employees from work to attend parent-teacher conferences when given 24 hours notice.

Equal employment opportunity. The section of law prohibiting the continued employment of public school teachers past age 70 was repealed.

Drug and alcohol testing. Each employer with five or more employees who contracts with, or is awarded a contract by, the State or any local government to provide construction services or who provides construction services to the State or local government is to submit an affidavit stating that the employer has a drug-free workplace program in effect at the time of submission of a bid. The program must comply with State law to the extent required of governmental entities. No local government or State governmental entity shall enter into any contract or award a contract for construction services with an employer who is not in compliance. Employers in violation may be barred from future contracts for varying periods of time, including not less than one year in the event of a third violation.

Worker privacy. It was made unlawful for any employer, or an agent, contractor, or employee of an employer, to market or sell medical information that directly identifies an employee, unless the employee has authorized the release. Violation will be punished as a Class C misdemeanor.

Whistleblowers. Any employee, terminated in violation of the law protecting employees from discharge for refusing to participate in, or for refusing to remain silent about, illegal activities, who prevails in a cause of action against an employer for retaliatory discharge for such actions will be entitled to recover reasonable attorney fees and costs.

State employees are not to be discharged, demoted, suspended, reassigned, transferred, disciplined, threatened, or otherwise discriminated against regarding their evaluation, promotion, compensation, terms, conditions, location, or privileges of employment because they report violations of State or Federal laws, rules or regulations; acts which constitute fraud against the State, the Federal government, the public, or any fellow employee; the willful misappropriation of State or Federal resources; acts which pose an unreasonable

and specific danger to health or safety; or acts constituting gross mismanagement. A State employee injured by a violation of the law may maintain an action in circuit or chancery court within 1 year of the alleged violation for actual damages, injunctive relief, reinstatement, back pay, or other remedies. Where the court finds that the employee was injured by a willful and malicious violation, by a criminal violation, or by a violation based upon an effort to obtain personal gain, the court may award damages of up to 3 times the amount of actual damages plus costs and attorney's fees.

Utah

Equal employment opportunity. The name of the Antidiscrimination Advisory Council, under the labor commission, was renamed the Antidiscrimination and Labor Advisory Council.

Vermont

Wages. As part of an act, which relates to assuring a livable income for all working residents of the State, the Commissioner of Labor and Industry was authorized to collect unpaid wages that are owed to employees by an employer. Previously, collection was by a State's Attorney. If it is found that the unpaid wages were willfully withheld by the employer, the commissioner is now authorized to collect an additional amount of up to twice the amount of unpaid wages, one-half of which will be given to the employee and one-half of which will be retained by the commissioner to offset estimated administrative and collection costs. The commissioner will enforce an order for collection in superior court. Other sections of the law require the joint fiscal office to report on baseline data on the cost of living in Vermont and the current wage levels within various sectors of the economy, and require the Commissioner of Employment and Training to provide the General Assembly with detailed wage and employee benefit information maintained by the department and by the U.S. Bureau of Labor Statistics.

Child labor. The section of the child labor law pertaining to hours and nightwork restrictions on the employment of children under age 16 was amended to allow baseball bat girls or bat boys of this age to be employed until midnight or after midnight if a parent or guardian and the Commissioner of Labor and Industry have consented in writing. In addition,

by November 1, 2000, the Department of Labor and Industry was to present written recommendations to the legislature for updating the child labor laws.

Virginia

Child labor. The law governing those child day centers operated by religious institutions, and thereby exempt from licensure, was amended to change staff ratios to permit 16- and 17-year-olds to count as staff as long as they are under the supervision of an adult. Adult staff members are to supervise no more than two staff members under 18 years of age at any given time.

Drug and alcohol testing. The Public Procurement Act was amended to require that all public bodies include, in every contract they let over \$10,000, a statement that the contractor agrees to provide a drug-free workplace for the employees. The contractor is also to post in conspicuous places a statement notifying employees of the prohibition of any drug violations and specifying the actions that will be taken for such violations; to specify in all solicitations or advertisements for employees that the contractor maintains a drug-free workplace; and to include these requirements in every subcontract or purchase order of over \$10,000, so that the provisions will be binding on each subcontractor or vendor.

Worker privacy. An employer who furnishes information about a person's professional conduct, reasons for separation or job performance, upon request by the person's prospective or current employer, is presumed to be acting in good faith and is immune from civil liability for disclosing the information unless it is shown that the employer knowingly provided false information, provided information with reckless disregard for whether it is false or not, or provided information with the intent to deliberately mislead.

Inmate labor. The penalty for a prisoner leaving his or her work release program, without authorization, or failing to return to such a program was increased from a Class 2 to a Class 1 misdemeanor. A prisoner found guilty of such a violation will be ineligible for further participation in a work-release program during his or her current term of confinement.

Jury duty. The law protecting employees from discharge or other adverse personnel actions because of required jury service or court appearance was amended to clarify

that the protection applies to any court. The penalty against an employer who violates the law was increased from a Class 4 misdemeanor to a Class 3 misdemeanor.

Washington

Wages. As the result of Initiative 688, approved by voters in the November 1998 general election, the State minimum wage rate for employees over age 18 increased to \$6.50 from \$5.70 per hour on January 1, 2000, and to \$6.72 on January 1, 2001. Beginning with the rate for January 1, 2001, and annually hereafter, the rate will be adjusted for inflation by a calculation using the Consumer Price Index for Urban Wage Earners and Clerical Workers, or a successor index, for the previous year.

West Virginia

Other laws. A Veterans Employment Training Priority article was enacted requiring all Federal and State funded employment and training programs administered through the State to adopt a written policy providing priority of service to veterans of the United States military over other individuals seeking employment and training services.

Wisconsin

Wages. Effective January 1, 2000, the threshold amount for coverage under the State prevailing wage laws for State and municipal contracts was changed administratively from \$164,000 to \$168,000 for contracts in which more than one trade is involved and from \$33,000 to \$34,000 for contracts in which a single trade is involved.

Prevailing wage law amendments made language consistent in the three State prevailing wage laws (municipal public works projects, State building, and other public works projects except bridges and highways, and State bridge and highway projects). Other changes codified the existing policies for determining the jurisdiction of truck drivers hauling goods to and from prevailing wage projects, and changed the procedures concerning information submitted by individuals appealing prevailing wage rates set by the Department of Workforce Development. Previously, persons were asked to submit statistical information based on calendar years. Now, information is to be submitted based on the survey year in question (June 1 through May 31) to match the annual surveying process adopted by the department in 1996.

Child labor. Labor permits issued to minors aged 14 to 18 will no longer show the place of birth of the minor. In promulgating rules governing the proof of age of minors who apply for labor permits, the Department of Workplace Development must include a requirement that it and its permit officers will accept as evidence of a minor's age a duly-attested birth certificate, a verified baptismal certificate, or either a valid operator's license that contains a photograph of the licensee holder or an identification card issued by the Department of Transportation. These evidences of age are also to be accepted by the Department of Workplace Development in issuing certificates of age to those age 18 and older.

The child labor law was amended to provide that, to the extent permitted under the Federal Fair Labor Standards Act, minors 12 and 13 years of age may be employed, under direct adult supervision, as officials for athletic events sponsored by private, nonprofit organizations in which the minor would be eligible to participate or in which the participants are the same age or younger than the minor.

Whistleblowers. Under a new health care worker protection act, health care facilities, health care providers, and their employees may not take disciplinary action against, or threaten to take disciplinary action against, any person because he or she reported in good faith any information concerning violation of any State or Federal law or regulation, or reported in good faith any situation in which the quality of any health care service provided by the health care facility or health care provider violates any established standard and poses a potential risk to public health or safety. The law establishes complaint procedures and civil penalties in the event of violation.

Wyoming

Equal employment opportunity. An Executive Order was issued adopting an antidiscrimination policy applicable to all employees and elected officials of the executive branch of the State government. Barred are any forms of discrimination or harassment that violate applicable State law including discrimination or harassment related to an individual's race, religion, color, sex, na-

tional origin, age, or disability. Sexual harassment is defined and prohibited. Violation of the policy is grounds for discipline, up to and including dismissal. The policy prohibits retaliation against any employee who opposes a practice prohibited by the policy or who has filed a charge, testified, or assisted, or participated in any manner in an investigation under the policy. Procedures for complaints, investigations, and corrective action are established. This Order repeals and replaces Executive Order 1993-4. □

Notes

¹ The Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas legislatures did not meet in regular session in 2000. The District of Columbia, Florida, Louisiana, Mississippi, New Mexico, and North Carolina did not enact significant legislation in the fields covered by this article. Information about Guam and the Virgin Islands was not received in time to be included in the article, which is based on information received by November 10, 2000.