

State labor legislation enacted in 2011

Laws concerning child labor, equal employment opportunity, human trafficking, immigration legislation, independent contractors, prevailing wage, and wages paid were among the most active areas in the state legislatures, with the enactment and implementation of new legislation during the year that amended and revised state statutes or regulations

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This year's report on state labor legislation has been modified from those of the past. First, the reporting timeframe for the enacted legislation covered in this report begins October 1, 2010, and ends December 31, 2011. Starting in 2012, the report will cover a calendar year timeframe from January 1 to December 31. Second, the narrative analysis of each piece of legislation has been replaced with an illustrative table, which comprises the majority of the report. The table lists the bill numbers of each piece of the enacted legislation, by labor legislation categories that are tracked by the Wage and Hour Division (WHD) of the U.S. Department of Labor. Each bill number is in the table cell that corresponds both to the state (row) where enacted and to the individual category of legislation (column). With bill numbers in a table format, readers more easily will be able to perform research on a particular piece of legislation, either by state or by category.

All 50 states and the District of Columbia met in regular legislative session during the year. A number of states also met in special sessions in order to address various issues of particular interest or immediate necessity. During the reporting timeframe, which is covered by this particular report, 45 states and the District of Columbia enacted or amended labor legislation of consequence in the various categories tracked by WHD.

The bills that were introduced and then enacted by the states and the District of

Columbia encompassed 30 of the 34 legislative categories tracked by the WHD and included a number of important measures. The 30 categories that were active this year were agriculture, child labor, state departments of labor, discharge of employees, drug and alcohol testing, equal employment opportunity, employee leasing, family leave issues, genetic testing, hours of work, human trafficking, immigration legislation, independent contractor, inmate labor, minimum wage and tipped employees, offsite work, "other legislation," overtime, overtime healthcare, plant closing and the displacement or replacement of workers, preference of employers regarding employees, prevailing wage, time off from work, unfair labor practices, wages paid, whistleblowers, worker privacy, workers with disabilities, workplace security, workplace violence, and "other" categories. The four categories in which no reported legislative activity was reported during the year are employment agencies, garment activity, living wage (statewide), and right to work. Not every piece of labor legislation enacted during the year falls into one of these categories. Among the legislative issues that are excluded from the report are those which (1) amend existing state law but in which the changes are strictly technical in nature, (2) affect only a limited number of individuals, (3) require the undertaking or the distribution of an issue study for a legislature or a governor, or (4) deal with operational or funding concerns related to a specific issue. □

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Table 1. State labor legislation (senate and house bills and executive orders) enacted, by category and number of bill, October 1, 2010, through December 31, 2011

State	Agriculture	Child labor	State department of labor	Discharge of employee	Drug and alcohol testing	Equal employment opportunity	Employment agency
Alabama	-	-	-	-	-	-	-
Alaska	-	-	-	-	-	-	-
Arizona	-	-	-	-	-	-	-
Arkansas	-	-	-	-	S244	-	-
California	A840, A243	A1401, A1398	-	-	-	S117, A887	-
Colorado	-	-	-	-	-	-	-
Connecticut	-	-	H6370	-	-	H6599	-
Delaware	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	-	-
Florida	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-
Hawaii	-	-	-	-	-	HR49, S46, S229	-
Idaho	-	S1147	-	-	-	-	-
Illinois	-	-	-	-	H147	S1923, H332, S269, S1122	-
Indiana	-	-	-	-	-	-	-
Iowa	-	-	-	-	-	-	-
Kansas	-	-	-	-	-	-	-
Kentucky	-	-	-	-	-	-	-
Louisiana	-	H303	-	-	-	-	-
Maine	-	S149	-	-	H932	-	-
Maryland	-	-	-	-	-	H202	-
Massachusetts	-	-	-	-	-	-	-
Michigan	-	H4727, SR94, HR145	-	-	-	-	-
Minnesota	-	-	-	-	-	S1265	-
Mississippi	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	S188	-
Montana	-	-	-	-	-	H95, H43	-
Nebraska	-	-	-	-	-	-	-
Nevada	-	-	-	-	-	A211	-
New Hampshire	-	-	S86	-	-	-	-
New Jersey	-	-	-	-	-	-	-
New Mexico	-	-	-	-	S295	-	-
New York	-	A7630	-	-	-	-	-
North Carolina	-	-	-	-	-	-	-
North Dakota	-	-	-	-	-	-	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	H2033, H1212	S857	-
Oregon	S704	SJM17, S898	-	-	-	H2036	-
Pennsylvania	-	-	-	-	H1516, H1518, S441	-	-
Rhode Island	-	-	-	-	S699, H5944	-	-
South Carolina	-	-	-	-	-	S694	-
South Dakota	-	-	-	-	EO82011	-	-
Tennessee	-	-	H622, H620	S717	-	-	-
Texas	-	H253, H290	-	H1178	-	H2463	-
Utah	HJR14	-	-	-	-	H50	-
Vermont	-	-	-	-	-	-	-
Virginia	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-
West Virginia	-	-	-	-	-	-	-
Wisconsin	-	-	-	-	-	S86	-
Wyoming	-	-	-	-	-	-	-
Total	3/4	8/13	3/4	2/2	8/12	15/22	0/0

See notes at end of table.

Table 1. Continued—State labor legislation (senate and house bills and executive orders) enacted, by category and number of bill, October 1, 2010, through December 31, 2011

State	Employee leasing	Family leave issues	Garment activity	Genetic testing	Hours worked	Human trafficking	Immigration legislation
Alabama	-	-	-	-	-	-	H56
Alaska	-	-	-	-	-	-	-
Arizona	-	-	-	-	-	H2405, S1225	S1465
Arkansas	-	-	-	-	-	-	-
California	-	S299, A592	-	S559	-	A12, A90	A1236
Colorado	-	-	-	-	-	-	-
Connecticut	-	S913	-	-	-	-	-
Delaware	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	B545	-	-
Florida	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	H87
Hawaii	-	-	-	-	-	-	-
Idaho	-	-	-	-	-	-	H230
Illinois	S2164	-	-	-	-	-	-
Indiana	-	-	-	-	-	-	-
Iowa	-	-	-	-	-	-	-
Kansas	-	-	-	-	-	-	-
Kentucky	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	H49	H342, H646
Maine	-	-	-	-	-	-	-
Maryland	-	-	-	-	-	S327	-
Massachusetts	-	-	-	-	-	-	-
Michigan	-	-	-	-	-	-	-
Minnesota	-	-	-	-	-	-	-
Mississippi	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	H214	-
Montana	-	-	-	-	H300	-	H638
Nebraska	-	-	-	-	-	-	-
Nevada	-	-	-	-	-	A6	-
New Hampshire	S89	-	-	-	S121	-	-
New Jersey	-	-	-	-	-	-	-
New Mexico	-	-	-	-	-	-	-
New York	-	-	-	-	-	-	-
North Carolina	-	-	-	-	-	-	H36
North Dakota	-	-	-	-	-	-	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	-	-	-
Oregon	-	-	-	-	H2240	-	-
Pennsylvania	-	-	-	-	-	-	-
Rhode Island	-	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	S20
South Dakota	-	-	-	-	-	S176	-
Tennessee	-	S1880	-	-	-	-	H1378
Texas	-	-	-	-	-	S24, H289, H1930, H2014	-
Utah	-	-	-	-	-	-	H116, H466
Vermont	-	-	-	-	-	H153	-
Virginia	-	-	-	-	-	-	H1859, S1049
Washington	-	S509	-	-	-	S5546, H1874	-
West Virginia	-	-	-	-	-	-	-
Wisconsin	-	S23	-	-	-	-	-
Wyoming	-	-	-	-	-	-	-
Total	2/2	5/6	0/0	1/1	4/4	10/16	12/15

See notes at end of table.

Table 1. Continued—State labor legislation (senate and house bills and executive orders) enacted, by category and number of bill, October 1, 2010, through December 31, 2011							
State	Independent contractor	Inmate labor	Living wage (statewide)	Minimum wage and tipped employees	Offsite work	Other legislation	Overtime
Alabama	-	-	-	-	-	S310	-
Alaska	-	-	-	-	-	-	-
Arizona	-	S1291	-	-	HCM2003	S1363, S1233	-
Arkansas	-	-	-	-	-	H2160	-
California	S549	-	-	-	-	-	-
Colorado	-	-	-	-	S179	H1121, S243	-
Connecticut	-	-	-	-	-	-	-
Delaware	-	-	-	-	-	-	-
District of Columbia	B1117, B1116	-	-	-	-	-	-
Florida	H311	-	-	-	-	S926	-
Georgia	-	-	-	-	-	H203	-
Hawaii	-	-	-	-	-	-	-
Idaho	-	-	-	-	-	-	-
Illinois	-	-	-	-	-	S2635, H2095	-
Indiana	-	-	-	-	-	S217	-
Iowa	-	-	-	-	-	-	-
Kansas	H2135	-	-	-	-	-	-
Kentucky	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	-	-
Maine	S95, S332, S437	-	-	-	-	EO16	-
Maryland	-	-	-	-	-	H520, S830	-
Massachusetts	-	-	-	-	-	-	-
Michigan	-	-	-	-	-	-	-
Minnesota	-	-	-	-	-	-	S488
Missouri	-	-	-	-	-	-	-
Montana	H84, S290, S242, S287	-	-	-	-	S165	-
Nebraska	-	-	-	-	-	-	-
Nevada	-	-	-	-	-	A225, A354	S328
New Hampshire	-	-	-	H401, H133	-	-	-
New Jersey	-	-	-	-	-	A3359	-
New Mexico	-	-	-	-	-	-	-
New York	-	-	-	-	-	-	-
North Carolina	-	-	-	-	-	-	-
North Dakota	-	-	-	-	-	S2361	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	-	S252	-
Oregon	-	-	-	-	-	-	-
Pennsylvania	H400	-	-	-	-	-	-
Rhode Island	-	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-
South Dakota	-	-	-	H1148	-	-	-
Tennessee	-	H305, H974	-	-	-	H1641	-
Texas	-	-	-	-	-	-	-
Utah	S11	-	-	-	-	-	-
Vermont	-	-	-	-	-	-	-
Virginia	H1674	H2040, H1613, S1109	-	-	H2197, S1335	-	-
Washington	-	-	-	-	-	-	-
West Virginia	-	-	-	-	-	-	-
Wisconsin	-	-	-	-	-	S151	-
Wyoming	-	-	-	-	-	-	-
Total	9/15	3/6	0/0	2/3	3/4	17/22	2/2
See notes at end of table.							

Table 1. Continued—State labor legislation (senate and house bills and executive orders) enacted, by category and number of bill, October 1, 2010, through December 31, 2011

State	Overtime healthcare	Plant closing	Preference of employers regarding employees	Prevailing wage	Right to work	Time off from work	Unfair labor practice
Alabama	-	-	-	-	-	-	-
Alaska	-	-	-	H155	-	-	-
Arizona	-	-	-	S1403, H2644	-	-	-
Arkansas	-	-	H1790	-	-	H1024	-
California	-	-	-	A436, S136, A514, A551, A766	-	S272	A195
Colorado	-	-	-	H1030	-	-	-
Connecticut	-	H5048	-	-	-	S913	-
Delaware	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	-	-
Florida	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-
Hawaii	-	S1089	-	H1434	-	S1076	-
Idaho	-	S1149	H264	S1006, S1007	-	-	-
Illinois	-	-	H1576	H2987, H1375, H3237	-	H3334, H3386	-
Indiana	-	-	-	S418, H1216	-	-	-
Iowa	-	-	-	-	-	-	-
Kansas	-	-	-	-	-	-	-
Kentucky	-	-	-	-	-	-	-
Louisiana	-	-	-	S76	-	-	-
Maine	-	-	-	-	-	-	-
Maryland	-	S-57	-	-	-	S-36	-
Massachusetts	-	-	-	-	-	-	-
Michigan	-	-	-	S-165	-	-	-
Minnesota	-	-	-	-	-	-	-
Mississippi	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	-	-
Montana	-	-	-	-	-	-	-
Nebraska	-	LR8a	-	-	-	-	-
Nevada	-	-	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	-
New Jersey	-	-	-	-	-	-	-
New Mexico	-	-	-	-	-	-	-
New York	-	-	-	A5663	-	A1428	-
North Carolina	-	-	-	-	-	-	-
North Dakota	-	-	S2279	-	-	-	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	-	-	-
Oregon	-	-	S72, S277, H2919	S178	-	H3034, H3482	H2828
Pennsylvania	-	-	-	H377	-	-	-
Rhode Island	-	-	-	H5936, S416	-	-	-
South Carolina	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-
Tennessee	-	-	-	H636, H1498	-	S1996	-
Texas	-	-	-	-	-	-	-
Utah	-	-	-	S35	-	-	-
Vermont	-	-	-	-	-	-	-
Virginia	-	-	-	-	-	-	-
Washington	H1290	-	H1432	S5090	-	-	-
West Virginia	-	-	-	-	-	S382	-
Wisconsin	-	-	-	-	-	-	-
Wyoming	-	-	-	H111	-	-	-
Total	1/1	5/5	6/8	18/29	0/0	10/12	2/2

See notes at end of table.

Table 1. Continued—State labor legislation (senate and house bills and executive orders) enacted, by category and number of bill, October 1, 2010, through December 31, 2011					
State	Wages paid	Whistleblower	Worker privacy	Workers with disabilities	Workplace security and violence
Alabama	-	-	-	-	-
Alaska	-	-	-	-	-
Arizona	S1365	-	-	-	H2541
Arkansas	-	-	-	-	-
California	A240, A1396, A469	-	-	-	-
Colorado	H1153	-	H1148, S193	-	-
Connecticut	-	-	H6176, S361	-	S970
Delaware	-	-	S123	-	-
District of Columbia	-	-	B826	-	-
Florida	H4023, H647	-	-	-	-
Georgia	-	-	H261, S95	-	-
Hawaii	-	H467	-	-	-
Idaho	-	-	H201, S1026	-	-
Illinois	S115	-	H5154, S1806, H1476, H700	-	-
Indiana	-	-	S411	-	-
Iowa	-	S123	-	-	-
Kansas	-	-	-	H2336	-
Kentucky	-	-	-	-	-
Louisiana	-	-	H455	-	-
Maine	S57	-	S485	H20	H365
Maryland	H298	H1130, S551	H87, S132, H600	-	-
Massachusetts	-	-	-	-	-
Michigan	-	-	-	-	-
Minnesota	S1280	-	-	-	-
Mississippi	-	-	-	-	-
Missouri	-	-	-	-	-
Montana	-	-	-	-	-
Nebraska	-	-	-	-	-
Nevada	S328	-	-	-	-
New Hampshire	H647, S86	-	-	-	-
New Mexico	-	-	-	-	-
New Jersey	-	-	S2562	-	A3466
New York	-	-	-	-	-
North Carolina	-	-	-	-	-
North Dakota	H1423, S2138	-	H1075	-	-
Ohio	-	-	-	-	-
Oklahoma	-	-	-	-	-
Oregon	H2939, H2040	-	S392, S628	-	-
Pennsylvania	-	-	H1482	-	-
Rhode Island	H5184, S34	-	-	-	-
South Carolina	-	-	-	-	-
South Dakota	-	-	-	-	-
Tennessee	H1819	-	S1921	-	H1586
Texas	S1024	-	H2006, H2460	-	-
Utah	-	S100	H240	-	-
Vermont	-	-	-	-	-
Virginia	-	-	H2012	-	-
Washington	S5538	-	S5149	-	-
West Virginia	-	-	-	-	-
Wisconsin	-	S42, S45	-	-	-
Total	16/23	5/7	20/31	2/2	5/5

NOTES: Dash indicates no bill enacted in category. For more information pertaining to state labor legislatures, go to <http://www.ncsl.org/about-us/ncsl-services/state-legislative-websites-directory.aspx>. Glossary: A = Assembly, B = Bill, EO = Executive Order, H = House, HCM = House Concurrent Memorial, HJR = House Joint Resolution, HR = House Resolution, LR = Legislative Resolution (Nebraska only state with a unicameral legislature), S = Senate, SJM = Senate Joint Memorandum, SR = Senate Resolution, Total = number of states/number of legislative bills.