

# State labor legislation enacted in 1980

*There were new matters of interest including bans on awarding of State contracts to employers that violate the National Labor Relations Act, on lie detector tests for jobs, and on sexual harassment; less attention was paid to traditional concerns such as wages and labor relations than in previous years*

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In terms of State labor legislation, 1980 was a light year with some legislatures not meeting at all or only for brief sessions.<sup>1</sup> The small volume of new laws was particularly noticeable in traditional standards fields like minimum wage and labor relations. Wage garnishment or assignment for child support and the easing of youth employment restrictions also received limited attention.

New legislation did not reveal any clear trends. Instead, a few laws were enacted in each of a wide array of subject areas. Newer areas of interest included bans on sexual harassment on the job, preference for in-State contractors in awarding public contracts, restrictions in using lie detector examinations as a condition of employment, and prohibiting award of State contracts to companies that violate the National Labor Relations Act.

Minimum wage rates were increased either by legislation or wage order in five jurisdictions this year: California, District of Columbia, Oklahoma, Virginia, and West Virginia. The impact of rate changes was much greater, however, as prior law, wage order, or administrative action raised the minimums in an additional 21 States, Guam, and the Virgin Islands. Fifteen jurisdictions now have a minimum rate for some or all occupa-

tions, equal to the \$3.10 an-hour Federal standard, and 13 jurisdictions will match the Federal increase to \$3.35 scheduled for January 1, 1981, although some rates will be effective later in the year. In addition, Alaska, Connecticut, and certain industries in the District of Columbia continued with minimums higher than the Federal rate. New Mexico and Wisconsin, which have separate minimum wage rates for agricultural workers, provided for increases in those rates as well. In Pennsylvania the maximum tip credit was reduced from 45 to 40 percent of the minimum rate. In Connecticut, it was increased from 60 cents per hour to 23 percent of the minimum wage rate for persons employed in the hotel and restaurant industry.

Among other wage related actions of interest, in Oregon the prohibition on discharging, or of discriminating against an employee who has made a wage claim was expanded to protect those who have discussed such a wage claim with a lawyer or agency. In New York, the Labor Commissioner may now order the payment of a civil penalty up to 25 percent of the total amount found to be due under violations of the minimum wage and wage payment laws and regulations. Domestic workers, farmworkers, and employees of nonprofit organizations were made subject to the equal pay law.

Fourteen States enacted legislation concerning wage garnishment or assignment. Most of these, as in Georgia, Iowa, Louisiana, and Mississippi involved delin-

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quent child support payments, by setting limits on the amount of earnings subject to either type of action. In Iowa and Rhode Island employees were protected from disciplinary action resulting from such assignment. The wage garnishment provisions previously applicable to private sector employees in Nebraska will now apply to public sector employees as well, as will provisions in Wisconsin for court-ordered assignment for maintenance or support payments. In Virginia, employers of more than 10,000 workers may now charge an employee whose wages are garnished a \$10 fee to offset expenses in processing each garnishment summons.

As in 1979, efforts to repeal or amend prevailing wage legislation were made in several States. Although there were no successful new legislative attempts to repeal or limit coverage of existing prevailing wage laws, the Alabama Act was repealed in accordance with a 1979 law that provided for automatic future repeal unless preserved by the 1980 legislature. The law in Arizona was declared unconstitutional; the State Supreme Court let stand an appellate court decision that invalidated the rate determination methodology, which mandated the sole use of collectively bargained rates. Similar legislative and legal efforts are likely in 1981.

Employers in Connecticut and Wisconsin were prohibited from requiring public construction workers to kickback any portion of compensation received.

As in recent years, most child labor amendments modified work restrictions by relaxing employment certificate provisions, easing limits on nightwork and maximum hours, or lowering the age at which minors may work in certain occupations. Employment certificate requirements were eased in Alabama and Ohio, and nightwork hours were extended in New Jersey and Rhode Island for minors between ages 16 and 18. Maximum permissible hours of work for days before a nonschool day were increased in California for minors age 16 and older. Increased employment opportunities for youth were provided in Alabama, Arizona, and South Dakota by lowering the age limits at which minors are permitted to work in certain occupations.

Compulsory retirement based solely upon age, a subject that has received considerable legislative attention at both the Federal and State levels in recent years, received less attention during 1980. The mandatory retirement age was raised to 70 for public employees in Mississippi and for State employees and teachers in Virginia. Arizona and Tennessee passed laws banning age-based employment discrimination against persons ages 40 to 70, and Kentucky raised the upper age limit in its law from 65 to 70.

Employment discrimination in other forms was addressed by legislation in 23 States. Among the more significant laws were those in Illinois where various antidiscrimination laws were consolidated into a new

Human Rights Act in late 1979, and in Alaska where prohibitions on employment discrimination in the private sector were extended to the State and its political subdivisions. Coverage changes were made in Kentucky where prohibition of wage discrimination based on sex will apply to employers of two or more person rather than eight or more as before. In Michigan the fair employment practices law will now apply to all employers, rather than only those having four or more workers. New protections for deaf employees were enacted in Georgia, Maryland, and New Jersey. Sexual harassment was prohibited in Connecticut and Michigan, and in California it will be an unlawful employment practice to require any employee to be sterilized as a condition of employment. Among State constitutional amendments enacted in the November general election, Massachusetts prohibited discrimination against handicapped persons. Utah removed a prohibition against women working in underground mines and permitting work release and similar programs for prison inmates. A proposed Equal Rights Amendment to the State Constitution was defeated in Iowa.

Efforts to provide employment and other services to help homemakers displaced by dissolution of marriage or other loss of family income were not as prevalent in 1980 as in recent years. However, Colorado and Kansas did pass new legislation. The law enacted in Colorado was similar to one passed in 1977 with a provision that automatically repealed it in 1979. Nebraska and Rhode Island made previously enacted programs permanent.

In what may prove to be an emerging trend, Michigan, Ohio, and Wisconsin prohibited awarding of State contracts to persons or firms found to be in violation of the National Labor Relations Act. Connecticut had adopted a similar law in 1979. In other labor relations activity, a new public employee collective bargaining law was passed in the Virgin Islands, a new department of employee relations was created in Minnesota, and public employees in New Jersey were authorized to negotiate agency shop agreements. The use of strikebreakers was barred in Wisconsin, and in Oklahoma prison inmates on work release programs are not to report to work if a strike occurs and may not be used to replace strikers.

Renewed interest in the subject of preference for in-State contractors in awarding public contracts translated into new laws in California, Maine, Maryland, and Oklahoma. Several States already had similar laws, but until 1980 there had been little recent legislative activity. Maine and Oklahoma amended previous laws by increasing to 5 percent the amount of the preference. California-based companies may receive a preference of up to 9 percent on State contracts if the work is performed in "distressed" areas and if workers with a high risk of unemployment are used.

Occupational safety and health legislation was enacted in several jurisdictions and included a number of changes in boiler and mine safety laws. A comprehensive railroad safety and health law was enacted in Maryland, to be administered and enforced by the labor commissioner. In Connecticut, foundry workers are to be given lung function tests every 2 years, and employers must inform workers of the presence and dangers of carcinogens in the workplace. Arizona and Minnesota are to develop emergency response plans in the event of an accident at a nuclear facility. The Colorado occupational safety and health law was repealed, and all State regulation of safety and health in mines was abolished in Idaho.

Many other developments took place in 1980, affecting a wide range of labor standards subjects. In five States, workers on jury duty were protected against employer retaliation. Similar protections were enacted regarding National Guard duty in Florida and Kentucky. New restrictions were enacted on the use of lie detector tests and on disclosure of personal employment and medical records. School districts in Florida were authorized to adjust the school day and school year to help children of migrants complete their education. Also in Florida, all regulation of private employment agencies ceased as a result of previously adopted sunset legislation.

No additional States ratified the proposed Equal Rights Amendment to the U.S. Constitution during 1980. Approval by three additional States is necessary by June 30, 1982, for adoption.

The following is a summary, by jurisdiction, of labor legislation during 1980.

#### **Alabama**

*Wages.* The prevailing wage law was repealed at the close of the 1980 legislative session. A 1979 law had provided for automatic future repeal unless the 1980 legislature intervened. Bills to retain the law in amended form were introduced but failed to pass.

*Child labor.* Several changes were made in the child labor law including the relaxation of employment certificate provisions, by deleting requirements for both physical examinations and personal appearances by parents or guardians. Other changes included work in airport hangars and related jobs, which is now prohibited for employees under age 16, as is all work in building trades. Previously only heavy work was so prohibited in the building trades for this age group. Occupations involving wrecking, demolition, and shipbreaking are now prohibited for persons under 18. Theatrical work and jobs in bowling alleys are now permitted under age 16 and in pool and billiard rooms under age 18. Penalties for violations were increased.

*Equal employment opportunity.* As a result of "sunset" review, the Governor's Committee on Employment of the Handicapped was continued and is now required to make an annual report to the Governor and legislature, including recommendations for improving the State's effectiveness in employing or

helping to employ handicapped individuals.

*Other laws.* Discharging an employee for serving on jury duty is now prohibited.

A human resources board was created, composed of the Governor, and the Commissioners of the departments of Industrial Relations, and Pensions and Security, to assign to public work, employable persons who receive public assistance. Refusal to work will result in suspension of benefits.

#### **Alaska**

*Wages.* By prior law, which sets the minimum wage at 50 cents per hour above the Federal rate, the minimum wage rate rose to \$3.60 per hour on January 1, 1980, and will increase again to \$3.85 on January 1, 1981.

Overtime pay requirements will not apply to work performed under a flexible work hour plan that is part of a collective bargaining agreement, or to work performed by an employee under a voluntary flexible work hour plan that has been approved by the labor department.

*Equal employment opportunity.* The prohibition on employment discrimination on the basis of race, religion, color, national origin, age, physical handicap, or sex will now apply to the State and its political subdivisions, not only to private sector employers, labor organizations, and employment agencies as before.

*Worker privacy.* Records and names of persons involved in State Commission for Human Rights investigations will be given to the parties involved, but not to the public.

*Other laws.* A concurrent resolution requested the Governor to urge the U.S. Department of Labor to establish a Job Corps Center in the State.

#### **Arizona**

*Wages.* The prevailing wage law became inoperative when the State Supreme Court declined to review a 1979 court of appeals decision that declared unconstitutional the section of the law establishing the method for rate determination (use of collectively bargained rates). The lower court ruled that part of the law to be an unlawful delegation of legislative power to private persons over whom the legislature has no control.

Amendments to the wage payment law include: new restrictions on withholding of employee wages; employer permission to pay discharged employees within 3 working days or the end of the next regular pay period, whichever is sooner, rather than paying immediately; and the addition of a provision which permits an employee to file with the labor department a claim up to \$1,000 for unpaid wages, rather than having recourse only to civil action.

*Agriculture.* The termination date for the Agricultural Employment Relations Board, scheduled for July 1, 1980 under sunset legislation, was extended to July 1, 1982.

*Child labor.* High school graduates or students who have completed a vocational education program were excepted from prohibitions on employment of persons under age 18 in specified hazardous occupations, and children under 16 may now operate power-driven equipment used in the care and maintenance of lawns and shrubbery.

*Equal employment opportunity.* Age-based employment discrimination against persons ages 40 to 70 is now prohibited

under the Arizona Civil Rights Act.

The Advisory Council on Aging, scheduled to terminate on July 1, 1980, was extended to July 1, 1986. The council is to advise all State departments on matters and issues relating to aging.

**Occupational safety and health.** The Division of Emergency Services, within the Department of Emergency and Military Affairs, is to develop an emergency response plan to protect public health and safety in the event of an emergency resulting from an accident at a nuclear facility.

**Other laws.** Scheduled for termination on various dates between 1984 and 1996 under sunset legislation are the Boiler Advisory Board, Employment Advisory Council, Occupational Safety and Health Review Board, Civil Rights Advisory Board, Apprenticeship Advisory Council, and various other State boards, councils, and commissions.

### Arkansas

**Wages.** A previous law provided for an increase in the minimum wage rate from \$2.30 an hour to \$2.55 on January 1, 1980 with a further increase to \$2.70 scheduled for January 1, 1981. Tip allowances rose to \$1.25 an hour on January 1, 1980, and will increase to \$1.35 on January 1, 1981.

### California

**Wages.** New wage orders provided for an increase in the minimum hourly wage rate from \$2.90 to \$3.10 with a further increase to \$3.35 scheduled for January 1, 1981. Employer challenges to the orders were ruled by the courts to be without merit.

Minimum wage provisions applying to student employees of organized camps will now apply to camp and program counselors as well. These employees will receive 85 percent of the minimum rate for a 40-hour week, regardless of hours worked per week.

Wages due a laid-off employee or a group of employees engaged in oil drilling may now be paid within a reasonable time, not to exceed 24 hours after discharge, rather than immediately upon layoff as otherwise required.

Appeals of labor commissioner decisions in actions to recover wages, penalties, or other compensation may now be made to the justice court as well as the municipal or superior court. Also, if the parties seeking review are unsuccessful they must pay the costs and attorneys' fees of the opposing parties.

The governing board of each school and community college district may make deductions from salaries of classified employees for payment of union dues or other fees, and deductions from nonmembers for payment of service fees as required by a collective bargaining agreement. Nonmembers may choose to pay service fees directly to the exclusive representative.

The definition of public works under the prevailing wage law was amended to include construction work done under private contract when the work is performed according to plans, specifications, or criteria furnished by the State or political subdivision and when a lease for more than 50 percent of the property is entered into by a public body during or upon completion of the construction work.

Courts may now order assignment of wages for alimony in addition to the existing authorization for child support. Employers may not discharge an employee whose wages have been ordered assigned for such support.

Retirement, pension, disability, and other benefits payable by public employers, and benefits payable by private retire-

ment plans are now subject to garnishment or assignment for court-ordered child support or alimony.

**Hours.** The authority of the chief of the Division of Labor Standards Enforcement to temporarily exempt employers or employees from mandatory days-off requirements, if the chief determines that a hardship would result, was extended until January 1, 1984. This exemption was due to expire January 1, 1981.

**Child labor.** Minors age 16 and older are permitted to work up to 8 hours per day outside of school hours on days immediately prior to nonschool days. Formerly they were limited to 4 hours work on any schoolday.

**Equal employment opportunity.** The governor's reorganization, establishing the Department of Fair Employment and Housing, and abolishing the Division of Fair Employment Practices and the Fair Employment Practices Commission of the Department of Industrial Relations, was ratified by the legislature. The new department administers the laws prohibiting discrimination in employment and housing. Detailed investigation procedures were added to the law.

Requiring any employee to be sterilized as a condition of employment will now be an unlawful employment practice under the Fair Employment and Housing Act.

If the State Personnel Board, in establishing the order of layoffs, and re-employment of State employees, finds past discriminatory hiring practices, it must adopt a process to provide that the composition of the affected work force before and after the layoffs will be the same.

Licensees under the business and professions code, including private employment agencies, are prohibited from discriminating on the basis of marital status.

**Worker privacy.** A person's medical records may be obtained as part of an investigation of an on-the-job accident or illness, if kept confidential and if maintained only until the case under investigation is closed. The law otherwise prohibits unauthorized disclosure of medical information for employment or insurance purposes.

**Labor relations.** Where a union security arrangement has been negotiated, those public school employees whose religious beliefs include objections to supporting unions, may, in lieu of joining the union or paying a service fee, pay an equal amount to a nonreligious nonlabor charitable organization.

In cases of public school employer-employee impasses following mediation, the parties may now mutually agree on a factfinding panel chairperson, rather than being required to accept one selected by the Public Employment Relations Board.

**Other laws.** California-based companies may receive a preference of up to 9 percent in bidding on State contracts for goods or services in excess of \$100,000 if the contracts are performed in "distressed areas" and if workers with a high risk of unemployment are hired.

Payment bonds on public works contracts will now be required on contracts in excess of \$25,000 rather than the previous \$15,000.

Court-ordered inspection warrants may now be issued requiring State or local officials to conduct inspections required or authorized by any labor law or regulation.

An employment preparation program administered by the Employment Development Department was established to as-

sist Aid to Families with Dependent Children applicants and recipients to find jobs as quickly as possible.

## Colorado

*Wages.* Earnings of public employees payable to a deferred compensation plan will now be subject to wage garnishment restrictions on the same basis as other earnings.

*Occupational safety and health.* The State's Occupational Safety and Health Act was repealed. There had been no enforcement activities for the past 2 years because of the legislature's failure to fund the program.

Emergency vehicles operated by mining concerns subject to the mandatory safety standards of the Federal Mine Safety and Health Administration were excluded from the definition of ambulance service in the Colorado Emergency Services Act.

*Displaced homemakers.* The executive director of the Department of Labor and Employment was authorized to establish multipurpose service centers to give job counseling, training, placement, and other services to displaced homemakers. The centers will be staffed by displaced homemakers to the maximum extent feasible. A fee will be assessed against each divorce petition filed by a nonindigent person, to be paid into a fund to help support the program. A similar law was enacted in 1977 with a provision to automatically repeal it on July 1, 1979.

*Other laws.* Rules and regulations of the Department of Labor and Employment, due to expire on July 1, 1980, through sunset legislation, were extended to July 1, 1984. Some rules concerning employment agencies, occupational safety and health, and other subjects were not extended.

## Connecticut

*Wages.* By prior law, the hourly minimum wage increased from \$2.91 to \$3.12 on January 1, 1980. An increase to \$3.37 is scheduled for January 1, 1981.

Employees of hotels and motels, restaurants, bowling alleys, licensed amusement parks, and institutions other than hospitals that are primarily engaged in the care of sick, aged, or mentally ill persons are now to be paid overtime after 40 rather than 48 hours a week. Also, the minimum wage tip credit was increased from 60 cents an hour to 23 percent of the minimum wage rate for persons employed in the hotel and restaurant industry.

Employee earning statements must now include separate entries for straight time and overtime earnings.

*Child labor.* A criminal law was repealed which prohibited the employing or apprenticing out a child under age 16 in rope or wire walking, dancing, skating, bicycling, or peddling. The law also applied to work as a gymnast, contortionist, rider or acrobat, or that for obscene or immoral purposes, or in any vocation injurious to the health or dangerous to the life or safety of those children. The restrictions on hazardous occupations provided for in the child labor law will still apply.

*Equal employment opportunity.* Sexual harassment by employers, unions, and employment agencies will now be considered an unfair employment practice.

Municipalities will now be permitted to adopt a code of prohibited discriminatory practices and establish an equal opportunity commission for enforcement.

*Worker privacy.* A number of changes were made in the law

giving an employee the right to review his or her personnel file. One of these changes requires that files be made available at or near the place of employment, rather than at the place where the files are kept. Another change permits certain information in the file to be divulged to outside persons without the employee's written authorization. This includes verification of dates of employment, position, and wage or salary; information divulged as part of a personnel-related complaint against the employer, or in compliance with the terms of a collective bargaining agreement; or information released in response to a medical emergency.

*Labor relations.* Employers and employees are prohibited from mechanically eavesdropping or recording conversations pertaining to employment contract negotiations.

*Occupational safety and health.* Owners of buildings rented or leased to the State or any political subdivision were removed from coverage under the Occupational Safety and Health Act.

Employers now must periodically disclose to employees the existence and dangers of carcinogens in the workplace, and carcinogen suppliers must follow labeling and safe handling requirements.

The medical records for all newly diagnosed cancer patients in the State are to include the patient's occupational history. This information will be forwarded to the Connecticut Tumor Registry's information center.

Foundry workers are to be given lung function tests every 2 years.

*Other laws.* An employer may not threaten to fire or otherwise coerce an employee because of summons for jury duty. Violators will be guilty of criminal contempt and subject to fine, imprisonment, or both. If discharged, an employee may sue for up to 10 weeks of lost wages, attorneys' fees, and reinstatement.

Requiring any worker employed on public construction to kickback any compensation, under intimidation or threat of dismissal is now prohibited.

## Delaware

*Child labor.* Employment certificates for minors under age 16 may now be issued by private as well as public school officials.

*Other laws.* The Department of Community Affairs and Economic Development was authorized to establish a State-assisted summer work program in 1980 for youths ages 15 to 20 who are from low income families. Participants are now entitled to the minimum wage.

The Department of Corrections may institute a program requiring certain physically able inmates to work without compensation, and to encourage inmates to work overtime by offering a reduction of sentence at the rate of two hours for every hour of overtime worked.

## District of Columbia

*Wages.* A revised wage order for beauty culture occupations became effective March 17, 1980. Among other changes, the revision increased the basic minimum wage rate from \$2.50 to \$3.75 an hour, and increased the rate for apprentices and learners from \$2.25 to \$3.10 an hour.

The building service occupation wage order was revised to increase the minimum wage rate from \$2.70 to \$3.70 an hour effective January 1, 1981.

*Child labor.* The Youth Employment Act of 1979 became effective January 5, 1980. This law, which provides for summer and other employment opportunities for youth, and on-the-job training for adults with dependents, is similar to two 90-day emergency measures that were enacted in 1979.

### Florida

*Agriculture.* The legislature endorsed the establishment of a college assistance migrant program, and urged a continued commitment to the education of migrant farmworkers.

School districts were given the option of providing for an extended schoolday and fewer weeks per year, to enable children of migrants in the farm labor and fish industries to complete their education, which would otherwise be interrupted by their parents' frequent moves. The Department of Education is to plan, fund, and administer educational programs for migrant children ages 3 and up.

*Labor relations.* Rules adopted by local jurisdictions under a local option for public employee collective bargaining, are not effective until approved by the State Public Employees Relations Commission. Also, criteria for appointment to local commissions were specified.

Following resolution by a legislative body, of impasses between public employers and employees, a written agreement must be prepared including the issues agreed upon.

*Private employment agencies.* As a result of previously adopted sunset legislation, all regulation of private employment agencies ceased on July 1, 1980.

*Other laws.* The Department of General Services may now delegate to the contracting agency the authority to exempt public construction contracts of \$25,000 or less from payment and performance bond requirements.

Members of the Florida National Guard cannot be discharged or otherwise penalized by their employers because of absence due to active service.

### Georgia

*Wages.* Several changes were made in the wage garnishment law including establishing procedures for continuing garnishments, defining earnings for purposes of exemption, limiting garnishment for alimony or support to 50 percent of disposable earnings, and authorizing garnishment for Federal court judgments.

*Equal employment opportunity.* The State Fair Employment Practices Act, which prohibits discrimination in public employment on the basis of race, color, religion, national origin, sex, handicap, or age, set to expire on July 1, 1980, was extended to July 1, 1982.

The law providing equal opportunity in public sector employment for the blind and visually handicapped was expanded to include deaf persons as well.

### Guam

*Wages.* The minimum wage rose to \$3.10 an hour and will increase to \$3.35 on January 1, 1981 under a prior law which adopted the Federal Fair Labor Standards Act rates by reference.

### Hawaii

*Wages.* By prior law, the minimum wage rate was increased from \$2.90 to \$3.10 an hour effective July 1, 1980. An increase to \$3.35 is scheduled for July 1, 1981.

The requirement that all printing, binding, and stationery work for the State and its political subdivisions be paid for at prevailing wage rates was expanded to include all preparatory, press, bindery, and any other production-related work.

*School attendance.* A child is now exempt from the compulsory school attendance law if enrolled in an appropriate alternative educational program approved by the Department of Education.

*Equal employment opportunity.* State and county agencies are to institute selective employment programs exempt from civil service for severely handicapped individuals who possess the skills to safely perform in the positions.

*Worker privacy.* Restrictions were placed on unauthorized disclosure of personal records maintained by State and county agencies on individuals. With certain exceptions, individuals involved are to be granted access to their records in a reasonably prompt manner.

*Labor relations.* Public employees who hold positions essential to the public health or safety are prohibited from participating in strikes or secondary boycotts and can be assigned to work during strikes that may endanger public health or safety.

*Private employment agencies.* The maximum placement fees charged by private employment agencies will no longer be established by the director of labor and industrial relations, but will now be set through schedules submitted by the agencies and approved by the director.

*Occupational safety and health.* A comprehensive boiler, elevator, and amusement ride safety law was enacted, to be administered by the Department of Labor and Industrial Relations.

### Idaho

*Worker privacy.* Financial information submitted by applicants to the Public Works Contractors State License Board is to be considered confidential.

*Occupational safety and health.* All State regulation of safety and health in mines was abolished. Mine conditions are now subject only to Federal jurisdiction.

*Other laws.* Payment bonds required of public works contractors will now protect those renting, leasing, or otherwise supplying equipment, not only persons supplying labor or materials.

### Illinois

*Wages.* The subminimum wage for learners was changed from \$1.50 per hour to 70 percent of the basic minimum wage, effective January 1, 1980.

*Equal employment opportunity.* The State consolidated various antidiscrimination laws into a new comprehensive Human Rights Act in late 1979. The Fair Employment Practices Commission, Department of Equal Employment Opportunity, and the Commission on Human Relations were abolished and merged into a new Department of Human Rights. Among other changes, the age discrimination prohibition now applies to persons age 40 to 70, and marital status was added as a prohibited form of discrimination.

Among a number of 1980 changes in the Human Rights

Act, the definition of handicap was expanded to include the perception of such a characteristic by the person complained against, as well as the actual characteristic itself. Marital status was amended to include the status of legal separation, and it will now be a civil rights violation for an employer to discriminate with respect to promotions, renewal, or privileges of employment.

### **Indiana**

*Equal employment opportunity.* The industrial aid law, which had provided 1 year of financial aid to visually handicapped persons learning to increase their earning capacities, was repealed.

*Other laws.* Eligibility for training of hard-core unemployed persons was modified, including the adoption of Federal definitions of poverty level and of lower living standard income level. Tax credit allowances for keeping trainees working on a long-term basis were increased.

### **Iowa**

*Wages.* Courts may order wage assignments in cases of failure to pay permanent child support, with the assignment not to exceed the limitations established under the Federal wage garnishment law. Employers may not discharge an employee whose wages have been assigned.

*Equal employment opportunity.* A proposed Equal Rights Amendment to the State Constitution was defeated in the November general election.

*Other laws.* A provision was eliminated that required all employees of the Department of Social Services, except physicians and surgeons, to be State residents at the time of employment.

### **Kansas**

*Labor relations.* Several changes were made in the law governing collective bargaining for professional school employees, including procedures for certification and decertification of professional organizations, impasse resolution, agreement ratification, and expansion of negotiable items. The fact-finding individual or board need no longer choose among the last-best-offers of the parties in negotiation disputes.

*Displaced homemakers.* A displaced homemakers law requires the secretary of human resources to establish one urban and one rural pilot multipurpose center to provide counseling, training, services, and education for displaced homemakers to assist them in becoming gainfully employed. Staff positions are to be filled wherever possible by displaced homemakers.

### **Kentucky**

*Wages.* All regular school employees, except those employed on a 12-month basis, are to be paid regularly during the school year, provided, however, that any time not worked for which pay was received must be made up prior to the end of the current school year, or the amount of this payment will be withheld from the final salary payment.

Motor carrier employees covered by the Interstate Commerce Act were exempted from the State overtime pay requirements.

*Hours.* Employees subject to the Federal Railway Labor Act were excluded from the requirement that no employee work without a 10-minute rest period during each 4 hours worked.

*Equal employment opportunity.* The upper age limit in the ban on age discrimination in employment was raised from 65 to 70, and sex discrimination was defined to include pregnancy, childbirth, or related medical conditions.

Prohibitions on wage discrimination on the basis of sex will now apply to employers of two or more employees instead of only those employing eight or more.

*Occupational safety and health.* The boiler safety act was amended to provide for a comprehensive boiler and pressure vessel safety law administered by the commissioner of housing, buildings, and construction.

*Other laws.* Employers must now grant employees leaves of absence to perform active duty or receive training in the National Guard, with no loss of seniority, status, or other rights or benefits. Pay is not required for such leave.

Physical examinations required for the hiring of certified school employees, with the exception of bus drivers, will be at no cost if provided by the county health department. An employee who elects to use a private physician must pay the cost. The exam is to include a test for tuberculosis and is to be conducted prior to August 1 of the year in which the employee is hired.

The commissioner of labor is now authorized to apply to the county circuit court for an order requiring compliance with a subpoena issued by the commissioner.

### **Louisiana**

*Wages.* The amount of wages exempt from garnishment for child support is 50 percent of disposable earnings, rather than the greater of 75 percent, or 30 times the Federal minimum wage, as is exempt for other purposes.

*Child labor.* Minors employed in any approved Federally-funded youth training program were exempted from the State child labor law.

*Equal employment opportunity.* A civil rights act for handicapped persons was enacted, including a prohibition against discrimination in employment. The law is applicable to employers of 15 or more employees or contractors performing work for public agencies, unions, and employment agencies, and is enforceable through civil court action.

Under a House concurrent resolution, the Department of Labor is one of a number of agencies that will independently study and submit a written report on the employment problems of ex-offenders, along with recommendations for improving employment opportunities. A separate resolution urged the Department of State Civil Service to study and submit an annual report, categorized by sex and race on State government employees.

*Labor relations.* A concurrent resolution requests the extension of a joint legislative committee study, begun in 1979 of public sector employer-employee relations. The committee is to study related issues including collective bargaining and strikes and is to report its findings and proposals to the legislature 30 days prior to the beginning of the 1981 regular session.

*Occupational safety and health.* The fees to be charged by the labor department for the inspection of boilers and issuance of inspection certificates were increased, as were fees for certified boiler inspector certificates and for annual renewal of identification cards.

*Other laws.* School board employees must be granted a leave of absence for jury duty without loss of salary, leave, or benefits.

The Department of Labor is to develop and administer a program for the training and employment of youths under age 25, including the creation of jobs through State-promoted and financed projects, and cooperation with community programs and private agencies. Jobs to be developed include those in construction and supply, and professional and para-professional work on socially useful projects. Participants must be paid the Federal minimum wage, and discrimination based on sex, age, race, color, religion, political belief, or national origin is prohibited.

### **Maine**

*Wages.* The minimum wage rate was increased to \$3.10 an hour on January 1, 1980, under a prior law which mandated matching State increases to the Federal rate, up to a maximum \$4 rate.

*Worker privacy.* Directory information on school employees, which is open to the public, no longer may include address or date and place of birth, and the employee's social security number was added to the list of confidential personnel record information.

*Other laws.* Several departments and agencies including the Governor's Committee on Employment of the Handicapped, the Office of CETA Planning and Coordination, the Commission for Women, the Human Rights Commission, the Labor Relations Board, and the Office of State Employees Relations are scheduled for termination on June 30, 1987, through sunset legislation, unless continued by law.

In-State bidders on State contracts will now receive preference over those from out-of-State if their bid is no more than 5 percent higher than the bid of the lowest responsible bidder. The amount of this preference was previously 2 percent.

### **Maryland**

*Wages.* The minimum wage rose to \$3.10 an hour and will increase next year to match the Federal rate under a prior State law which adopted the Fair Labor Standards Act rates by reference.

The labor commissioner was authorized, under prescribed circumstances, to exempt individual sheltered workshops or work activity centers, after an investigation and hearing, from the minimum wage provisions of the wage and hour law.

Medical insurance payments deducted from an employee's wages by the employer are now exempted from wages that are subject to wage garnishment.

*Equal employment opportunity.* It is now unlawful to aid, abet, or coerce anyone to violate the Fair Employment Practices Act or to prevent any person from complying with the act.

At grievance proceedings, deaf employees are entitled to an interpreter paid for by the employer and union.

*Occupational safety and health.* A comprehensive Railroad Safety and Health Law was enacted. It will be administered and enforced by the Commissioner of Labor and Industry who will promulgate appropriate standards, rules, regulations, and administrative procedures relating to all areas of railroad safety and health. Certain railroad safety functions, formerly performed elsewhere, were transferred to the commissioner.

Many of the provisions which resulted in dual Federal-State jurisdiction over mine safety were repealed with the State Bu-

reau of Mines retaining authority to inspect mines, adopt rules and regulations, and to test and certify mine personnel.

*Other laws.* The State Departments of General Services and Transportation are to give construction contract preference to contractors residing within Maryland in those instances where they are bidding against contractors from States that give preference to their own resident contractors. The Maryland firms' bid must be not more than 2 percent above that of the nonresident, and there must be no conflicting Federal grant or regulation.

Payment and performance bonds are required for any public work contract exceeding \$25,000, instead of \$5,000 as before, and cash or other security is now permitted in lieu of a bond.

A Teen Employment and Community Service Program was created in the Department of Natural Resources to employ persons age 14 to 20 on summer work projects on public property, at pay rates not less than the minimum wage.

State classified employees are now protected from personnel action reprisals for disclosing information on government illegality or impropriety.

### **Massachusetts**

*Wages.* The minimum wage rose to \$3.10 an hour on January 1, 1980 and will increase to \$3.35 on January 1, 1981, under provisions of a 1977 amendment.

Any employer who submits a bill which includes a service charge is to clearly indicate the amount of such charge that is to be paid as a tip or gratuity, and the maximum fine assessable against an employer who requests, accepts, or retains employee tips was increased.

A late 1979 law requires railroad corporations to furnish each employee with a wage statement with every payment of wages, listing accrued total earnings and taxes to date and a separate listing of daily wages and how they were computed.

*Hours.* A number of provisions relating to wages and hours of work for women and children were repealed or amended to apply only to minors or to all persons.

*Equal employment opportunity.* Vacation credit may not be denied State employees, or any other penalty imposed, for the period they are absent from work on maternity leave.

Among changes in the handicap rehabilitation statute the commissioner of rehabilitation was given greater power to appoint personnel and to establish area offices.

The mandatory retirement age for State building inspectors, State elevator inspectors, and district engineering inspectors was lowered from age 70 to age 65. Members may continue to be employed past the mandatory retirement age if annual examinations indicate they are mentally and physically capable of continued job performance.

A measure was passed in the November general election to amend the State Constitution to prohibit discrimination against handicapped persons.

*Labor relations.* Elected officers of the Professional Firefighters of Massachusetts are to be given leave, if on duty, by the municipal employer, for regularly scheduled work hours spent on union business.

*Occupational safety and health.* Unlicensed elevator workers are now subject to a fine of from \$500 to \$1,000. They were previously subject to a lesser fine or imprisonment for up to 6 months.



## Michigan

*Wages.* Under an amendment adopted in 1977, the minimum wage increased to \$3.10 an hour on January 1, 1980, with an increase to \$3.35 scheduled for January 1, 1981. These increases equal those under Federal law.

Individuals employed to provide the practice of massage were specifically included under the coverage of the minimum wage law.

*Equal employment opportunity.* Coverage of the fair employment practices law was extended from employers of four or more persons to all employers. Also, the definition of sex discrimination was amended to include sexual harassment where submission to unwelcome sexual advances, contact, or communication is made a term or condition of employment.

*Labor relations.* Employers who have been found in contempt of court at least three times for different violations in the preceding seven years, for failure to correct an unfair labor practice under the National Labor Relations Act, are now ineligible for State contracts or subcontracts.

Unresolved labor disputes of State Police troopers and sergeants were made subject to binding arbitration.

*Occupational safety and health.* Many changes were made in employee health and safety standards. Among them, employers are required to pay for personal protective equipment required by law. Employers are also required to make available to employees for inspection and copying, general health surveys of conditions in the place of employment which may adversely affect employees' health, and all medical records and health data in the employer's possession pertaining to those employees. Employees were given the right to attend or be represented at all meetings between the departments of labor or health and the employer, relative to the department's decision concerning an Occupational Safety and Health citation, abatement period, or proposed penalty. Provisions were made for tagging of equipment and processes that are a source of imminent danger, with employees not permitted to operate such tagged equipment or engage in tagged processes as long as danger exists.

*Other laws.* A neighborhood assistance program was established within the labor department to provide financial assistance for projects offering job training, community services, crime prevention, and physical revitalization of neighborhood facilities.

Contractors awarded contracts for the construction or repair of State buildings or property must hire at least 50 percent State residents if available. This requirement will not apply where there are collective bargaining agreements that allow for the interstate portability of employees, or where this requirement is in conflict with Federal law or regulation.

## Minnesota

*Wages.* A 1979 law increased the minimum wage from \$2.30 to \$2.90 effective January 1, 1980, with further increases to \$3.10 on January 1, 1981 and \$3.35 on January 1, 1982.

Seafarers exempted from the overtime standards of the Federal Fair Labor Standards Act are now exempted from State minimum wage and overtime requirements.

*Equal employment opportunity.* The Human Rights Act was amended to authorize the Commissioner of Human Rights to

seek relief for a class of individuals, to prohibit employment discrimination because of membership or activity in a local commission, and to increase the maximum punitive damages that can be assessed by a hearing examiner from \$500 to \$1,000.

*Labor relations.* The name of the Department of Personnel was changed to the Department of Employee Relations. The new department is organized into the Division of Personnel and the Division of Labor Relations. The Division of Labor Relations will be responsible for negotiating and administering State employee collective bargaining agreements. Among other changes, the circumstances under which nonessential public employees may strike were broadened, and binding arbitration procedures were amended.

*Private employment agencies.* Services which place medical doctors exclusively were exempted from the employment agency law.

*Occupational safety and health.* The Director of Emergency Services, in cooperation with the Commissioner of Health and affected local units of government, is to develop State and local emergency response plans for nuclear power plants in the event of an accident.

*Other laws.* Employers must not only permit employees elected to public office, time off to attend public meetings as before, but must now also make an effort to allow the employees to make up the time.

An employee who is a member of a political party committee, or a delegate or alternate to a political convention may take leave to attend meetings and conventions provided at least a 10-day written notice is given the employer. The employee is not to be penalized or suffer any wage deduction other than for actual time absent from employment.

## Mississippi

*Wages.* Limitations on the amount of wages subject to garnishment were conformed to limits set in the Federal wage garnishment law.

*Child labor.* A law making it illegal to persuade, entice, or decoy away from his parents an unmarried male under age 21 for purposes of employment, without parental consent, was amended to apply to males under age 18 only, the same as for females.

*Equal employment opportunity.* Among other changes to the public employees' retirement law, the mandatory retirement age was raised from 65 to 70, applicable to all employees except elected officials and those appointed by the Governor.

*Worker privacy.* A polygraph operator may have his or her license suspended or revoked for requiring a subject to acknowledge that the examination was not done for purposes of employment when the results of the examination are to be submitted to an employer.

*Other laws.* The State Department of Education is to develop and coordinate a State-wide vocational and technical education program which will include but not be limited to immediate training for established industries, and training for prospective employees for new and expanding industry in the State.

The Office of the Governor Job Development and Training was abolished, and the Division of Job Development and Training in the Office of the Governor was established and designated the administrator of the State's CETA programs. This law, which was implemented with Federal funds, will be automatically repealed if State funds are appropriated for the support of the division.

A new comprehensive law was enacted, effective April 1, 1981, to govern the furnishing of payment or performance bonds in public works contracts. The current public works bond provisions will be repealed at that time.

### Nebraska

*Wages.* Orders for wage garnishment prior to final judgment were prohibited, and the wage garnishment provisions now specifically apply to officers of the State and political subdivisions, not only to private sector employees as before.

*Child labor.* The age for selling or dispensing alcoholic liquor in taverns was raised from 19 to 20, although minors may serve drinks at age 19 when working in restaurants, clubs, hotels, or similar places.

*Equal employment opportunity.* Commissions on the status of women may be established by any county and certain cities, to study the changing role of women and advise the city or county government on elimination of social, economic, and legal barriers affecting women.

*Worker privacy.* A new law was enacted requiring licensing of operators of polygraphs and other instruments such as deceptographs, psychological stress evaluators, or voice analyzers. Submission to such tests may not be required as a condition of employment except in public law enforcement. Such tests are permissible if voluntary, related to a specific investigation, and if no questions are asked about labor unions, political or religious affiliation, marital relationships, or sexual practices.

*Displaced homemakers.* The displaced homemakers law, scheduled to terminate September 2, 1980, was extended indefinitely, and the limit on the number of permitted displaced homemaker service centers was removed.

### New Hampshire

*Wages.* The minimum wage rate rose to \$3.10 an hour on January 1, 1980 and will increase on January 1, 1981 to match the Federal \$3.35 rate.

### New Jersey

*Wages.* By prior law, the minimum wage rate was increased from \$2.90 to \$3.10 an hour effective January 1, 1980.

The payment of prevailing wages, and the establishment of an affirmative action program for the hiring of minority workers is now required on construction projects receiving financial assistance from the State's Economic Development Authority.

*Child labor.* Changes in youth nightwork provisions eliminated more stringent provisions for girls and permitted minors between age 16 and 18 to work until 11 o'clock any night, rather than to 10 o'clock as before, and after 11 o'clock during school vacations. Minors employed in restaurants until midnight before nonschool days must now have written parental permission stating hours they are permitted to work.

As boys previously could, girls age 14 and over may now engage in street trades. This was formerly prohibited for girls

under age 18. In addition, girls under age 18 are no longer prohibited from employment as messengers.

*Equal employment opportunity.* Several changes were made in labor laws to remove sex discriminatory language. For example, seats are now required for all employees rather than only for women, employment agencies may not send any person, previously only females, to work at a place of amusement kept for immoral purposes, or to an illegal gambling house, and any employee required to have a physical examination under the workers' compensation or temporary disability insurance laws may request a physician of the same sex.

The commission to study sex discrimination in the statutes, scheduled for termination on January 8, 1980, was extended to January 12, 1982.

The law concerning civil rights and responsibilities of blind persons with guide dogs was amended to include deaf persons with guide dogs. It will be an unlawful employment practice to deny employment to an otherwise qualified deaf person solely because he or she is deaf or accompanied by a guide dog.

*Labor relations.* Public employees may now negotiate for an agency shop agreement whereby nonmembers of the union within the bargaining unit would be required to pay a representation fee in lieu of dues.

*Other laws.* County officers or employees elected to the State Legislature are to be given time off with compensation during periods of attendance at regular or special sessions or committee meetings. These rights are identical to those previously enacted for employees of municipalities and public schools.

A concurrent resolution requested the U.S. Congress, the Office of Management and Budget, and the President, to continue the funding of the Employment Opportunities Pilot Program.

### New Mexico

*Wages.* By prior law, the minimum wage was increased from \$2.65 to \$2.90 an hour effective July 1, 1980, with a further increase to \$3.35 scheduled for July 1, 1981. The farm rate rose to \$2.90 on July 1, 1980 and will increase in two steps to \$3.35 by July 1, 1982.

### New York

*Wages.* By prior law, the minimum wage rate for nonagricultural workers was increased to \$3.10 on January 1, 1980. It will rise to \$3.35 on January 1, 1981.

Effective January 1, 1981, minimum wage coverage will be extended to individuals employed or permitted to work in any nonteaching capacity by a school district or board of cooperative educational services.

The labor commissioner was empowered to order the payment of a civil penalty of up to 25 percent of the total amount found to be due under violations of the minimum wage and wage payment laws and regulations. The civil penalty will be in addition to and may be imposed concurrently with any other remedy or penalty.

Restitution of wages or supplements due an employee because of underpayment is to include interest at not less than 6 percent per year, and not more than the rate of interest in effect as prescribed by the superintendent of banks. Within this range, the interest rate paid will depend on the size of the business, the good faith of the employer, the gravity of the violation, the history of past violations, and the failure to comply with recordkeeping or other nonwage requirements.

Domestics, farmworkers, and employees of nonprofit organizations are now subject to the equal pay law through the repeal of a previously existing exemption.

Court-ordered wage deductions for support payments are now applicable to future employers, in addition to current and former employers as previously required.

*Equal employment opportunity.* Executive Order Number 45, which established equal employment opportunity and affirmative action requirements, including goals of minority employment on public works, was declared unconstitutional by the State Supreme Court as an unauthorized exercise of legislative power.

An increase was made from 200 to 400 in the number of positions the Civil Service Commission is authorized to find and reserve for persons certified as being either physically or mentally handicapped but capable of performing the job duties.

*Occupational safety and health.* A comprehensive occupational safety and health law was adopted for the public sector, applicable to the State, political subdivisions, public authorities, and instrumentalities. Administration and enforcement is by the Industrial Commissioner.

*Other laws.* To aid and promote the development of the domestic steel industry, the State procurement law now requires the purchase of American-made steel and steel products where possible.

#### **North Carolina**

*Wages.* By prior law, the minimum wage rate was increased from \$2.75 to \$2.90 an hour effective July 1, 1980.

*Equal employment opportunity.* The Study Commission on Equal Employment Practices was established to examine the need for a State Equal Employment Practices Act and related matters.

#### **North Dakota**

*Wages.* As the result of a 1979 wage order, the minimum wage rate was increased from \$2.60 to \$2.80 an hour for public housekeeping employees, effective July 1, 1980. The rate for mercantile employees and professional, technical, and clerical employees increased to \$3.10 an hour effective January 1, 1980.

#### **Ohio**

*Wages.* Wages may not be garnished for collection of debts that are subject to a debt scheduling agreement between the wage-earner and a consumer credit counseling service.

*Child labor.* Minors 16 and 17 years old were exempted from the usual employment certificate requirements for summer work in nonprohibited nonagricultural employment. Instead, such minors must present proof of age and parental consent. Also, minors employed in CETA programs were temporarily exempted from the requirement of obtaining age and schooling certificates for employment during the summer of 1980. Proof of age and parental consent is needed.

*Labor relations.* Employers found in contempt of court for failure to correct unfair labor practices under the National Labor Relations Act on more than one occasion during the preceding two years are ineligible for State contracts or subcontracts.

*Occupational safety and health.* Effective January 1, 1981, operators of underground mines employing 20 persons or more per shift and operators of strip mines are to have trained medical personnel and necessary safety equipment available for quick response to emergencies.

*Other laws.* An economic development program was established with the primary objective of preserving or creating employment opportunities.

#### **Oklahoma**

*Wages.* The minimum wage rate was increased from \$2.00 to \$3.10 an hour effective October 1, 1980.

*Labor relations.* Prison inmates employed through a work release program are not to report to work if a strike occurs at their place of employment, and they may not be hired to replace employees engaged in a labor dispute.

*Other laws.* Contractors must now furnish payment bonds on all public construction projects exceeding \$7,500, rather than the previous \$1,000.

In-State contractors will now be given preference on public contracts if their bid is no more than 5 percent higher than that of an out-of-State bidder. A 3-percent preference was previously authorized.

#### **Oregon**

*Wages.* As provided for in a prior law, the minimum wage rate was increased from \$2.65 to \$2.90 an hour effective January 1, 1980. An increase to \$3.10 an hour is scheduled for January 1, 1981.

The prohibition on discharging or discriminating against an employee who has made a wage claim was expanded to also protect those who have discussed, inquired about, or consulted an attorney or agency about a wage claim. Any person found in violation will be liable for actual damages or \$200, whichever is greater.

#### **Pennsylvania**

*Wages.* As provided for in a prior law, the minimum wage rate was increased from \$2.90 to \$3.10 an hour effective January 1, 1980 with a future increase to \$3.35 scheduled for January 1, 1981. The maximum tip credit was reduced from 45 to 40 percent of the minimum rate, effective January 1, 1980.

*Equal employment opportunity.* Age limitations for entry into approved apprenticeship programs of two years or more were exempted from the Human Relations Act prohibition against age discrimination.

#### **Puerto Rico**

*Wages.* Among other changes made by a 1979 revision of the minimum wage law, minimum wage rates under the Commonwealth wage board system may now be set at rates up to the Federal rates under the Fair Labor Standards Act, instead of the previous limit of \$2.50 per hour.

#### **Rhode Island**

*Wages.* By previous enactment, the minimum wage was increased from \$2.65 to \$2.90 an hour effective July 1, 1980. Additional increases to \$3.10 and \$3.35 an hour are scheduled for July 1, 1981 and July 1, 1982.

Employers are prohibited from taking any disciplinary action as the result of an employee's wages being assigned by court order for support payments. Such assignments have pri-

ority over any other attachments and are not subject to any statutory limitation on the amount levied against the employee's income.

Payments for voluntary participation in a vanpool system are now permissible deductions from wages.

*Child labor.* Minors 16 to 18 may now work until 11:30 on nights before schooldays, and until 1:30 in the morning on other days, rather than until 11:30 each night, as before. The limitation was also restricted only to minors who are regularly attending school. Minors 16 to 19 may now transport unopened alcoholic beverages in the course of their employment. Formerly, minors under 18 were prohibited from transporting such beverages except when accompanied by a parent or guardian.

*Equal employment opportunity.* The Labor Department's jurisdiction over age discrimination was eliminated, leaving the Human Rights Commission as the sole regulatory agency.

Under the Fair Employment Practices Law, compulsory retirement of university employees between age 65 and 70, who have unlimited tenure, will not be prohibited until July 1, 1982.

A vocational rehabilitation program including medical, diagnostic, training, vocational guidance, and other services for disabled persons was established under the Department of Social and Rehabilitative Services.

*Labor relations.* Casual and seasonal State employees were excepted from the law giving State employees the right to organize and bargain collectively.

*Occupational safety and health.* Two members representing labor are to be appointed to the new 21-member Special Commission on Hazardous Substances. The commission will recommend legislation to the General Assembly on alternative methods of handling and disposing of hazardous substances and waste with a minimum of potential harm to the public health and environment.

The State building code was repealed, and a new comprehensive code was enacted to govern the safety of all structures.

*Displaced homemakers.* The displaced homemaker program, scheduled to terminate on January 31, 1980, was made permanent.

### South Carolina

*Wages.* A portion of a prisoner's wages may now be disbursed to the victim whose property was stolen or damaged, in an amount determined by the Board of Corrections.

*Worker privacy.* Nuclear-related businesses may obtain from the State Law Enforcement Division, the criminal history record of employees in certain sensitive positions, with the employees' written permission.

*Labor relations.* Special grievance and performance appraisal procedures were established for faculty members of State institutions of higher learning.

*Occupational safety and health.* A comprehensive statute was enacted to control the transportation, handling, and disposal of radioactive waste under the regulation of the Department of Health and Environmental Control.

Assessment of a civil penalty by the labor commissioner for each serious violation of an occupational safety or health rule or violation of any posting requirement in now discretionary, rather than mandatory.

### South Dakota

*Child labor.* Children age 14 and over are now permitted to dispense gas and oil at gasoline service stations. This work was previously limited to those age 16 and over.

*Equal employment opportunity.* Qualified agencies employing the handicapped will be given preference in the award of public contracts for goods and services. Prior law had given this preference only to agencies employing blind persons.

### Tennessee

*Wages.* State officers or employees whose total annual income, including overtime, is less than \$8,000 may now hold an additional part-time position for up to four hours a day in State government.

A summons for wage garnishment must now contain a notice that the employer is liable for any failure to withhold the required garnishment amount or failure to pay it to the court.

*Equal employment opportunity.* The antidiscrimination law was amended to include a prohibition on employment discrimination based on age, for persons age 40 to 70.

*Private employment agencies.* The application and license fees for employment agencies, managers, and counselors were increased.

*Other laws.* The commission on aging, scheduled for termination on June 30, 1980 under a sunset law, was extended to June 30, 1981.

### Utah

*Wages.* An increase in the minimum wage to \$2.60 an hour, authorized by a 1978 administrative action, took effect on January 1, 1980, for the retail trade, public housekeeping, restaurant, laundry, cleaning, dyeing, and pressing industries in Salt Lake, Weber, Utah, and Davis counties and in all cities with a population of 5,000 or more. A further increase to \$2.75 is scheduled for January 1, 1981. The minimum for other areas was raised to \$2.35 an hour with an increase to \$2.50 scheduled for January 1, 1981.

*Equal employment opportunity.* An amendment to the State Constitution was approved in the November general election to remove the prohibition against women working underground in mines, and permitting work release and similar programs for prisoners.

### Vermont

*Wages.* By prior law, the minimum wage rate was raised to \$3.10 an hour effective January 1, 1980 with a further increase to \$3.35 scheduled for January 1, 1981.

Employers will now be permitted to pay all employees bi-weekly or semi-monthly rather than only salaried employees as before. Also, all court costs and reasonable attorneys' fees will now be considered recoverable items in actions for failure to pay wages.

*Labor relations.* Revised rules covering grievances, promotions, transfers, internal affairs, and disciplinary procedures

are to be established by the Commissioner of Public Safety under legislature established guidelines. A State Police Advisory Commission was established to review the rules and to act as an adviser to the commission.

### **Virginia**

*Wages.* The minimum wage rate was increased from \$2.35 to \$2.65 an hour effective July 1, 1980.

Employers of more than 10,000 workers may now charge an employee, whose wages are garnished, a fee of up to \$10 for expenses in processing each garnishment summons.

*Equal employment opportunity.* The mandatory retirement age of State employees or teachers was set at 70 under the State Supplemental Retirement Act. Formerly the employer could provide for compulsory retirement at any age from 65 to 70. Compulsory retirement at an earlier age is permitted if age is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business.

Contracting agencies are now prohibited from discriminating on the basis of race, religion, color, sex, on national origin in awarding public contracts. Previous law, applicable only to contractors, requires nondiscrimination clauses in government contracts or subcontracts over \$10,000.

Urban county boards of supervisors are permitted to establish commissions on human rights, to receive and assist in voluntary resolution of complaints of discrimination.

*Private employment agencies.* Agencies must now refund part of the placement fee if employment terminates without the employee's fault within 12 weeks, instead of having the option of making a refund or placing the applicant in other employment with a credit towards the additional fee.

*Occupational safety and health.* A five-member Coal Mine Health and Safety Advisory Committee was established to advise and make recommendations, to various legislative committees, on changes in law, rules, or regulations which it deems necessary for coal mine health and safety.

*Other laws.* Joint legislative committees were created to study a proposed State Comprehensive Youth Employment Program, and to study and make recommendations regarding duplication in the certification of apprentices by the State and local jurisdictions.

### **Virgin Islands**

*Wages.* By prior wage order and legislative action, minimum hourly wage rates were increased to match the Federal \$3.10 rate with a further increase to \$3.35 scheduled for January 1, 1981. Certain previously prescribed occupational rates that exceeded the Federal minimum were retained. For tipped employees, a 50-percent tip credit was enacted, replacing former lower minimums.

*Labor relations.* A Public Employee Labor Relations Law was enacted, granting public employees the right to form and join unions, and bargain collectively. The law also established unfair labor practices. Binding arbitration is provided for as is a limited right to strike. An Office of Collective Bargaining was created in the Office of the Governor with the responsibility to represent the executive branch and negotiate on its behalf.

### **Washington**

*Child labor.* Professional disc jockeys and sound and lighting technicians age 18 and under may now be employed in places

where liquor is sold. Musicians age 18 and older previously had this right.

*School attendance.* Temporary absence from school for up to 10 days a year is permitted for a child between age 8 and 18 on parental request and with agreement of school authorities.

### **West Virginia**

*Wages.* The minimum wage rate will rise from \$2.20 to \$2.75 an hour on January 1, 1981, and overtime of one and one-half times the regular rate will be payable after 40 rather than 42 hours a week, effective July 1, 1980.

*Labor relations.* The State's Labor-Management Advisory Council, scheduled for termination on June 30, 1980, was continued to June 30, 1983.

*Occupational safety and health.* The deadline date for the promulgation of various coal mine rules and regulations, including the right of miners to refuse to operate unsafe equipment, and regulation of long and short wall mining and the construction of shafts, slopes, and surface facilities, scheduled for January 1, 1978, was postponed until January 1, 1981.

The Board of Coal Mine Health and Safety is to report all coal mining fatalities within 60 days, to review major causes of coal mining injuries in detail, and to issue any necessary rules and regulations to prevent recurrence. An annual report is to be given to the Governor and legislature including recommendations for enactment, repeal, or amendment of any statute, for the purpose of enhancing health and safety in the mining industry.

*Other laws.* Under sunset legislation, the State Department of Labor is scheduled to terminate on July 1, 1981.

Employers are prohibited from discriminating against employees summoned for jury duty, such as threatening to decrease their pay or terminate their employment. Payment of wages while the employee is on jury service is not required.

Public employees are permitted to take time off from work to observe the birthday of Martin Luther King, Jr., with the time off charged to annual or vacation leave.

### **Wisconsin**

*Wages.* By prior administrative action, the nonfarm minimum hourly wage rate was increased from \$2.80 to \$3 effective January 1, 1980, with a further increase to \$3.25 effective January 1, 1981. The farm rate was increased from \$2.60 to \$2.80 an hour effective January 1, 1980 with an increase to \$3.05 scheduled for 1981.

Employers were prohibited from taking, and employees from giving "kickbacks" of wages on any public construction project. Violators are subject to a fine or imprisonment or both. A similar provision was already in effect for highway construction projects.

Commission payments, earnings, and other income, as well as salary, are subject to court ordered assignment for maintenance or support payments, and employees of the State and political subdivisions may now have their wages assigned for such payments.

*Child labor.* Minors 12 and older are permitted to work under direct parental supervision, in connection with their parents' businesses, trades, or professions, subject to the restrictions on hours and hazardous work of the child labor law. A work permit is required, and will be issued unless the work is injuri-

ous or detrimental to the minor's education, health, safety, or welfare.

*Worker privacy.* Employers may not require or solicit a polygraph, voice stress analysis, psychological stress evaluator, or similar "honesty" test, of an employee or prospective employee, except for a test using a device that records both cardiovascular and respiratory patterns visually, permanently, and simultaneously. Any employer-employee agreement offering employment, pay, or job benefits in return for taking such a test is void. For permitted tests, the employee must be told that taking the test is voluntary and written consent is required. No questions may be asked on sexual practices, religious or political beliefs, marital relationship, or labor union activities.

Public and private sector employees have the right to inspect and make corrections to their personnel files and medical records at least twice a year, or as provided in a collective bargaining agreement, during normal working hours or other reasonable time, at a convenient location. The employee may also authorize a union representative to inspect the records when a grievance is pending. Certain records are excluded, such as letters of reference, records relating to a criminal in-

vestigation, management planning records, and portions of test documents.

*Labor relations.* The employment, recruitment, or transportation of strikebreakers to replace employees where a strike or lockout exists is prohibited, with criminal penalties provided for violation.

Persons or firms found in violation of the National Labor Relations Act on at least three occasions during the past five years are not to be awarded State contracts for a three-year period.

*Other laws.* Employers are prohibited from discharging or disciplining an employee for absence due to jury service. Violators may be fined and may be required to make full restitution to the employee, including reinstatement and back pay.

Preference in State purchasing is to be given to American-made materials to the extent possible.

### Wyoming

*Occupational safety and health.* Civil and criminal penalty provisions were modified to conform closely to those in the Federal Occupational Safety and Health Act.

### — FOOTNOTE —

<sup>1</sup> The legislatures did not meet this year in Arkansas, Montana, Nevada, North Dakota, and Texas. Abbreviated sessions were held in

Missouri, New Hampshire, New Mexico, and Utah, but no significant labor legislation was enacted.

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### Compulsory school, compulsory work

At a very early date in colonial history the need for workers led to child labor legislation, meant to insure that children as well as adults should contribute to the general welfare. The court of Massachusetts Bay in 1641 ordered that all heads of families should see that their children and servants should be industriously employed . . . But this was not to be at the expense of the children's education. In 1642, chosen men were empowered to take account of the calling and employment of the children . . . In 1647, it was ordered in Massachusetts that schoolmasters should be appointed in every town to teach the children. Similar legislation . . . was adopted in most of the New England colonies.

— *Summary of the Report  
on Condition of Woman and Child Wage  
Earners in the United States, Bulletin  
175 (U.S. Bureau of Labor Statistics,  
1916), p. 228.*

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