

# State labor legislation enacted in 1985

*In a heavy legislative year, major laws were enacted in many traditional areas, and new measures included restricting door-to-door sales by children and requiring background checks of day care personnel*

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There was a significant amount of both legislative activity and court action in the States during 1985, covering a wide variety of subjects in the field of employment standards.<sup>1</sup> Major laws were enacted concerning many of the traditional issues such as minimum wage protection, collection of unpaid wages, bans on employment discrimination, public employee collective bargaining, and restrictions on the use of polygraph examinations. Legislation on the rights of employees to receive information and training about toxic substances found on the job site was passed in several additional States, and interest also continued involving pay equity for job of "comparable worth" and the impact on employees of plant closings or relocations. New measures evidenced interest in restricting door-to-door solicitation by children, requiring background clearances of day care employees, and governing the use of video display terminals in the workplace. Three States repealed prevailing wage laws, which set wage rates for publicly funded construction.

Montana, Oregon, and Vermont enacted legislation this year providing for across-the-board minimum wage rate increases effective in 1985 or 1986; a wage order revision in the District of Columbia raised the minimum wage applicable to manufacturing, printing, publishing, and wholesale trade occupations; and mandatory decree revisions in Puerto

Rico increased rates applicable to employees of the personal services and communications industries. In addition, minimum wage rates were raised in Arkansas, Illinois, and Maine as the result of automatic increases provided for by previous enactments. The \$3.35 per hour Federal standard is now exceeded in Alaska, Connecticut, the District of Columbia, and Maine, and the rate in Vermont is scheduled to increase from \$3.35 to \$3.45 per hour on July 1, 1986. As of January 1, 1986, 20 jurisdictions have minimum wage rates equal to the Federal standard and Montana will reach this level on October 1, 1986. A new North Carolina amendment requires matching increases up to \$3.60 an hour in the State minimum if the Federal rate is increased before July 1, 1987.

Among other minimum wage and overtime actions, the New Hampshire provision permitting a youth rate of 75 percent of the applicable minimum wage rate was limited to those age 16 or under rather than those 17 or under as before, and an Executive Order was issued in Maine in response to the U.S. Supreme Court ruling of February 19, 1985 in *Garcia vs. San Antonio Metropolitan Transit Authority et al.* that State and local governments are subject to minimum wage and overtime provisions of the Federal Fair Labor Standards Act. The Maine order establishes scheduling and other procedures to ensure that the State does not incur Federal overtime liability beyond its ability to pay.

The Oregon wage payment and collection law was amended to extend coverage to public sector employees,

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and coverage was also extended to additional categories of employees under these laws in Illinois and Iowa. Also, in Oregon, an employer-financed wage security fund was established to pay wage claims of employees whose employers have ceased doing business and do not have sufficient assets to pay the claims. The Labor Commissioner in New York and the Director of Labor and Industries in Washington were authorized to enter into reciprocal agreements with other States for collection of claims or judgments for unpaid wages. In Illinois, wages collected by the Department of Labor which cannot be paid to affected employees will now be deposited into the State's general revenue fund, rather than returned to the employer. Employers in Nevada are now forbidden to require employees to work without wages during a trial or break-in period. In a significant decision, on September 6, 1985, a U.S. Court of Appeals reversed and remanded a District Court decision which had held that the Federal Employee Retirement Income Security Act of 1974 preempts a California statute barring forfeiture of vacation pay and requiring payment of a pro rata share of such pay on the employee's termination.

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 great interest and controversy with measures to repeal, enact, or amend laws introduced in many States. Currently, 34 States have prevailing wage laws in effect. Laws were repealed this year in Colorado, Idaho, and New Hampshire, and a repeal bill passed the legislature in Louisiana but was vetoed by the Governor. In contrast, a bill to enact a prevailing wage law passed the legislature in Iowa but was blocked by veto. Several major amendments were made to the Oklahoma law including raising the threshold amount for coverage to \$600,000, requiring use of rates determined under the Federal Davis-Bacon Act, providing for debarment of contractors in violation of the law, and making the public awarding agency liable for underpayment of wages in certain situations. Amendments in Nevada increased the threshold amount, provided for debarment, and required setting prevailing rates in each county through the use of an annual survey. Dollar threshold amounts were also increased in Connecticut and Wisconsin. The labor commissioner in Montana was given rulemaking authority under the State's law, and New York may now withhold payments due contractors who fail to provide requested payroll records. In Illinois, a Circuit Court judgment, affirmed by a State Appellate Court and currently on appeal to the State Supreme Court, has upheld the right of certain cities and counties with home-rule status under the State constitution to continue to exempt themselves from coverage of the prevailing wage law.

Most States have enacted laws to strengthen enforcement of court-ordered child support, in total or partial compliance with new Federal requirements under the Child Support Enforcement Amendments of 1984.<sup>2</sup> These amendments re-

quire that State laws must provide for automatic wage withholding to cover overdue and current child support, must limit the total wages withheld to the garnishable limit set in the Federal wage garnishment law, and must provide a fine against an employer for retaliating against an employee or job applicant because of such withholding.

Again this year, the issue of equal pay for jobs of comparable value in State government was addressed in some of the States. Among the more notable actions taken, the legislatures in Washington and Wisconsin appropriated money for comparable worth implementation, an evaluation of the State job classification system based on comparable worth principles was funded in Wyoming, and in New Jersey, an interim task force report was submitted recommending pay increases for certain employees and implementing legislation was introduced. A study of comparable worth for State employees was authorized in Utah, while North Carolina repealed a 1984 law providing for a similar study and the development of a job evaluation and pay system. Significantly, a 1983 U.S. District Court decision ordering comparable pay for Washington State employees was overturned on appeal in September 1985.

There was little activity this year related to child labor law or regulations with the notable exception of a few measures adopted relating to the employment of minors in door-to-door sales. Such work was prohibited for children under age 15 in Oklahoma and for those under 16 in Oregon. Oregon also issued special rules for the employment of 16- and 17-year-olds in employment of this kind, and Arizona amended its' night work hours restrictions to prohibit work after 7 p.m. in door-to-door solicitation. In other developments, a new Wisconsin law permits minors under age 12 to work in fundraising sales for nonprofit organizations with parental consent, and Illinois adopted new certificate requirements for minors under 16 employed in motion picture, radio, or television productions.

Legislation involving at least one of the various forms of employment discrimination was enacted in 24 jurisdictions in 1985 with primary concentrations being in the areas of discrimination on the basis of age and handicap. Among these, New Jersey prohibited mandatory retirement because of age in both the private and public sectors, except for State police officers, and Montana will no longer require mandatory retirement of firefighters and law enforcement personnel under their retirement systems. Also, a new Oklahoma law bans age discrimination in employment against persons between the ages of 40 and 70, and coverage of Louisiana's law against discrimination because of age was expanded to include employers subject to the Federal Age Discrimination in Employment Act. New laws were enacted or coverage of existing fair employment practice laws amended to provide handicapped persons protection from employment discrimination in Arizona, Nevada, North Carolina, and Wyoming. The Nevada law, banning discrimination by the State and political subdivisions, was also

amended to prohibit discrimination on the basis of political affiliation.

Eight additional States enacted laws affording workers the right to be informed of and given training on toxic substances found in the workplace. Some of these laws extended the right to information to the communities in which companies using toxic substances are located, and three States, with prior laws giving protection to employees, enacted separate laws providing exclusively for community right-to-know.<sup>3</sup> These laws on toxic substance information, while originating in only the last few years, have now been enacted in a majority of the States.

Other occupational safety and health measures included a New Hampshire act limiting application of that State's law to public sector employees, an Oregon field sanitation law requiring employers of specified farm workers to provide them with convenient toilet and handwashing facilities and clean drinking water, and other laws relating to asbestos, elevator, mine, boiler, and amusement ride safety. An Executive Order was issued in New Mexico regulating the use of video display terminals by State employees.

Comprehensive new laws in Hawaii and Vermont prohibit employers from requiring employees to take a

polygraph test as a condition of employment or continued employment. Other enactments of interest this year include: several laws adopted requiring criminal history checks of prospective child care operators or workers; measures by Connecticut, Maryland, New Jersey, and Washington to aid workers and communities facing mass layoffs or plant closings; a State and Political Subdivision Employees Relations Act in North Dakota giving public employees the right to join employee organizations; a law in Mississippi making strikes unlawful by public employees generally, and specifically by public schoolteachers; a right-to-work law enacted in Idaho; several laws each giving preference to State contractors or residents on public work projects and prohibiting reprisal against public employees who report a violation of law or mismanagement; laws restricting smoking in the workplace; and a new measure in Tennessee making it unlawful to knowingly employ or refer for employment any illegal alien, with employer penalties including having their license revoked and being permanently barred from doing business in the State.

The following is a summary, by jurisdiction, of labor legislation during 1985.

## Alabama

*Wages.* The State comptroller is to adopt statewide policies for the deduction from salaries, upon the request of at least 5 percent of all State employees, of membership dues, voluntary contributions, and group insurance premiums. The deductions are to be appropriately remitted.

*Equal employment opportunity.* The requirement that teachers retire at age 70 was amended to permit continued employment from year-to-year on application and employer approval, if evidence of physical and mental fitness is furnished.

*Background clearance.* Employers hiring persons to work in public or private schools, child care, and correctional facilities must request from the public safety department records of all sex crime convictions of prospective employees or volunteers, and current employees and volunteers are to submit a signed statement regarding such convictions. Other employers, using the services of volunteers or employees in positions having supervisory or disciplinary power over children, are also to obtain signed statements disclosing any such prior sex crime convictions.

*Occupational safety and health.* A new law was adopted to ensure that employees be given information concerning the nature and health effects of the toxic substances

with which they work. The Department of Environmental Management is to promulgate and make available to manufacturers and employers a list of toxic substances. Employers are to maintain material safety data sheets for toxic substances used in the workplace, and provide education and training to employees on safe handling, emergency treatment, and the hazards involved. Employees have a right to obtain the data sheets and may refuse to work with substances for which information has not been provided and may not be discharged or otherwise disciplined for requesting information, taking part in any proceeding, or exercising any right under the act.

The Alabama Mining Academy was created. Its purpose will be to assist in the safety and health training of the State's miners, to cooperate with and provide assistance to the State mining industry in developing effective mine health and safety programs, and to improve and expand research and development and training programs aimed at developing a safer, more productive coal industry.

The board of examiners, which certifies competency of certain mine personnel, previously scheduled for termination October 1, 1984 was extended indefinitely and it gained two members.

*Employment and training.* A joint resolution urged the U.S. Congress to retain the Work Incentive Program and provide a reasonable level of funding for it consistent

with program needs and responsibilities for helping recipients of Aid to Dependent Children become wage earners.

## Alaska

*Equal employment opportunity.* The Office of Equal Employment Opportunity was established in the Office of the Governor to administer the equal employment opportunity program for the executive branch of State government and to ensure compliance with affirmative action responsibilities.

*Other laws.* The Superior Court has invalidated the law requiring preferential hiring of residents from Alaska on public works projects let by the State or a political subdivision. The decision is on appeal to the State Supreme Court. In conjunction with this case, a series of legislative findings were retroactively enacted presenting the legislature's rationale for having established resident preference. The legislature additionally declared its policy that it will grant employment preference to residents when the State is acting as a market participant.

## Arizona

*Child labor.* The general prohibition against employment of children under age 16 after 9:30 p.m. was amended to bar their employment after 7 p.m. in door-to-door sales or deliveries, except for home newspaper delivery.

*Equal employment opportunity.* The State's antidiscrimination law was extended to protect physically handicapped persons from employment discrimination. In addition, it was made an unlawful employment practice for an employer, labor organization, or employment agency to fail or refuse to reasonably accommodate an individual's handicap.

*Background clearance.* As a condition of employment, juvenile probation officers, school personnel, day care center personnel, child care personnel, State department of corrections personnel working where youth offenders are confined, day care homes personnel, and recipients of Federal child-care food program monies are now required to submit fingerprints and a statement that they have not been convicted or are not awaiting trial for committing certain specified criminal offenses including the sexual or other abuse of minors.

A separate law now permits employers and potential employers to obtain criminal history record information concerning convictions for sexual offenses and prostitution involving minors under age 15, sexual exploitation of children, and child abuse, for employees or applicants for employment involving regular contact with minors under age 15.

*Industrial homework.* With specific reference to attempts to stop the home employment of telecommuters, a Concurrent Memorial was adopted asking the President, the Congress, and the U.S. Secretary of Labor to take any action necessary to rescind existing orders and regulations prohibiting commercial homework and to refrain from extending these prohibitions to additional categories of activities.

*Other laws.* It is now a prohibited personnel practice for public employees who have control over personnel actions to take reprisals against employees who disclose to a public body, information which they reasonably believe evidences a violation of any law or mismanagement, provided the information is not disclosed in a manner prohibited by law or the materials or information has not been deemed confidential by law.

## Arkansas

*Wages.* As provided in a prior law, the minimum wage rate was increased from \$3.05 to \$3.15 an hour effective January 1, 1985.

*Occupational safety and health.* An amendment to the law regulating the inspection of boilers permits continuous

monitoring of certain boilers by mechanical or electronic devices approved by the Director of the State Department of Labor as an alternative to hourly checking.

*Employment and training.* The role and function of the Arkansas Industry Training Program were expanded to authorize provision of training for employees of existing business and industry in order to encourage industrial and economic development of the State by upgrading skills and abilities needed to operate more modern and sophisticated equipment and processes.

An Arkansas Advisory Council on Vocational-Technical Education was created, to be appointed by the Governor. Among its duties are promoting interest in vocational and technical education, assisting in the development of plans required under the Federal vocational education law, evaluating vocational program delivery systems under that law and the Federal Job Training Partnership Act, making recommendations on the adequacy and effectiveness of coordination between vocational education and the Federal act, and advising various Federal and State officials of any findings.

A Riverside Vocational Technical School was established to provide vocational technical training for prison inmates, with administration by the State Board of Vocational Education in cooperation with the Department of Corrections.

## California

*Wages.* Townships were eliminated from the definition of political subdivision for purposes for coverage under the State prevailing wage law.

On September 6, 1985 the Ninth Circuit U.S. Court of Appeals reversed and remanded a District Court decision which had held that the Federal Employee Retirement Income Security Act of 1974 (ERISA) preempts a California statute barring forfeiture of vacation pay and requiring payment of a pro rata share of such pay on the employee's termination. In effect the appellate decision upheld the U.S. Department of Labor's regulation that a practice of vacation pay paid out of general assets does not constitute an "employee benefit plan" subject to ERISA.

*Hours.* A statutory sunset date of January 1, 1986 was repealed which would have terminated the authority of the Chief of the Division of Labor Standards Enforcement to exempt any employer or employees from any mandatory day or days off requirement contained in any order of the Industrial Welfare Commission.

*Agriculture.* Commercial packing houses engaged in both the harvesting and packing of citrus fruit or soft fruit for a client or customer will not be included within the definition of farm labor contractor for purposes of coverage under the Farm Labor Contractors' Act.

Coverage of the law requiring minimum health standards in farm labor camps was expanded to provide for the licensing and inspection of more of such camps, and additional protections against evictions of tenants who complain about substandard conditions were adopted.

*Equal employment opportunity.* It will now be an unlawful employment practice for an employer to discriminate against an employee because of a conflict between the employee's religious observance and any employment requirement, unless the religious observance cannot be reasonably accommodated after exploring all available means. Employees must be given the option of making up work time lost because of religious observance if there is no undue hardship on the employer, or of taking paid or unpaid leave.

A loan guarantee program administered by the Department of Rehabilitation was established to assist employers and employees with disabilities to purchase equipment, aids, and assistive devices in order to engage in employment, or for supported employment for persons with disabilities who are unable to engage in competitive employment and who are not eligible for vocational rehabilitation.

The U.S. Supreme Court ruled in the case of *Atascadero State Hospital and California Department of Mental Health, Petitioners vs. Douglas James Scanlon* that receipt of Federal funds does not in itself constitute a waiver of a State's Eleventh Amendment immunity to suit in a Federal Court for alleged violations of the Rehabilitation Act of 1973.

*Background clearance.* Among changes to the laws relating to child abuse, the Department of Social Services must request from the Department of Justice any reports of child abuse concerning applicants for licensure or employment in a position having supervisory or disciplinary power over children or who will provide 24-hour care for children in a residential home or facility.

*Occupational safety and health.* Starting January 1, 1987, any contractor whose operations include asbestos-related work involving 100 square feet or more of asbestos-containing materials must have passed an asbestos certification examination to be developed by the Contractors

State License Board, and must register with the labor department's Division of Industrial Safety. Civil and criminal penalties were established for operating without the certificate or for contracting with an uncertified person. Employers are to train employees, provide necessary equipment to do the work safely, report on asbestos work to be done, and provide health insurance coverage to cover the cost of medical examinations and required monitoring.

Additional circumstances under which the Division of Occupational Safety and Health may issue a "notice" in lieu of a citation will now include violations that do not have an immediate relationship to the health or safety of an employee, and are of a general or regulatory nature, and the employer agrees to correct the violations within a reasonable time and not to appeal the findings of violation.

The Occupational Carcinogens Control Act was moved from the Health and Safety Code to the Labor Code, and civil penalties for serious or repeated violations were substantially increased.

In addition to those materials on the Director of Industrial Relations' list of hazardous substances, any substance within the scope of the Federal Hazard Communication Standard will be considered hazardous under the State Hazardous Substances Information and Training Act. Manufacturers, importers, and distributors of hazardous substances, and employers, must label each container of such material in a manner consistent with Federal standards.

The Department of Health Services must establish, no later than January 1, 1987, the program on occupational health and occupational disease prevention that the legislature previously directed the Department to maintain. The Department is authorized to enter places of employment to conduct investigations relating to the program, and employers must provide certain monitoring data to the Department.

*Other laws.* Contractors awarded a contract in excess of \$5,000 for any public works construction by a State office, department, division, bureau, board, or commission shall, before beginning the work, file a payment bond with the awarding agency. A \$25,000 threshold amount remains in effect for a required payment bond for contracts let by all other public entities.

Complaints that an employee has been discharged or otherwise discriminated against because the employee has filed a complaint or claim or instituted proceedings relating to rights which are under the jurisdiction of the labor commissioner, will be investigated by a discrimination complaint investigator instead of by the Divi-

sion of Labor Standards. Procedures for such investigations were established including the holding of investigative hearings and the issuance and enforcement of cease and desist orders in cases of violation.

### Colorado

*Wages.* The State prevailing wage law was repealed over the Governor's veto.

*Other laws.* Resident bidders on State or local public works projects will now be entitled to a preference over out-of-State or foreign bidders, equal to the resident preference given to such bidders by their own State or country, except when this preference would cause the denial of Federal moneys or would otherwise be inconsistent with requirements of Federal law.

### Connecticut

*Wages.* The minimum project dollar amount for coverage under the prevailing wage law was increased from \$50,000 to \$200,000 for new public works construction and from \$10,000 to \$50,000 for alteration or repair. Also, upon award of a covered contract, the contractor is now obligated to certify under oath to the labor commissioner the pay scale to be used by the contractor and any of his subcontractors.

*Child labor.* Provisions limiting the permissible daily, weekly, and night work hours of minors under age 18 will no longer apply to those who have graduated from secondary school.

*Labor relations.* The legislative joint standing committee on labor and public employees is to conduct a study of municipal collective bargaining and binding arbitration including issues such as composition of bargaining units, employees to be covered under collective bargaining, impasse procedures, and the right to strike. The committee is to report its findings and any recommendations for legislation to the general assembly by January 31, 1986.

*Plant closings.* Employers of 100 or more who close or relocate their establishments must now pay for the continuation of existing group health insurance for each affected employee and dependents for up to 120 days, rather than 90 days as before.

*Other laws.* Private and public sector employers of 26 employees or more may not require as a condition of employment any employee or job applicant to execute an employment promissory note obligating the

employee to pay a sum of money to the employer if the worker leaves the job before a stated period of time. Such a barred note includes any agreement which specifies that the payment constitutes reimbursement for training previously provided.

Employees of public service companies or of their suppliers may now disclose any information involving substantial mismanagement of the company to the Department of Public Utility Control without fear of retaliatory action taken or threatened against them. In addition, the law protecting employees from discharge or discipline for disclosing to public agencies of the State a violation of law by the employer was amended to also cover State employees and to protect disclosure to Federal agencies.

The labor commissioner was directed to establish in the labor department the position of Statewide Coordinator of Services for Displaced Homemakers within the existing displaced homemakers program.

The law requiring employers providing group life, hospital, or medical insurance coverage to furnish each insured employee with notice, within 15 days, of the cancellation or discontinuation of such insurance, and prescribing fines for violation was amended to specify that the labor commissioner has the authority to assess all such fines.

### Delaware

*Employment and training.* An extended workshop employment program was established for severely disabled persons who have completed an accredited program of evaluation and work adjustment training and have been found to be incapable of competitive employment because of the nature and severity of their disability. The program is to be administered by the Department of Labor which is authorized to contract with sheltered workshops to provide the program.

*Other laws.* A new "Police Bill of Rights" deals with the rights of police officers with respect to the conduct of administrative investigations of them, the insertion of adverse material in the officers' personnel files, and the right to engage in political activity while off-duty. Assignment to work extra duty without compensation as a penalty for a disciplinary infraction was prohibited.

### District of Columbia

*Wages.* A revised wage order, applicable to manufacturing, printing, publishing, and wholesale trade occupations, increased the

minimum wage from \$3.50 to \$3.95 an hour effective August 20, 1985. A minimum rate of \$3.70 an hour may be paid to adult learners for not more than 60 days.

*Equal employment opportunity.* The Pregnancy Anti-Discrimination Act of 1985 amends the Human Rights Act to specify that discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, or related medical conditions. Women with these conditions are to be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

## Florida

*Agriculture.* The reach of the Farm Labor Registration Law was extended by applying it to contractors with one farm worker or more instead of 10 or more as before. The renewal date for registrations was changed from December 31 for all contractors, to the birthdate or date of incorporation of the registrant, thereby coinciding with registration renewal under the Federal Migrant and Seasonal Agricultural Worker Protection Act. Civil penalties of up to \$1,000 may now be assessed for violations of the law or rules, and the Division of Labor, Employment, and Training may obtain injunctive relief against unregistered contractors.

*Background clearance.* Extensive amendments, relating to employment in services providing child care and care of the developmentally disabled and others, establish conditions for disqualification from employment because of past criminal activity. Other requirements include security background investigations, fingerprinting, and conformance with standards of good moral character.

*Occupational safety and health.* The Department of Environmental Regulation was directed to collect, compile, and correlate information necessary to assess the risk potential in the State from the accidental release of toxic or otherwise hazardous substances into the environment. The information is to be gathered from producers, users, transporters, and storers of such substances and is to be disseminated to appropriate State and local agencies, along with the names of contact persons who can be reached in an emergency.

*Other laws.* Payment bond requirements now permit public work contracts with any

county, city, or political subdivision, amounting to \$200,000 or less, to be exempted from payment and performance bond requirements. Also, any person entering into such a contract with the State for \$100,000 or less will be exempted, and those with contracts, amounting to more than \$100,00 but less than \$200,000, may be exempted from such bond requirements.

## Georgia

*Worker privacy.* Among several amendments to the law relating to the regulation and licensure of polygraph examiners, procedures were established for administering tests, and examiners are now prohibited from inquiring, during preemployment or periodic employment examinations, into such areas as religious or political beliefs or affiliations, racial matters, sexual preferences or activities, or beliefs or activities regarding labor organizations. Persons examined will now have the right to sue an examiner for damages resulting from improper or negligent testing.

*Background clearance.* Among changes to the law requiring criminal records checks for directors and employees of day care centers, homes, or institutions that care for children, applications for preliminary records checks must be submitted prior to employment, and 10-year prior employment history records of employees must be on file.

*Private employment agencies.* The State Employment Agency Advisory Council, scheduled for termination on July 1, 1985, was extended to July 1, 1986.

*Occupational safety and health.* A new safety law regulating amusement ride safety was enacted to be administered by the Department of Labor. The Department is authorized to formulate standards and regulations for the safe assembly, disassembly, repair, maintenance, use, operation, and inspection of amusement rides. Ride owners must obtain a permit for each ride, and the rides must be inspected at least annually. A minimum age of 16 was established for the operator of an amusement ride.

Amendments to the boiler and pressure vessel safety law transfer the power of appointment to the Board of Boiler and Pressure Vessel Rules from the Governor to the Commissioner of Labor, give rulemaking power, previously with the Board alone, to the labor department with the Board's advice, and exempt from coverage boilers and pressure vessels operated and maintained by public utilities.

*Employment and training.* By resolution, a House Teenage and Youth Unemployment Study Committee was created to study the problem of teenage and youth unemployment and investigate what State actions may be taken to address this problem.

*Other laws.* Amendments to the State's labor law eliminated specific statutory references to the Labor Departments' Correctional Services Division and to the Employment Security Agency and its director and substituted references to the parent Department of Labor, where the functions remain.

## Guam

*Other laws.* As of June 18, 1984, the U.S. Immigration and Naturalization Service, by rule, transferred from the U.S. Secretary of Labor to the Governor of Guam the authority to make determinations on temporary labor certifications for the importation to Guam of nonimmigrant alien workers and required the Governor to develop systems for determining availability of U.S. workers and prevailing wage rates, subject to approval by the Commissioner of the U.S. Immigration and Naturalization Service. Subsequently, by publication in the Federal Register on January 4, 1985, operating policies and procedures for implementing the Governor's authority were established. Administratively, the program is operated by the Guam Department of Labor.

## Hawaii

*Wages.* It was made an unlawful discriminatory practice under the State's Fair Employment Practice Law for an employer to refuse to hire, employ, bar, or discharge from employment any individual because of a wage assignment to satisfy a child support obligation.

A House resolution was adopted requesting that all employers recognize and adopt the concept of equal pay for work of comparable value to their organizations.

*Worker privacy.* A comprehensive law was enacted continuing a prohibition against employer use of lie detector tests as a condition of employment or continued employment. The new law, covering employees and prospective employees, includes specific administrative and enforcement provisions, under the jurisdiction of the Department of Labor and Industrial Relations, which has rulemaking authority. The Department is directed to investigate complaints and issue cease orders and may order remedies such as hiring or reinstatement, with or without backpay. Class

action complaints may be filed by the Department or the Attorney General. Employers who discharge or otherwise discriminate against employees or prospective employees for refusing to submit to the test or for filing a complaint or who otherwise violate the law may be subject to civil and criminal penalties.

**Background clearance.** Directors, employees, and staff members of child caring institutions, child placing organizations, foster boarding homes, and youth correctional facilities will now be subject to a criminal history record check obtained by the Department of Social Services and Housing through the Hawaii Criminal Justice Data Center. In addition, employees of detection facilities will be subject to the same record check obtained by the Judiciary through the Data Center.

**Private employment agencies.** Among changes to the employment agency regulatory law, agencies are prohibited from requiring employers to withhold placement fees from employee's earnings unless requested or authorized in writing by the employee. Applicants for an agency license no longer must pass a certified employment consultant examination if a licensed principal agent is employed to manage the agency, licenses are renewable on a biennial rather than annual basis, and failure to maintain the required surety bond in full will now result in the automatic suspension of the agency license.

**Occupational safety and health.** A resolution was adopted encouraging the Occupational Safety and Health Division of the State Department of Labor and Industrial Relations to develop specific programs to inform employees about the State's right-to-know rules on toxic materials and harmful agents in the workplace.

The State fire council was placed within the Department of Labor and Industrial Relations for administrative purposes.

**Other laws.** A Senate Resolution was adopted requesting the Department of Labor and Industrial Relations, with the assistance of the Office of Collective Bargaining, to study the feasibility and appropriateness of statutorily authorizing working parents to take up to 6 months of unpaid vacation leave for parenting purposes, including the impact, if any, of such legislation on the State's collective bargaining laws.

## Idaho

**Wages.** The State prevailing wage law and the public work 8-hour day law were repealed.

Employees may now, by revocable authorization, have wages directly deposited in any bank, savings and loan association, or credit union of their choice in the State.

Upon application of a creditor, courts will now issue a continuing garnishment of wages to remain in effect until the judgment is satisfied.

**Hours.** The 8-hour a day limit on work in all mines and smelters, except in emergencies, was amended to retain the 8-hour limit for underground mines, but to now permit work up to 10 hours a day in surface mines and in smelters at the regular hourly rate of pay. Work beyond 10 hours a day may not be required except in emergency situations. Work beyond 10 hours a day or 40 hours a week will be considered overtime and paid at time and one-half the regular rate.

**Labor relations.** A "right-to-work" law was enacted, specifying that membership in or financial support of a labor organization may not be required as a condition of employment or of continuation of employment. However, a court injunction has deferred enforcement until the measure is voted on as a referendum item at the November 1986 general election.

**Other laws.** A separate provision requiring seating for female employees was repealed.

## Illinois

**Wages.** By prior law, the minimum wage rate rose from \$3 to \$3.35 an hour, on July 1, 1985. For minors under age 18, the rate increased to \$2.85 on that date.

The wage payment and collection act, which previously exempted all public employees from coverage, was amended to now include employees of local governments and school districts. Employees of the State or Federal governments remain exempt.

Any wages collected by the Department of Labor under the minimum wage law, which cannot be paid to the affected employees, will be deposited into the State's General Revenue Fund after 1 year, instead of being returned to the employer as was the prior practice.

On August 12, 1985, a State Appellate Court affirmed a Circuit Court's judgment dismissing the Director of the Department of Labor's complaint for injunctive relief in a case involving a provision of the State constitution permitting municipalities of populations over 25,000, and any county which elects a chief executive officer to become home-rule units by referendum and to exclude themselves from coverage of certain State statutes. This action permits these home-rule units to continue to exempt

themselves from coverage of the State prevailing wage law. An appeal has been filed with the State Supreme Court.

**Child labor.** City or Regional Superintendents of Schools were authorized to issue employment certificates for minors under age 16, permitting them to appear as models or in motion picture, radio, or television productions, if such work does not interfere with required school attendance. The Department of Labor is to issue rules and regulations to protect the health and welfare of child models or actors, and to ensure that the conditions under which they are employed will not impair their health, welfare, development, or proper education. Similar employment certificates were previously authorized for minors under age 16 for appearances in theatrical productions, musical recitals, or concerts.

**Equal employment opportunity.** The Departments of Employment Security and Rehabilitation Services are to cooperate and to enter into any necessary agreements to provide job placement and referral services to disabled clients of the Department of Rehabilitation including job service registration of such clients with Illinois Employment Security Offices and making available to them job listings maintained by the Department of Employment Security.

**Worker privacy.** The 1984 law giving private and public sector employees the right to review their personnel records was amended to provide for administration by the Director of Labor instead of only by employee-instituted court action. The Director is authorized to take complaints, conduct investigations, attempt to resolve the complaint by conciliation, and to commence legal action, if necessary. Private right of action is still authorized when these measures fail, and employer retaliation against an employee, who makes a complaint, brings action, or testifies under the law, is now prohibited.

**Background clearance.** The Department of Children and Family Services will now require that child-care facility license applicants and their employees be investigated as a condition of licensure or employment to ascertain past charges or convictions for criminal sexual or child assault or abuse. The operator of a licensed child-care facility will now have access to all records concerning reports of child abuse and neglect and all reports generated as a result of such reports when a current or prospective employee is the perpetrator in a child abuse or neglect report.

**Labor relations.** A Labor Management Cooperation Committee was created in the



Department of Commerce and Community Affairs consisting of 12 public members appointed by the Governor, six of them to represent businesses that employ union members and six representing labor, plus six ex officio members including the Director of the Department of Labor. Among its duties, the committee is to improve communications between labor and management on significant economic problems facing the State; encourage and support the development of local labor-management committees at the plant, industry, and area levels; and convene a Statewide conference on labor-management concerns at least once every 2 years. The Director of the Department of Commerce and Community Affairs, with the advice of the Committee, was authorized to provide matching grants and other resources to establish or assist area labor-management committees and other projects which serve to enhance labor-management relations.

The Department of Labor, upon written request of all parties involved, is to provide arbitration services necessary to resolve labor-management disputes. The proceedings are to be subject to the Uniform Arbitration Act.

Unfair labor practice charges under the State Educational Labor Relations Act may now be filed with the Illinois Educational Labor Relations Board by individuals as well as by employers or labor organizations as was previously authorized.

In an effort to avoid strikes in local school districts, a house resolution urges educational employee labor organizations and educational employers of primary and secondary schools to begin renegotiations for their collective bargaining agreements by January 1 of the year in which the agreement expires or at least 6 months before the expiration of their existing agreements.

**Occupational safety and health.** Beginning July 1, 1986 under a new Illinois Chemical Safety Act to be enforced by the State Environmental Protection Agency, specified businesses must have a written chemical safety contingency plan including a listing of chemical substances which may be released at the facility, information on the probable nature and routes of any sudden releases, response procedures to be followed at the facility and for notifying local emergency response agencies, a list of appropriate persons to act as emergency coordinator, and a list of the facility's emergency equipment. Plant personnel who are responsible for implementing the plan must be trained in the procedures to be followed in case of an accidental release of a chemical substance. After submission to local fire, police, or other emergency response agency, such plans are to be made available

for inspection by the public during normal operating hours.

**Employment and training.** A law was enacted implementing an April 1, 1984 Executive Order creating a separate Department of Employment Security. The Department assumes all powers and duties of the Department of Labor's former Bureau of Employment Security, now abolished. Among its functions, the Department of Employment Security will manage vocational training and retraining programs for the unemployed, State welfare recipients, Vietnam veterans, and the handicapped.

An emergency employment development act was passed under which funds for temporary work relief projects in nonprofit agencies and new job creation in the private sector are to be allocated on the basis of the highest average percentage of unemployed persons within the Job Training Partnership Act delivery area. The funds are to be used as a contribution for wages and fringe benefits in the employment of qualified unemployed workers. Participating businesses must be in compliance with applicable affirmative action, fair labor, health, safety, and environmental standards.

A joint resolution was adopted urging the U.S. Congress to amend the Veterans Educational Assistance Act of 1984 to include apprenticeship and on-the-job training programs.

## Indiana

**School attendance.** The Department of Education is to study the impact of raising the compulsory school attendance age from 16 to 17 and deliver the results to the general assembly by November 1, 1986. The Department is also to prepare a plan incorporating new programs or curriculum changes in order to accommodate the increased number of students and their interests and abilities.

**Employment and training.** An Indiana Occupational Information Coordinating Committee was established to develop and implement a comprehensive cost effective labor market and occupational information system that, among other functions, will satisfy the needs of State and local employment, training, vocational education and rehabilitation, and economic development agencies.

**Other laws.** The title of the Division of Labor was changed to the Department of Labor. Prior to this change a Department of Labor existed consisting of the Industrial Board of Indiana and the Division of Labor, two bodies with complete autonomy and separate functions. The Industrial Board will retain that title.

## Iowa

**Wages.** Individuals employed as commission-paid salespersons are now specifically covered by the wage payment/collection law. Also, the exemption from this law for licensed persons employed on a contractual basis for professional services was removed.

Procedures were established for State employees to request a review of the factor determined scores of their jobs under the newly implemented pay grade system based on comparable worth. An interim legislative study committee is to be established to determine whether discrimination remains in compensation for work of comparable worth between jobs held predominantly by women and those held predominantly by men and to review other comparable worth issues.

**Equal employment opportunity.** "The Bill of Rights of Persons with Mental Retardation, Developmental Disabilities, or Chronic Mental Illnesses" was enacted, including a right to vocational training and a requirement that such persons engaged in work programs shall be paid wages commensurate with the going rate for comparable work and productivity.

**Background clearance.** Directors and employees of any State-licensed child care center, registered group home, or registered family day care home will now be subject to a criminal records check and a child abuse registry check through the Department of Human Services. The Department will maintain and make public a list of centers and homes with favorable records checks.

**Labor relations.** Collective bargaining negotiations with certified employee organizations representing Judicial Department employees will now be conducted on a Statewide basis rather than by judicial district, although bargaining units will be organized by judicial district.

A concurrent resolution was adopted directing the legislative council to establish a study committee to conduct a comprehensive study of the collective bargaining process as it relates to elementary and secondary school educators, with a report due by November 1, 1985.

**Employment and training.** A Small Business New Jobs Training Act was enacted to create jobs by providing education and training of workers for new jobs for new or expanding small businesses through training arrangements between area schools and employers. The program, to be coordinated by the Iowa Development Commission, will give preference to any skilled workers



in the community who are unemployed because of plant closing or layoffs.

*Other laws.* The labor commissioner's term of office will be lengthened from 2 to 4 years effective May 1, 1987.

All public employees are now protected against retaliatory personnel actions for providing information to legislators or public officials or for disclosing waste, mismanagement, violations of law, or violations endangering public health or safety unless such disclosure is prohibited by statute.

## Kansas

*Labor relations.* A House Resolution was adopted commending Idaho for passing "right-to-work" legislation.

*Other laws.* The life of the Department of Human Resources was extended until 1993. The Secretary of the Department was given more direct administrative control over the Division of Employment Security, the Division of Labor-Management Relations and Employment Standards, including the Agricultural Labor Relations Board and the Public Employee Relations Board, and the Division of Employment and Training. The Secretary, along with the State Board of Education, was authorized to participate in programs funded by the Federal Job Training Partnership Act.

## Louisiana

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

*Undocumented workers.* The law prohibiting the employment, recruiting, or referral for employment of undocumented alien workers, was amended to bar prosecution of employers who have been furnished specified documents by all of their alien workers. The Secretary of the Department of Labor is now authorized to assess civil penalties for violations of the Act, and to institute civil court proceedings including the seeking of injunctive relief to restrain and prevent violations.

*Equal employment opportunity.* Coverage of the law prohibiting discrimination in employment because of age was expanded to include employers subject to the Federal Age Discrimination in Employment Act.

The definition of impairment under the Civil Rights for the Handicapped Act was expanded to include persons with a prior mental disorder or condition.

An Office of Women's Services was established within the office of the Governor. Among its duties are assistance in coordi-

inating State programs serving the needs of women and providing technical assistance to the Governor's commission for women. The office will assume some functions previously allocated to the Department of Health and Human Resources including administration of the displaced homemakers act. It is also to develop nontraditional job training programs for women, particularly geared to economic self-sufficiency and to women with low incomes.

*Occupational safety and health.* A Hazardous Material Information Development, Preparedness, and Response Act was adopted to create a comprehensive information system containing specific data regarding the presence and location of hazardous materials in the State. An inter-agency advisory board was created in the office of the Deputy Secretary of the Department of Public Safety and Corrections to make recommendations regarding survey forms, hazardous materials, information dissemination, training, and emergency response plans. Among other provisions, owners or operators must file survey forms with the Department for all hazardous materials manufactured, used, or stored at their facilities and for emissions and must post signs at their facilities indicating that a hazardous material is present on the premises; employees are to be given information on the toxic effects of hazardous materials manufactured, used, or emitted at the facility; procedures were included for the release of trade secret information in emergency situations; and administrative fines may be levied on owners and operators who knowingly fail to report required information. The law exempts single business establishments with no more than nine employees and no more than 2 million dollars in average annual gross sales, as well as certain specified retail establishments. Also, local governing authorities are preempted from enacting any ordinance in conflict with the act or which requires more onerous reporting requirements.

## Maine

*Wages.* By prior law, the minimum wage rate rose from \$3.35 to \$3.45 an hour, effective January 1, 1985. Further increases to \$3.55 on January 1, 1986, and to \$3.65 on January 1, 1987, are scheduled.

Automobile mechanics not paid on an hourly basis and automobile salespersons were exempted from overtime pay requirements of the State minimum wage law.

An Executive Order was issued in response to the U.S. Supreme Court ruling that State and local governments are liable for overtime payments for their workers under the Fair Labor Standards Act. Under

the order, all nonstandard employees who are not eligible for exemption from the Act are to comply with specified hours limitations, emergency scheduling and other procedures to ensure that the total number of hours they work does not incur Federal overtime liability beyond the State's budgeted, authorized ability to pay.

*Hours.* Employees will not be entitled to at least a half hour for rest time or mealtime after 6 consecutive hours of work, except in emergency situations, unless a collective bargaining or other written employer-employee agreement provides otherwise. Employers are prohibited from discharging or discriminating against employees who file complaints with the Director of the Bureau of Labor Standards or the Attorney General and face possible civil penalties for violation. The law does not apply where fewer than three employees are on duty at a time and where the nature of the work allows frequent breaks during the day.

*Equal employment opportunity.* The nondiscrimination and affirmative action provisions applicable to State agencies, State-financed agencies, and public contracts were extended to uniformly protect persons who are physically or mentally handicapped, either by covering both types of handicap or by adding the mentally handicapped to the previously covered physically handicapped. In addition, agency equal opportunity officers were renamed affirmative action officers and the Equal Opportunity Specialist in the State Department of Personnel was retitled the State Affirmative Action Coordinator.

A Division of Deafness was created within the Department of Human Services' Bureau of Rehabilitation. Among its power and duties is the duty to provide advocacy for the rights of the deaf and hearing impaired in employment, education, and other areas.

*Occupational safety and health.* A Community Right-to-Know Act was approved under which the Department of Human Services was directed to establish a community health information clearinghouse on hazardous chemicals in use in the home and the workplace, and was mandated to respond to information requests from State agencies, municipalities, and individuals.

The Commissioner of Labor is to conduct a study of the occupational health and safety conditions to which railroad employees are subject and is to report to the legislature on the result of these findings, on efforts by any Federal or State agency to establish standards for railroad employers, and on the need for State standards, with recommendations for legislation if necessary.

*Plant closings.* The Department of Labor is now authorized to administer and operate a program of Trade Adjustment Assistance, as provided under the U.S. Trade Act of 1974 (P.L. 93-618), to provide training and supportive services for workers displaced from employment because of increased foreign imports.

*Employment and training.* The Maine Conservation Corps Program due to expire at the end of fiscal year 1985 was continued and amended to, among other things, specify the types of projects that may be undertaken and to establish a volunteer program within the Corps to create, promote, and manage volunteer and intern opportunities with public agencies responsible for the State's natural resources.

*Other laws.* The law prohibiting employers from requiring employees or accepted job applicants to pay for required medical examinations was amended to specifically include employer-required eye examinations.

Employees of public utilities now have the right to testify on their own time before legislative committees and the Public Utilities Commission regarding the operation of the utility and may not be discharged, threatened, or otherwise discriminated against if the employee has first brought the subject matter or the testimony to the attention of his or her supervisor in writing. False testimony, testimony which violates a collective bargaining agreement, or testimony which discloses trade secrets or corporate strategy that would result in harm to the employer automatically terminates the protection from discharge or discrimination. State employees were also given the right to testify before legislative committees on their own time, with the same protection from retaliation.

Under the "Workplace Smoking Act of 1985," effective January 1, 1986, public and private sector employers will be required to establish, post, and implement written policies restricting or banning smoking in the workplace. The Bureau of Health is responsible for enforcement, and fines of up to \$100 may be levied for non-compliance. In addition, it will be unlawful for employers to retaliate, discipline, discharge, or otherwise discriminate against employees who assist in the supervision or enforcement of the law.

## **Maryland**

*Wages.* Coverage of the wage-hour law was extended to employees of legitimate theaters, by removal of a former exemption, but the exemption continues for employees in motion picture and drive-in theaters. Also, notwithstanding the fact that

the law's overtime pay standard does not apply to employees in seasonal or recreational establishments, it was specifically required that time and one-half overtime pay after 40 hours a week be paid to theater craft or trade employees of a concert promoter, music pavilion, legitimate theater, music festival, or theatrical show, other than a nonprofit employer.

On written request of a State employee, organization dues of qualifying organizations will be withheld from his or her wages and remitted to the designated organization. The employee may cancel the payroll deduction at any time.

*Equal employment opportunity.* By repeal of the June 30, 1985 expiration date, a previously authorized program remains in effect permitting State employees over age 70 to continue employment on a year-to-year basis upon written application and approval, and permitting persons age 70 and over to compete for merit system positions but without being eligible to participate in the State pension system.

*Occupational safety and health.* The law requiring employers to inform employees of and to train them on toxic substances in the workplace was amended to delete an exception from the law for ingredients used in the production of food stuffs regulated by Federal law, and to exempt from the labeling requirement certain other substances that must be labeled in accordance with other Federal law or regulation.

The Department of Health and Mental Hygiene must consult with the Division of Labor and Industry when the Department adopts rules and regulations to provide public access to information the Department had concerning hazardous or toxic chemicals on hazardous chemical information lists and material safety data sheets. Such information is to be submitted by employers and is to be made available, upon written request, to environmental, civic, or consumer organizations and to individuals living near a business that stores, produces, or locates hazardous or toxic chemicals.

*Plant closings.* The Secretary of Employment and Training in cooperation with the Governor's Employment and Training Council was directed to develop voluntary guidelines for employers faced with a closing, relocation, or reduction in operations. The guidelines are to include appropriate advance notification to employees, continuation of employee benefits, and mechanisms for employers to use the State's newly created Quick Response Program. This program includes on-site registration for unemployment insurance claims, registration for Federal Trade Readjustment Act

services if appropriate, provision of labor market and retraining information, job placement services and information, and retraining referrals. The Department of Employment and Training is to distribute the guidelines to all employers biennially and is to monitor layoffs and employment patterns to identify potential reductions.

*Employment and training.* The Secretary of Employment and Training may provide grants to private industry councils or administrative entities designated under the Federal Job Training Partnership Act for operation, in the private sector, of a youth work experience program for specified economically disadvantaged high school juniors and seniors and high school dropouts. Currently employed workers are not to be displaced by those participating under this youth program.

## **Massachusetts**

*Equal employment opportunity.* The exception from the ban on compulsory retirement for persons aged 65 and over who are employed in executive or high policymaking positions, was amended to except those entitled to an immediate annual retirement benefit of at least \$44,000 rather than \$27,000, as was previously permitted.

*Labor relations.* Impasse procedure provisions for both private and public sector labor disputes were amended to provide that any person acting as a mediator who receives information, as a mediator, relating to a labor dispute will not be required to reveal such information in any administrative, civil, or arbitration proceeding.

*Other laws.* The authority of the labor commissioner to suspend various labor laws, when an emergency exists or there are conditions of hardship in an industry or establishment, was extended to July 1, 1990.

## **Michigan**

*Employment and training.* The Michigan Youth Corps Act scheduled to expire September 30, 1984, was extended 2 more years to September 30, 1986. The Act provides summer employment and work training for youth.

## **Minnesota**

*Employment and training.* A Department of Jobs and Training was created, headed by a commissioner, to streamline and coordinate the State's employment, training, and income maintenance programs. The new department will assume both new functions and certain functions previously

performed elsewhere in State government, such as by the Department of Human Services and the Department of Economic Security, the latter now dissolved. Responsibilities include the providing of consistent, integrated employment and training services across the State, administering the unemployment insurance laws and public employment offices, and acting as the Governor's agent in administering the Federal Job Training Partnership Act. Also, a Governor-appointed Coordinator of Full Productivity and Opportunity will, among other duties, coordinate the policies and administration of employment and training programs and income maintenance and support services among State agencies. The Commissioner of Labor and Industry, like other State officials who are to submit plans, is to prepare a plan for preparing, recruiting, and placing economically disadvantaged, chronically unemployed, minority, and female individuals in apprenticeship programs and submit the plan to the Coordinator in each even-numbered year, for use in developing a biennial Statewide employment and training plan.

### Mississippi

*Labor relations.* Included in a tax revenue bill is a provision which sets increased minimum salary scales for teachers and other provisions making strikes unlawful by public employees generally, and specifically by public school teachers. Individual violators may be dismissed; employee organizations violating an injunction against a strike face fines of up to \$20,000 a day; and members of local school governing boards or public school administrators face penalties for failure to fulfill certain responsibilities in the event of a strike.

*Other laws.* The law providing a preference for resident contractors in the letting of public contracts was amended to specify that resident contractors will include those nonresidents qualified to do business in the State who have maintained a permanent, full-time office in the State for 2 years prior to January 1, 1986. No time limit was previously specified.

### Missouri

*Equal employment opportunity.* The Missouri Council on Women's Economic Development and Training was created within the Department of Economic Development to promote and increase women's economic and employment opportunities through education and training programs. The Missouri Commission on the Status of Women was abolished.

*Background clearance.* The Division of Family Services is now to conduct a criminal record review before issuing a license to enumerated child-care providers or other local or State agencies providing or having care or custody of a child for 20 hours or more per week. No license shall be issued if the provider has committed acts which have been harmful or demonstrated to be of harm to a child, and providers are not to employ any person who has committed such acts.

*Occupational safety and health.* A new law requires every employer to provide information regarding the properties and hazardous nature of toxic substances used or produced in the workplace to the local fire protection service and the State Division of Health through the submission of material safety data sheets or their equivalent, permitting on-site inspection, and by providing the name, address, and telephone number of at least two individuals familiar with the toxic substance who may be contacted in an emergency. Information provided by employers will be available to the general public, upon request, although provision was made for the confidentiality of trade secret information.

### Montana

*Wages.* The minimum wage was increased from \$2.75 to \$3.05 an hour effective October 1, 1985, with a further increase to \$3.35 scheduled for October 1, 1986.

Notwithstanding the requirement in the State wage-hour law for payment of time-and-one-half after 40 hours worked in a week, local departments of public safety may establish work periods other than a 40-hour workweek, if the hours of all work periods in a year do not exceed 2,080 hours. The overtime pay rate for hours worked in excess of the regularly scheduled work period is to be determined by the board of county commissioners.

A new law specifically authorizes the labor commissioner to adopt rules implementing laws governing prevailing wage rates and preference of State residents in public works construction contracts.

*Equal employment opportunity.* Mandatory retirement because of age of firefighters and law enforcement personnel including highway patrol officers, police officers, sheriffs, and game wardens, is no longer required under their respective retirement systems.

Private parties, in addition to the Human Rights Commission itself, as before, may now petition the district court to enforce an order of the Commission.

*Labor relations.* Various arbitration provisions were repealed and replaced by the Uniform Arbitration Act making all arbitration agreements between employers and employees valid and enforceable, subject to certain exceptions, and establishing provisions governing arbitration procedures, awards, and appeals.

*Occupational safety and health.* A new Employee and Community Hazardous Chemical Information Act establishes a program for the disclosure of information about hazardous substances in the workplace. Employers are to compile and maintain a list of all hazardous chemicals present and the work areas in which they are normally stored or used. Employees have a right to this information and may refuse to work with a substance until it is made available upon request. Employees are also entitled to receive education on the chemicals, training in their safe use, and protective clothing where appropriate. Employees may not be subject to any adverse personnel action because they exercise their rights or testify under the act. In addition, employers must make hazardous chemical information available to the clerk and recorder of the county in which the workplace is located and local fire chiefs are to inspect this information and have the authority to make on-site inspections. Manufacturing employers and distributors regulated by Federal Occupational Safety and Health Administration standards and non-manufacturing employers who choose to comply with those standards are exempt from the State law except with respect to workplace chemical list, material safety data sheet, emergency and community information, and employee rights provisions.

*Economic development.* In making loans under the Montana in-State investment fund, preference is to be given to investments that will assist enterprises owned by employees or other State residents in providing new jobs or in preserving existing jobs for State residents or in otherwise contributing to the long-term benefit of the Montana economy.

*Other laws.* By joint resolution, the legislature requested a study by an interim committee of the employment-at-will rule, and the doctrines of wrongful discharge in violation of public policy and the implied covenant of good faith and fair dealing, including the law and court cases in other States. A report, including alternative approaches to such employment problems, is to be submitted to the next legislature.

The responsibility for determining contractor residency for the purpose of giving preference on public contracts to in-State

contractors was transferred from the Department of Revenue to the Department of Commerce. Also, an amendment to the law governing the awarding of public works contracts grants resident bidders a 3 percent preference over out-of-State bidders, or the same preference that out-of-State bidders receive over Montana bidders in their State of residence, whichever is greater. Previously only the 3 percent preference applied.

An absolute preference for resident commercial printing establishments in the award of county printing contracts was amended to require that their bids be no more than 5 percent higher than the bids of competing nonresident establishments. If no bidder qualifies for the resident preference, the contract is to be awarded to the lowest bidder.

Approval for projects funded under the Montana Economic Development Bond Act, the Montana In-State Investment Act, and the Industrial Development Projects Law will now be contingent upon applicants giving State residents a preference in hiring if their qualifications are substantially equal to those of nonresidents.

State and local government buildings in which seven persons or more are employed must now have reserved smoking and non-smoking work areas in convenient places.

## Nebraska

*Equal employment opportunity.* The Fair Employment Practices Law was amended to prohibit an employer from discriminating against an employee because he or she has opposed any practice or refused to carry out any action unlawful under State or Federal law.

*Labor relations.* The law governing collective bargaining rights for most public employees was amended to define and exclude supervisors, except firefighters and police officers, from the same bargaining unit as nonsupervisory employees.

## Nevada

*Wages.* Employers must now pay an employee who resigns or quits any wages due by the earlier of either the employee's regular payday or within 7 days after the resignation. Previously, employers were required to pay such employees within 24 hours.

Among amendments to the wage payment and wage-hour laws, the definitions were enlarged and clarified; employers were specifically forbidden to require employees to work without wages during a trial or break-in period; and employers who knowingly issue wage payment instruments against insufficient funds must now reimburse the employee for any charge incurred due to the insufficiency.

Among amendments to the prevailing wage law, the labor commissioner is now to establish a prevailing wage in each county by use of an annual survey of contractors who have performed work in the county. Also, hearing procedures were changed; persons convicted of violating the law may no longer be awarded any public work contract for 2 years following the conviction; and the minimum project dollar amount for coverage under the law was increased from \$20,000 to \$100,000.

*Hours.* The provisions covering maximum hours of work permitted in smelters, open mines, surface workings of underground mines, and plaster and cement mills were repealed. The limit of 8 hours within any 24-hour period for work in underground mines, except in emergencies, was retained.

*Equal employment opportunity.* Coverage of the law prohibiting employment discrimination by the State and political subdivisions was expanded to include discrimination on the basis of physical, aural, or visual handicap and political affiliation, as well as race, creed, color, national origin, age, or sex, as before.

*Worker privacy.* Employers, or labor organizations which refer persons for employment, must now allow the employee or person referred, upon request, to inspect nonconfidential records containing information used by the employer or labor organization to determine the qualifications of that employee and any disciplinary action taken against him or her. Copies of these records must be furnished, upon request, to current or former employees who have been or were employed for more than 60 days. Provision was also made for the correction of any inaccurate or incomplete information in the records.

*Background clearance.* The Bureau of Services for Child Care of the Youth Services Division of the Department of Human Resources is now required to investigate the criminal record of adult persons who own, operate, or are employed by child care facilities. Conviction of any of these persons for specified dangerous crimes including sexual assault or abuse of children may cause the Bureau to deny an application for a license or to suspend or revoke any license that has been issued.

*Labor relations.* The permissible number and location of pickets during a strike or other dispute is now established by law, and certain practices are prohibited such as picketing on private property without written permission or knowingly to threaten,

molest, or assault persons attempting to enter or leave any property, and to block entrances and exits with motor vehicles or by spreading nails, glass, or other objects.

Coverage of the law requiring binding arbitration for collective bargaining disputes involving firefighters, was extended to include police officers for the period from July 1, 1985 to July 1, 1987.

A new measure requires a labor organization to publish and distribute proposed changes in a collective bargaining contract to the members who attend the ratification meeting before the vote is taken.

Local labor organizations were authorized to require that plans which provide health, pension, welfare, or other benefits be administered in Nevada. If a plan is being administered by the national labor organization with whom the local organization is affiliated, the local organization may discontinue its contributions and establish a locally administered plan.

*Private employment agencies.* Among changes to the employment agency regulatory law, the maximum applicant-paid placement fee was increased from 55 to 65 percent of the first month's gross wages. Agencies must now give the applicant for employment a copy of the contract with the agency at the time it is signed.

*Other laws.* Employers may not terminate the employment of a member of the Nevada National Guard because he or she is ordered to active service or duty. Any member who believes that employment was terminated in violation of the act may request a hearing before the labor commissioner to determine if the employment was so terminated, and if found to have been illegally terminated will be entitled to immediate reinstatement to his or her position without loss of seniority or benefits, and to receive all lost wages and benefits.

The State law giving veteran reemployment rights was repealed. District attorneys are to provide legal assistance to claimants seeking assistance under the similar Federal law.

## New Hampshire

*Wages.* The State prevailing wage law was repealed.

The provision permitting a youth rate of 75 percent of the applicable minimum wage rate will now apply to persons age 16 or under rather than 17 or under as before.

The wage payment law was amended to add a section requiring that employers, other than counties and municipalities, pay employees who report to work at the request of the employer a minimum of 2 hours' pay at their regular rate. The provision will not be applicable where a good-

faith effort is made to notify employees not to report to work.

*Labor relations.* A committee composed of members of the House and Senate and the labor commissioner or his designee was established to draft proposed legislation for recodification of State laws relating to labor and labor disputes. Legislative proposals are to be submitted to the 1987 regular session of the legislature.

*Occupational safety and health.* The State occupational safety and health law now applies only to public sector employees. Among other changes, the Commissioner of Labor must inspect a place of employment after receipt of an employee petition, and must issue a stop-work order in case of imminent danger. Employers may petition the Commissioner for a review of an employer's action in retaliating or taking other action against employees exercising their rights under the Act.

The requirement that employers provide seats for female employees was repealed.

### New Jersey

*Wages.* Volunteers working at county or other agricultural fairs, who receive only incidental benefits and who are employed by a nonprofit or religious corporation or association which conducts or participates in the fair, are exempted from State minimum wage and overtime pay requirements.

The maximum amount of an employee wage claim on which the labor commissioner may take collection action was increased from \$300 to \$2,000. Also, the maximum amount of set-off that can be claimed by a defendant was increased from \$200 to \$1,000.

In October 1984, the legislature authorized creation of the Task Force on Equitable Compensation to study classification and compensation issues of State employees and to recommend changes to achieve pay equity. In a first interim report, submitted to the Governor, the legislature, and Civil Service Commission on June 1, 1985, the primary recommendation was a pay increase for the four lowest pay ranges as an initial step toward establishing pay equity in State service. An appropriation measure to implement this recommendation was introduced and is being considered by the 1985 legislature. The Task Force will terminate December 1, 1987 or sooner in the absence of timely and appropriate legislative action.

*Agriculture.* A concurrent resolution extended from March 1, 1985 to August 1, 1985 the deadline for submission of findings and recommendations by the Commission to Study the Employment and Com-

pensation of Agricultural Labor. The Commission was created in 1984 to inquire into the hiring, employment, and compensation of workers in the agricultural sector of the economy.

*Equal employment opportunity.* Mandatory retirement because of age is now prohibited in the private and public sectors except for public safety employees, certain judges, tenured higher-education faculty members, and certain executives, but employers may refuse to hire or promote any person over age 70. In addition, the prohibition against discrimination in public sector hiring because a person is at least 40 years of age, now applies to public safety occupations such as police, fire, and prison personnel. A separate measure reinstated mandatory retirement at age 55 for State police officers, citing age as a bona fide occupational qualification.

*Occupational safety and health.* Employers performing the functions of application, enclosure, removal, or encapsulation of asbestos must first obtain a license from the Commissioner of Labor. Employees performing these functions must complete training in asbestos control and removal, pass an examination, demonstrate the ability to perform this work safely, and obtain a performance permit from the Commissioner. The issuance of standards and regulations, and enforcement are the joint responsibility of the Commissioners of Labor and Health. Employers are prohibited from discriminating against an employee who complains to or cooperates with the Commissioners in administering the Act.

The Division of Workplace Standards of the State labor department, rather than its' Mechanical Inspection Bureau, now has the responsibility for inspecting certain boilers and pressure vessels and maintaining records of those inspections performed for insurance companies by department-certified inspectors.

*Plant closings.* A Business Retention and Job Retraining Commission was created by Executive Order, with membership including the labor commissioner and other government officials and representatives of organized labor and business. Among its duties, the Commission is to survey all programs designed to encourage the growth or retention of jobs and to retrain or reemploy displaced workers and the chronically unemployed, to coordinate these programs, and evaluate their effectiveness. It is also to offer a comprehensive program for the early detection of business terminations and the effective delivery of governmental services to affected businesses and em-

ployees, including advising affected businesses of available business retention programs and advising displaced employees of job training and employment programs.

*Employment and training.* The Department of Community Affairs was directed to establish a model job-training center to provide counseling, job training and job placement, self-help programs, referral, child care, and technical assistance services to dependent, unemployed, or underemployed urban women.

*Other laws.* Employers of 50 persons or more in a place of employment are required to establish written rules governing smoking including a policy and procedure to protect the health and comfort of employees from tobacco smoke. The policy must include designated nonsmoking areas and may include designated smoking areas. Administration is by the State Department of Health, which is to submit an evaluation of this act to a legislative committee 18 months after it takes effect.

### New Mexico

*Occupational safety and health.* An Executive Order was issued regulating use of video display terminals by State employees. It addresses problems of stress, visual problems, and musculoskeletal pains by establishing standards dealing with aspects of video display terminal use including lighting and glare, noise levels, airflow and air quality, electrical safety, work area design, operator chairs and footrests, document holders, size and position of display screens, keyboard placement, and scheduled breaks. A review committee was established to monitor implementation of the standards and to make recommendations to the Governor for amendments to the standards when advisable.

The legislature directed, by resolution, the mining safety advisory board to review the State's safety statutes and regulations, develop legislative proposals to modernize the statutes, develop regulations to implement the proposed changes, and report findings to the legislature. Later in the session, a law was passed which among other things expanded the board's role to include preparation of standards and regulations regarding occupational disease in addition to accident prevention, and provided for regularly scheduled board meetings.

*Other laws.* An amendment to the Criminal Offender Employment Act permits public agencies to now deny any public employment or license to engage in public employment, or in a trade, business, or profession to an applicant or employee who has been convicted of drug trafficking,

certain sexual offenses, or child abuse, regardless of rehabilitation.

## **New York**

*Wages.* On October 11, 1985, the Labor Commissioner appointed a General Industry Minimum Wage Board to conduct a thorough examination of the State's eight minimum wage orders. The board, which is composed of nine members with three each representing the general public, employers, and employees, was asked to give special attention to formalization of overtime provisions, examination of provisions for allowances for uniforms, consolidation of certain wage orders, benefits for part-time employees, new industry coverage, and review of the youth rate provisions.

The Labor Commissioner is now specifically authorized to enter into reciprocal agreements with other States for collection of claims and judgments for unpaid wages based upon claims assigned to the Commissioner.

Persons or corporations performing public work contracts must, upon the request of the fiscal officer, file within 10 days of receipt of the request, sworn payroll records for said public work or for any public or private work performed by the person or corporation during the same period of time as the public work. If the requested information is not provided within the allotted time, the fiscal officer is to order the withholding from payments due of up to 25 percent, not to exceed \$100,000, until the request is satisfied.

*Child labor.* The law restricting the employment of persons under age 18 in occupations involving selling, dispensing, or handling alcoholic beverages was amended to permit work by those under 18, when under specified supervision, as dishwashers, busboys, or in other positions which require handling of containers which may have held alcoholic beverages. The amendment will be repealed June 30, 1986.

*Equal employment opportunity.* The exemption for executive or policymaking officials at least 65 years of age from the prohibition against mandatory retirement was amended to increase the minimum annual qualifying retirement benefit from \$27,000 to \$44,000.

## **North Carolina**

*Wages.* An amendment to the minimum wage law requires matching increases up to \$3.60 an hour in the State minimum if the Federal minimum of \$3.35 is increased before July 1, 1987.

The legislature repealed the section of a 1984 law which had provided for a pay

equity study for the State's classified employees and for the hiring of a consulting firm to develop a job evaluation and pay system.

*Equal employment opportunity.* A new Handicapped Persons Protection Act was enacted. Among its provisions, employers of 15 persons or more are prohibited from discriminating against qualified handicapped workers in hiring, promotion, discharge, compensation, or terms and conditions of employment. Discrimination by employment agencies and labor organizations is also prohibited. In addition, employers are to make reasonable accommodations to workers' handicaps. Enforcement is through civil action, instituted by the aggrieved person, although no court action may be pursued if judicial or administrative proceedings have been instituted under the Federal Vocational Rehabilitation Act of 1973. Employers are prohibited from retaliating against an employee or job applicant because the person has testified, assisted, or participated in any proceedings or opposed any discriminatory practice under the act.

An act dealing with military property sales includes a prohibition banning employment discrimination against employees because of membership or service in the military forces of North Carolina or the United States.

*Occupational safety and health.* A comprehensive Hazardous Chemicals Right to Know Act, to be effective May 25, 1986, covers public and private sector employers with 55 gallons or more of any hazardous chemical, and is to be administered by the Commissioner of Labor. Hazardous substances are to be identified and records maintained on the employer's premises, and provisions are included for the release of trade secret substance information in medical emergencies. Specific information is to be provided to local fire chiefs, upon request, on such items as emergency response plans and how to contact employer representatives in an emergency, and to the general public. Adverse action is not to be taken against an employee for helping in an inspection or for testifying in any proceeding under the act.

*Employment and training.* The North Carolina Employment and Training Act of 1985 was enacted to develop a comprehensive State policy to guide use of employment, training, education, and economic development funds, and other resources toward achieving economic and employment goals. A State Job Training Coordinating Council, to be supported with funds from the Federal Job Training Partnership Act,

was created within the Department of Natural Resources and Community Development to oversee the meeting of the State's goals for employment and training. A Job Training Interagency Committee within the Council, with membership including the Commissioner of Labor, is to develop and implement a plan to integrate the Job Training Partnership Act program into the State's economic development efforts. The prior Employment and Training Council was abolished.

## **North Dakota**

*Wages.* The exemption from wage garnishment for Social Security benefits was amended to permit garnishment of these benefits to enforce child support orders. Also, an exemption from wage garnishment was added for veteran's disability pension benefits, excluding military retirement pay, except in the case of garnishment for child support. The definition of earnings was amended to reflect these changes.

Orders for the withholding of wages for child support issued by other States or by a Federal court, will now have the same effect as an order of a North Dakota court.

*Labor relations.* A new State and Political Subdivision Employees Relations Act gives covered public employees the right to join or refrain from joining employee organizations and have payroll deduction of dues, to engage in or refrain from engaging in political activities on their own time, and to report job-related violations of State or Federal law without fear of reprisal or discipline. Prohibited are requiring or coercing employees into participating in or reporting on activities other than official duties, requiring employees to contribute earnings for any purpose other than participation in the retirement fund, and restricting or attempting to restrict certain after working hours statements of employees.

*Other laws.* The law requiring State agencies to grant in-State bidders and sellers preference in purchasing any goods, in an amount equal to the preference given or required by the State of nonresident bidders, was amended to now include a preference for in-State contractors on public construction contracts.

## **Ohio**

*Other laws.* A 1984 law stipulates that group health care policies and contracts must give to involuntarily terminated employees the option to continue health insurance coverage at the group rate for an additional 6 months. Employers are obligated to notify employees of the right of continuation when they are notified of their termination from employment.

**Oklahoma**

*Wages.* Among several major amendments to the prevailing wage law the threshold amount for coverage was increased from \$10,000 to \$600,000, except that the public body may stipulate that prevailing wages will be paid on lower cost projects; prevailing wage was defined to be that rate determined under the Federal Davis-Bacon Act; the public awarding agency was made liable for any underpayment in wages if it violates provisions requiring that it obtain the prevailing wage rates from the labor commissioner and include them in the public works contract, in addition to the contractor's liability as before; making or receiving a kickback of wages was made a felony; mandatory withholding from payments to contractors of amounts due resulting from violations of the law is now required; and contractors in violation were made subject to debarment for 2 years. Beginning November 1, 1986, contractors will not be eligible to bid on a public works project unless payroll information has been submitted to the U.S. Department of Labor for use in prevailing wage rate determination.

*Child labor.* The Commissioner of Labor, by issuance of a Hazardous Order under authority granted in the child labor law, has determined door-to-door sales of cookies, candies, magazines, and similar products to be hazardous to children under the age of 15 and therefore prohibited when an employer-employee relationship exists. School sponsored groups, scout groups, or other groups raising funds for their organizations, while exempt from the 15-year minimum age, must provide members with identification cards which include the organization's telephone number for verification purposes.

A joint resolution was adopted proposing a constitutional amendment to be placed on the ballot, in the November 1986 general election, to remove a prohibition on work by women and girls in underground mines and to establish an 18-year minimum age for such work. The current constitutional provision prohibits work in underground mines by boys under age 16.

*Equal employment opportunity.* Age discrimination in employment by employers, employment agencies, and labor organizations against persons between the ages of 40 and 70 is now prohibited by amendment to the State Civil Rights Act.

*Labor relations.* The Public Employees Relations Board, which administers the Fire and Police Arbitration Act, was empowered to prevent unfair labor practices by the issuance of complaints, by serving

cease and desist orders, and petitioning the court to enforce such orders. Other changes to the Act include a requirement that every negotiated agreement must contain a clause establishing arbitration procedures, rather than mediation and fact-finding procedures as before.

**Oregon**

*Wages.* The basic minimum wage rate was increased from \$3.10 to \$3.35 an hour, effective January 1, 1986. Also, the minimum wage law was amended to specifically cover public sector employees. (Coverage was first established by a previous amendment which removed a prior exemption for the public sector.)

Authority to issue rules under the minimum wage law including rules pertaining to subminimum rates for handicapped workers and student-learners, to overtime pay, and to meal and rest periods, was transferred from the Wage and Hour Commission to the Commissioner of the Bureau of Labor and Industries. Rulemaking authority under the child labor law remains with the Commission.

The wage payment/wage collection law was amended to extend coverage to public sector employees.

A separate Wage Security Fund was established, to be financed by employer payments of a percent of wages, starting in 1986. For a 3-year period beginning July 1, 1986, the Fund is to be used to pay valid wage claims up to \$2,000 each of an employee whose employer has ceased doing business and does not have sufficient assets to pay the claim. An amount of up to \$200,000 is appropriated continuously from the Fund to the Commissioner of the Bureau of Labor and Industries to administer this act.

Notwithstanding the exemption from the State prevailing wage law for public work projects regulated under the Federal Davis-Bacon Act, contractors and subcontractors must now pay flaggers on such projects, at least the prevailing rate of wage as determined by the Commissioner of the Bureau of Labor and Industries for that classification of work.

*Child labor.* Special rules were issued for the employment of 16- and 17-year-old minors to act as canvassers, peddlers, or outside salespersons, from house to house. Minors under age 16 are barred from such work. Employers of 16- and 17-year-olds in such work must apply to the Bureau of Labor and Industries for a registration certificate, to be issued by and subject to revocation by the Wage and Hour Commission, upon a determination of employer noncompliance with any rule or law covering the employment of minors. Employers must

supply each minor with an identification card which includes a picture and the name of the employee and the name and local address of the employer. Minors may not work past 9 p.m., must be furnished transportation to and from the job site by the employer, and may not be transported to another State without written parental consent.

*Agriculture.* The labor commissioner is now authorized to enter into agreements with agencies of other States for the reciprocal enforcement of farm labor contractor regulatory statutes if the other State has a similar statute providing for reciprocal enforcement.

Upon written application to the labor commissioner, certain small forestry labor contractors who are sole proprietors may be exempted from the requirements in the contractor registration law that a payment bond be posted and that certified copies of payroll records be submitted to the commissioner.

Specifically exempted from the registration law, which applies to both forestry labor and farm labor contractors, are individuals performing labor under an agreement for exchanging labor with each other on land owned or leased by the individuals, individuals working alone or with family members, and educational institutions recognized by the Department of Education.

Employers of farm workers engaged in field activities for the growing and harvesting of food crops for human consumption must provide convenient toilet and hand-washing facilities and clean drinking water for such workers. Notice of these requirements is to be posted in English and in the language spoken by a majority of the employees. The new requirements are administered by the Director of the Workers' Compensation Department who handles other safety and health matters and who may delegate enforcement authority to local public health officials.

*Equal employment opportunity.* Under the nondiscrimination act it was specified that it is not an unlawful employment practice for an employer or labor organization to provide or make financial provision for child care services for the children of employees or members.

*Background clearance.* The Department of Human Resources may now request, with written consent of the applicant, information from its Central Bureau of Criminal Identification and is to conduct a nationwide criminal records check through the Federal Bureau of Investigation on persons applying for certificates of approval for day care facilities and on prospective or current employees of such facilities. Operation of



or employment in a day care facility is prohibited for any person who has been convicted within the previous 5 years of charges including child abuse or neglect, sexual offenses, or drug abuse.

*Occupational safety and health.* A Community Right to Know and Protection Act was adopted to make information on the use of hazardous substances readily available to the public. Among its provisions, the State Fire Marshall is to collect information from employers on the identity, amount, and location of hazardous substances used, names and phone numbers of personnel qualified to give information about these substances, and any emergency procedures that they have established. The information collected is to be retained for at least 5 years and is to be made available to local public health authorities, fire districts, private safety agencies administering emergency telephone systems, and others if considered essential. The State Fire Marshall will also assist with emergency response planning by appropriate governmental agencies. The public is to be permitted access to records not otherwise protected as a trade secret or by a confidentiality agreement, with provision made for release of such information to health professionals in medical emergencies. An Interagency Hazard Communications Council was created to facilitate development of the hazardous substance survey and to facilitate interagency access to data collected.

The Director of the Workers' Compensation Department is to conduct a biennial review of the State Hazard Communications rules to determine whether classes of employees not required to be covered by Federal rules should be under State rules, and to propose such rules if the Director concludes that such employees should be covered. In addition, employers must now post signs to inform employees that they have a right to information from the employer regarding hazardous substances found in the place of employment.

*Economic development.* An Enterprise Zone Act was enacted for the purpose of stimulating employment, business, and industrial growth in economically depressed areas of the State by providing assistance to businesses and industries locating or expanding operations in these areas including tax and other incentives. Enterprise zones will be designated by the Economic Development Department on the basis of economic hardship in the area based upon income, employment, and unemployment data.

## Pennsylvania

*Background clearance.* Administrators of public and private schools, intermediate units and vocational-technical schools, including independent contractors and their employees who would have direct contact with children must require prospective employees to submit with their application criminal history records or a statement that the State police central repository contains no such information. All prospective employees of child care services, prospective foster parents, prospective adoptive parents, prospective self-employed family day care providers, and other persons seeking to provide child care services under contract with a child care facility or program who would have direct contact with children must also submit this criminal history information with their employment applications. No person will be employed who has been convicted within 5 years of certain criminal offenses including sexual or other abuse of children.

## Puerto Rico

*Wages.* Minimum wage rates were increased for the Personal Services and Communications Industries under revised mandatory decrees issued by the Commonwealth Minimum Wage Board. Minimum rates for the Personal Services Industry, which includes beauty shops, photographic studios and laboratories, and funeral services, increased from a range of \$3.00 to \$3.25 an hour to \$3.35 effective February 3, 1985. Minimum rates for the Communications Industry, which includes radio, television, telephone, telegraph, and other communications services, increased from a range of \$2.40 to \$2.50 an hour to \$3.35 effective September 2, but with wages retroactive to June 25, 1985.

*Child labor.* A new measure was adopted regulating the employment or use of children under 14 years of age in show business or artistic activities. The Secretary of Labor and Human Resources, in coordination with the Secretary of the Department of Instruction and the Secretary of the Department of Health, was authorized to promulgate any rules necessary under the law.

*Equal employment opportunity.* An employee on paid maternity leave, who is paid by her employer less than 75 percent of her normal salary, day wages, or compensation, will now be entitled to receive weekly maternity benefits from the Disability Benefit Fund, in an amount sufficient to assure her of receiving 75 percent of normal income while on leave.

## Rhode Island

*Wages.* Salaried employees receiving at least \$200 per week are no longer exempt from the time-and-one-half after 40-hour overtime pay requirement in the minimum wage law unless they are employed in a bonafide executive, administrative, or professional capacity as defined by the Federal Fair Labor Standards Act, and receive a salary which, if computed on an hourly basis, yields at least the applicable minimum wage.

*Background clearance.* Any person seeking to operate or seeking employment in a facility which is subject to licensing or registration with the Department for Children and Their Families, or seeking employment at the training school for youth involving supervisory or disciplinary power over children or routine contact with them without the presence of other employees, must undergo an employment background check and criminal records check. A similar requirement was enacted for those applying to establish or renew a school or program for very young children which must be licensed or registered with the Commissioner of Elementary and Secondary Education.

*Labor relations.* Representation of local government on the five-member State Labor Relations Board was provided by changing the composition of the Board to include one representative of industry, instead of two, and one representative of local government. Two members to represent labor were retained.

*Occupational safety and health.* Among amendments to the Hazardous Substances Right to Know Act, the role of the Department of Health in providing technical assistance to the Department of Labor in such areas as identification of hazardous substances, trade secret procedures, and training programs was eliminated and the director of labor was authorized to contract with qualified agencies or parties for technical services. Also, employers will now be required to submit annually to the labor department updated chemical identification lists and documentation detailing the nature of training provided employees. The labor department is to keep a central file of annually updated chemical identification lists, is to make at least 200 unannounced inspections of employers annually, and may now order the reinstatement, with reimbursement of any monetary losses, of an employee dismissed or disciplined for exercising his or her right to refuse to work with substances for which required information has not been provided.

The Department of Labor is to develop an informational brochure relating to the use of video display terminals in the workplace. The department is also directed to develop, in cooperation with business, industry, and labor, a plan for dissemination of the brochure, and prepare a plan for a series of training programs and seminars relating to information contained in the brochure. Also, a joint resolution extended, from April 15, 1985 to April 21, 1986, the life of a special legislative commission to study the effects of video display terminals on workers.

*Employment and training.* The Department of Social and Rehabilitative Services will implement a cash bonus program for 100 welfare recipients who have been receiving aid to families with dependent children but who agree to forgo all such benefits, except medical assistance coverage, and return to full-time employment. In addition, employers who participate in the program will receive a tax credit.

The definition of disabled persons for purposes of vocational rehabilitation services provided by the State Department of Social and Rehabilitative Services was amended to specifically include persons suffering from acquired traumatic brain damage.

*Other laws.* Noting the loss of jobs and plant closings due to increased textile and apparel imports, the legislature adopted a resolution urging passage of the Textile and Apparel Trade Enforcement bill by the U.S. Congress.

A separate House resolution was adopted urging reconsideration of the elimination of the Department of Labor's Boston Regional Office as proposed in the President's Federal budget for the 1986 fiscal year.

### South Carolina

*Private employment agencies.* Numerous changes in the licensing and regulatory law include specific coverage extension to executive search firms, outplacement services, career counselors, and consultants and resumé services performing job market sourcing. Private personnel placement services are prohibited from charging a fee for placement, referral, or consulting services, except when the services result in applicant acceptance of employment and a confirmed starting date is established. The Secretary of State was directed to investigate written complaints of alleged violation and to deny or revoke licenses when violations are found. Other changes affect license fees, waiting period, bonding, advertising, and other matters.

*Occupational safety and health.* The Commissioner of the Department of Labor was given responsibility for administering and enforcing newly enacted safety codes for elevators and amusement rides. The Commissioner is to promulgate regulations governing maintenance, construction, alteration, inspection, and testing of new and existing elevators and similar equipment. The Commissioner is also to issue permits to operate amusement rides upon application by the owner or lessee and after meeting inspection and liability insurance requirements. Provision was made for both criminal and civil penalties in case of violation of the elevator code and for civil penalties for violation of the amusement rides safety code.

### South Dakota

*Occupational safety and health.* The law regulating mine safety was repealed, inasmuch as jurisdiction in this area is with the Federal Mine Safety and Health Administration.

*Other laws.* The statutory presumption that an employee is hired for the length of time used in setting wages, such as an assumed annual hiring where an annual salary is designated, was amended to now state only that the time period used for estimating wages is relevant to the determination of the term of employment.

### Tennessee

*Undocumented workers.* It was made unlawful to knowingly employ or refer for employment any illegal alien. This new law, to be enforced by the labor department, applies to employers as well as to any employment agency, contract labor provider, or organized employee organization which makes job referrals. Violation is punishable as a misdemeanor and, in addition, violators will have their license revoked and will be permanently barred from doing business in the State.

*Occupational safety and health.* A Hazardous Chemical Right to Know Law, applicable to manufacturers, nonmanufacturers, and distributors, was enacted, to be administered by the Department of Labor. Employers are required to maintain and disseminate information on hazardous substances to which workers are exposed, and to provide education and training for employees who handle these materials. Employees may request information about hazardous chemicals and may refuse to work with such chemicals if the information is not provided within specified time limits. Employers are prohibited from discharging or disciplining an employee who

files a complaint or participates in a proceeding under the Act. Manufacturing employers and distributors that are regulated by and complying with the Federal Hazard Communication Standard are exempt from some provisions of the Act. Information on hazardous substances must also be provided to the local fire chief and County Health Department. The law will take effect July 1, 1986 for manufacturing employers and on January 1, 1987 for nonmanufacturing.

Administration of the boiler inspection law and of the licensing law for erectors and repairers of boilers was transferred from the Department of Labor to the Department of Commerce and Insurance.

The statutory provisions setting safety standards in mines and authorizing mine inspections were repealed, inasmuch as jurisdiction for these functions is with the Federal Mine Safety and Health Administration.

*Other laws.* The law regulating compensation of jurors was amended to clarify that railroad employees paid on a mileage basis are to receive the mileage pay they would have received if they had worked instead of serving on jury duty.

### Texas

*Hours.* Retail business employers may not require full-time employees to work 7 consecutive days or deny them at least one period of 24 consecutive hours of time off in each 7-day period in addition to the regular periods of rest allowed during the workday. Employers are to accommodate the religious practices of employees, except where undue business hardship can be demonstrated. In addition, the law that prohibits the sale of goods on both the two consecutive days of Saturday and Sunday was repealed except that a prohibition on the sale of motor vehicles on those 2 consecutive days will remain. Employers whose businesses were closed on Saturdays or Sundays to comply with the Saturday-Sunday Law may not require an employee to work on whichever day the business was previously closed, if he or she had been continuously employed by that employer since before the repeal date.

*Equal employment opportunity.* Each State agency that submits an annual report relating to equal employment opportunities within that agency must now include the number of their handicapped employees in the statistical information provided to the Governor's office on equal employment opportunity.

*Background clearance.* The Department of Human Resources was authorized to

obtain criminal history information records to investigate owners, employees, and prospective employees of a child care facility for purposes of licensing, registration, or certification. The Department may also obtain these records for residents of a registered family home, persons providing foster care for children, Department employees who are engaged in the direct delivery of protective services to children, and volunteers with a local affiliate of Big Brothers/Big Sisters of America.

Employees and prospective employees of a nursing home or custodial care home are now subject to a criminal records check by the Department of Health through the Department of Public Safety or the FBI identification division at the request of the institution.

*Occupational safety and health.* A Hazard Communication Act applicable to manufacturers, nonmanufacturers, and distributors was enacted, to be administered by the Department of Health. Employers are required to maintain and disseminate information on hazardous substances to which workers are exposed, and to provide education and training for employees who handle these materials. Employees may request information about hazardous chemicals, and are protected from being discharged or disciplined for filing a complaint or participating in a hearing under the Act. Manufacturing employers and distributors that are regulated by and complying with the provisions of the Hazard Communication Standard issued by the Federal Occupational Safety and Health Administration on November 25, 1983, are exempt from some provisions of the law. Information on hazardous substances must also be provided to the local fire chief.

*Economic development.* The Central Education Agency, after consultation with the Adult Education Advisory Committee of the State Board of Education and the Texas Economic Development Commission, is to develop industrial training programs to enhance employment opportunities in existing businesses and to encourage development of new businesses in the State. In addition, a new Technology Training Board was created to collect and disseminate information relating to technology training, technology research, and job and industrial opportunities.

*Other laws.* Resident contractors will be given a preference in bidding on public works projects, except those involving Federal funds, over out-of-State bidders equal to the resident preference given to such bidders by their own State.

## Utah

*Wages.* A Senate resolution directed the Legislative Management Committee to assign to appropriate interim study committees items for study and reports, including overtime pay standards for public employees, a comparable worth pay plan for State employees, payroll withholdings for all child support payments, a displaced homemaker act, and the State's "right-to-work" law.

*Equal employment opportunity.* Among changes to the antidiscrimination law, the prohibition against age discrimination including a ban on mandatory retirement now applies only to those between 40 and 70 years of age instead of those age 40 and older. The law is now applicable to employers of 15 persons or more each working day in each of 20 calendar weeks instead of employers of 25 or more, and the definition of employee for coverage purposes was amended to include job applicants and to remove an exemption for domestics. Retaliation, because a person has filed charges, testified, or participated in a proceeding, investigation, or hearing, is now prohibited.

A separate provision requires attorneys employed in career service status in the Attorney General's office to now retire at the age of 70.

*Occupational safety and health.* The Occupational Safety and Health Division of the Industrial Commission is now specifically authorized to investigate worker injury, illness, or complaint, and to seek a search warrant if an employer refuses to permit an inspection. Orders of the Occupational Safety and Health Review Commission are subject to judicial review upon petition of any person adversely affected or aggrieved or by the Administrator of the Occupational Safety and Health Division.

*Employment and training.* A Job Training Coordination Act was passed to implement the Federal Job Training Partnership Act. A job training coordinating council was created to develop and recommend an employment and training coordination and special services plan, to provide management guidance and review of employment and training programs, and to coordinate activities with private industry councils. Also, an Office of Job Training for Economic Development was created within the Department of Community and Economic Development.

*Other laws.* A Utah Protection of Public Employees Act was adopted prohibiting employers from bringing any adverse personnel action against an employee who re-

ports waste or a violation of any law or rule, if the employee has given prior notification to the employer and sufficient time has been allowed for corrective action, and if the report is not knowingly malicious, false, or frivolous. Similar protection is also afforded to those employees requested by a public body to participate in an investigation, hearing, inquiry, or other form of administrative review.

## Vermont

*Wages.* The minimum wage rate will be increased from \$3.35 to \$3.45 an hour, effective July 1, 1986, with further increases to \$3.55 and to \$3.65 scheduled on July 1, 1987 and July 1, 1988. The rates of \$3.45 and above will be required only for those employees who have worked at least 90 calendar days for an employer.

For a bridge project connecting New York State and Vermont, legislation was enacted specifying that hourly wage rates for workers on the Vermont portion be equal to those posted for use on the New York portion, which were higher. Wage rates may be reduced by the Governor if necessary to keep costs from exceeding the amount appropriated for the project.

*Worker privacy.* A new Polygraph Protection Act was enacted prohibiting employers or employment agencies from requesting or requiring that an employee or prospective employee submit to a polygraph examination as a condition of employment, promotion, or privilege of employment. Employees or prospective employees cannot be discharged or discriminated against for declining to take the examination, for filing a complaint, or for testifying under the Act. Exceptions are provided for law enforcement agencies, employers in the business of selling precious gems or metals, or of regulated drugs, and employers authorized under Federal law to require polygraph examinations. Examiners must comply with several duties such as giving the examinee a copy of this Act and of the examination questions, informing the examinees of their rights, and refraining from asking questions unrelated to job performance including any queries regarding political, religious, or labor union affiliations. Penalties for violation are by fine, imprisonment, or both.

*Occupational safety and health.* A new Community Right to Know law was enacted. Among its provisions, those who supply hazardous chemicals to employers are to provide them with information including the names of chemicals, their properties, effects of exposure, proper conditions for safe use, including any need for

personal protective equipment, and appropriate emergency treatment. Also, each employer is to compile and file a list of all chemicals in the workplace with the Department of Health by December 1, 1986 and with the municipal fire department by January 1, 1987, along with the location of each hazardous chemical, and is to label pipelines containing hazardous chemicals. Names of hazardous chemicals which would divulge trade secrets may be withheld except in a medical emergency.

**Employment and training.** A youth conservation corps summer work program is to be established by the secretary of the Environmental Conservation Agency in cooperation with the Commissioner of Employment and Training, to provide economic, vocational, and educational opportunities for youths 16 to 21 years of age, at least half of them from among the economically disadvantaged.

**Other laws.** A Worker Cooperative Corporations Act was adopted governing such aspects as articles of organization; directors and officers; membership shares, fees, and rights and responsibilities; apportionment of net earnings or losses; and use of the term cooperative.

## Virginia

**Background clearance.** A licensed child-caring institution or child care center is barred from employing a person or utilizing a volunteer who has been convicted of any sex crime. Job applicants at such facilities must first obtain a certificate from the Commissioner of Social Services indicating a negative record after a criminal records check. Child care facilities that do not require a license have the option of obtaining a criminal records check and of refusing employment to such convicted persons.

**Labor relations.** A joint resolution requests the Governor and Attorney General to take steps necessary to enforce the State's "right-to-work" law and to ensure that Virginia-based employees of the Washington Metropolitan Area Transit Authority are afforded the protection of that law.

**Occupational safety and health.** The Department of Labor and Industry is now responsible for administering occupational health standards in addition to enforcing such standards as before. The labor department replaces the Department of Health as the agency responsible for drafting and submitting to the Safety and Health Codes Commission for adoption rules and regulations pertaining to occupational health, and

is directed to request advice from the health department.

Amendments to mine safety provisions add precautions to be taken in the movement of off-track mining equipment, change the allowable speed of belts used to transport employees, and prohibit workers from riding on top of self-propelled mobile equipment. In addition, longwall mines must now have at least three entries except under certain specified conditions and with approval.

The legislature by resolution created a joint subcommittee to study the implementation of an amusement ride safety inspection program at the State and local government levels and to submit any recommendations to the 1986 General Assembly session.

**Other laws.** Employees who were formerly protected from discharge because of jury duty will now also be protected from any adverse personnel actions taken because of such service.

## Washington

**Wages.** By amendment to the wage collection law, the Director of Labor and Industries is now authorized to enter into reciprocal agreements with corresponding agencies of other States for reciprocal collection of claims or judgments for wages.

A new section was added to the prevailing wage law requiring the director of labor and industries, upon complaint by an interested party, to initiate an investigation to determine if there has been compliance with the law and to hold a hearing if the investigation indicates that a violation may have occurred. Also, the civil penalty amounts and procedures were changed, and contractor or subcontractor debarment from bidding on public works contracts for 1 year following the second violation within a 5-year period was made mandatory rather than at the discretion of the director.

The State operating budget adopted in June 1985 for the fiscal biennium beginning July 1, 1985 includes an appropriation of nearly \$46 million for comparable worth implementation resulting from legislative and previous court-ordered pay adjustments for State employees. (A 1983 U.S. District Court decision ordering comparable pay for State employees was overturned on appeal in September 1985 by the 9th U.S. Circuit Court of Appeals.)

**Hours.** Public employees of the State are now permitted to work flexible-time workweeks if the provision of services to the public or the mission of the agency is not impeded and the employee's bargaining unit, if applicable, and agency approve.

**Agriculture.** Forestry labor contractors are now subject to licensing and other requirements of the farm labor contractor registration law in the same manner as other contractors. Among other amendments to the law, all covered contractors must post a \$5,000 surety bond, must furnish specified job-related information to workers, are prohibited from retaliating against employees for actions under the act, and are subject to civil penalties assessed by the Director of the Department of Labor and Industries for each violation.

**Equal employment opportunity.** Enforcement of orders by administrative law judges under the Law Against Discrimination in Employment will be expedited in that such orders are no longer automatically stayed upon appeal to the courts.

The State Personnel Board, Higher Education Personnel Board, and State Patrol are required by statute to adopt rules and procedures to be followed for affirmative action in appointments, promotions, transfers, recruitment, training, and career development, including goals and timetables and the monitoring of progress. The affirmative action is to include racial minorities, women, older workers, persons with disabilities, Vietnam-era veterans, and disabled veterans. Annual reports on progress in meeting affirmative action goals and timetables are to be submitted to the State Human Rights Commission which is authorized to conciliate cases of noncompliance. Further enforcement includes referral to an administrative law judge for hearing and issuance of an order requiring action if appropriate, and appeal of law judge's decision to the courts. Affirmative action and equal employment opportunity had been previously established for State agencies and higher education institutions by executive order.

**Worker privacy.** The law prohibiting the use of lie detectors was amended to now exempt manufacturers or distributors of controlled substances in addition to the previous exemption for those who dispense such substances. In addition, the prior exemption for public law enforcement employees seeking promotion to a rank of captain or higher was eliminated, and violators were made liable for civil penalties. Psychological tests are not prohibited under the law.

Employers must, at least annually, make available an employee's personnel file for inspection upon his or her request. In addition, if requested by an employee, an employer must review all information in the personnel file and remove any irrelevant or erroneous information. An employee who

*Labor relations.* A prohibition on strikes, and the use of impasse procedures for State uniformed personnel, including arbitration, were extended to apply to advanced life support technicians employed by public employers other than public hospital districts.

*Occupational safety and health.* Translations in foreign languages or written hazard communication programs, material safety data sheets, and other materials designed to inform employees of their rights relating to hazard communication standards will now be provided by the Department of Labor and Industries to employers or the public upon request, and employers employing non-English speaking employees will make reasonable efforts to post such notices in the employee's native languages. Also, employers are to provide agricultural employees with information and training on hazardous chemicals in their workplace and make available, upon request, any material safety data sheets on incoming shipments of hazardous chemicals. The Department is also to adopt rules for evaluating trade secret claims and procedures for issuing trade secret exemptions and release of this information in medical emergencies.

The Department of Labor and Industries will administer a new law requiring annual safety inspections and operating permits for amusement rides or structures.

*Plant closings.* The Department of Community Development was directed to study and develop a plan to encourage and assist employee stock ownership plans for acquisition of facilities which would otherwise close, relocate outside the State, or drastically curtail operations. A report on the study, including details of the plan and recommendations for legislation, is to be submitted to the legislature in 1986, and thereafter an annual report on employee stock ownership trusts is to be submitted.

*Economic development.* A State economic development board was established, composed of citizens from both the public and private sectors, and representatives of business and labor, among others, with the Governor as chairperson. The board is charged with the responsibility for creating a long-term economic development strategy for the State. The objective will be to spur new job creation and investment that is consistent with the preservation of the State's quality of life and environment. A separate legislative committee on economic development was created and authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the leg-

islature in developing a comprehensive and consistent economic development policy.

A community revitalization team was established within the Department of Community Development. Representing the combined efforts of that Department, the Employment Security Department, the Commission for Vocational Education, and the Department of Commerce and Economic Development, the team is to provide technical and business assistance upon request to economically distressed areas, including assisting employers and workers faced with substantial business reductions. The team is authorized to promote retraining and reemployment of unemployed workers using links with local economic development efforts.

*Employment and training.* A 1-year pilot vocational training program to be administered by the State Board for Community College Education was created to provide retraining in vocational skills without tuition payment for persons living in areas with high unemployment who have become unemployed because of large changes in the economy of the State, including plant closures or significant reductions in force.

*Other laws.* In awarding a purchase contract to the lowest bidder, a local government may consider the tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries.

## **West Virginia**

*Occupational safety and health.* A Community Right to Know law was enacted under which manufacturing employers who normally store 55 gallons or more of hazardous substances must provide specific information on such chemicals, including their names, characteristics, hazards, precautions for safe handling, emergency and first-aid procedures, and quantity of inventory, to the director of the State Health Department, the county sheriff, and local fire chief. The director of health must provide to any resident requesting it, copies of hazardous substance factsheets and other information submitted by an employer for any facility. This law will expire upon passage of any Federal legislation providing similar protection to State residents.

*Economic development.* Among the provisions of a new Economic Development Act of 1985, a Department of Commerce was re-created. Duties transferred or assigned to it include the promotion of business in the State and facilitating the development of markets for West Virginia products and services. Also, an office of

community and industrial development was created within the office of the Governor with responsibilities including a feasibility study for establishing enterprise zones and including a division of employment and training. A prior 1977 law which had created within the office of the Governor an office of economic and community development was repealed.

## **Wisconsin**

*Wages.* The dollar threshold amount for coverage under the prevailing wage law for municipal public construction was increased administratively from \$75,000 to \$80,000 where more than one trade is involved, and from \$7,500 to \$8,000 where one trade is involved. Adjustments in the threshold amounts are made every 2 years on the basis of changes in the U.S. Department of Commerce's composite cost index or other similar index.

Among the executive budget appropriations of the 1985 legislature were supplemental funds to State agencies for the cost of correcting pay inequities based on gender or race. A comparable worth task force was created by executive order in 1984.

*Child labor.* Minors under the age of 12 may now work in fund-raising sales for nonprofit organizations or for public or private schools, with parental consent. Such work for this age group was previously prohibited under street trade restrictions. Minors under age 9 must be accompanied by a parent or a person at least 16 years of age.

*Other laws.* A program of temporary financial assistance was established for counties and cities economically depressed because of plant closings, indefinite layoffs, or farm sales resulting in a precipitous increase in unemployment.

## **Wyoming**

*Wages.* An evaluation of the State job classification system based on comparable worth principles is to be submitted to the joint appropriations committee by the State's personnel administrator no later than November 1, 1985, as a portion of a consultant-prepared plan for a new merit compensation system. The amount of \$250,000 was appropriated for development of the new compensation plan.

*Equal employment opportunity.* Employment discrimination against qualified handicapped persons, including those who would be capable of performing a particular job with reasonable accommodation to their handicap, is now prohibited under the Fair Employment Practices Act.

—FOOTNOTES—

<sup>1</sup>The legislature met only in a special session in Kentucky and no significant legislation was enacted in the fields covered by this article. Information on the Virgin Islands had not been received in time to include in this article, which is based on information received by Nov. 8, 1985. 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*.

<sup>2</sup>Laws to strengthen enforcement of court-ordered child support, in compliance with the new Federal requirements, were adopted in a majority of

the States, using nearly identical provisions and language. These laws are not included in the individual State summaries in this article.

<sup>3</sup>The eight States enacting new worker right-to-know legislation in 1985 were Alabama, Louisiana, Missouri, Montana, North Carolina, Tennessee, Texas, and Vermont. All of these but Alabama and Louisiana included provisions extending the right to information on toxic substances to those communities in which such substances are used. Maine, Oregon, and West Virginia, with prior laws giving protection to employees, enacted separate laws providing for community access to toxic substance information.

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### Shiskin award nominations

The Washington Statistical Society invites nominations for the seventh annual Julius Shiskin Award in recognition of outstanding achievement in the field of economic statistics.

The award, in memory of the former Commissioner of Labor Statistics, is designed to honor an unusually original and important contribution in the development of economic statistics, or in the use of economic statistics in interpreting the economy. The contribution could be in statistical research, in the development of statistical tools, in the application of computers, in the use of economic statistics to analyze and interpret the economy, in the management of statistical programs, or in developing public understanding of measurement issues, to all of which Mr. Shiskin contributed. Either individuals or groups can be nominated.

The award will be presented, with an honorarium of \$250, at the Washington Statistical Society's annual dinner in June 1986. A nomination form may be obtained by writing to the Julius Shiskin Award Committee, American Statistical Association, 806 15th Street, N.W., Washington, D.C. 20005. Completed nomination forms must be received by April 1, 1986.

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