

## State labor legislation enacted in 1999

*Increases in minimum wage rates, work and family issues, garment industry regulation, restrictions on youth peddling, and leave for crime victims were among major subjects of State labor legislation*

Richard R. Nelson

State labor legislation enacted in 1999 covered a wide variety of employment standards and included several significant laws.<sup>1</sup> Minimum wage rates were increased in a number of States, major revisions were made to prevailing wage laws, garment industry regulation laws were strengthened, and additional States restricted door-to-door sales by children. Trends continued with laws adopted banning employment discrimination on the basis of genetic testing and sexual orientation and laws providing immunity from liability for providing information regarding a person's job performance. Laws also were enacted in the emerging areas of regulating electronic surveillance in the workplace, providing leave to employees for participating in school-related activities, and permitting time off for victims of crime.

This article summarizes significant labor legislation passed in 1999. It does not, however, cover legislation on occupational safety and health, employment and training, labor relations, employee background clearance, and economic development. Articles on unemployment insurance and workers' compensation appear elsewhere in this issue.

**Wages.** The minimum wage was again a major subject of legislative interest and activity, with bills to increase basic minimum wage rates introduced in nearly one-half of the States and at the Federal level.

New laws increased minimum wage rates in Delaware, Massachusetts, New Jersey, Rhode Island, and Vermont. Rates also increased in Connecticut and Indiana as the result of previous laws and in Oregon and Washington as the result of ear-

lier ballot measures approved by the voters. A New York increase will take effect March 31, 2000. Laws proposing increases in the minimum wage were vetoed in Maine and New Mexico.

As of January 1, 2000, minimum wage rates higher than the Federal standard were in effect in Alaska, California, Connecticut, Delaware, the District of Columbia, Hawaii, Massachusetts, Oregon, Rhode Island, Vermont, and Washington.

Provisions that allow employers to use tips received by employees to meet a portion of the minimum wage were revised in Massachusetts and Pennsylvania.

Coverage of the South Dakota minimum wage law was expanded to apply to all employees, rather than being limited to those aged 18 and older. Among several changes in California, overtime pay after 8 hours of work a day was reinstated.

New exemptions from both minimum wage and overtime requirements were added in Alaska, Arkansas, and Montana. New exemptions from overtime pay requirements were adopted in Indiana and New Mexico. The overtime provisions of the Alaska minimum wage law were amended to specify that airline industry employers are not required to pay overtime to employees who voluntarily trade shifts.

Thirty-one States and the Federal Government have prevailing wage laws pertaining to public works projects. The several measures adopted this year were a mix of laws, with some expanding coverage or otherwise strengthening existing legislation and others reducing coverage.

The prevailing wage law in Connecticut was amended to expand coverage to include employees who provide food, building, property, or equipment services to the State under a State contract or agreement. Prevailing wage law coverage also was expanded to certain occupations in California, Montana, and Rhode Island.

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New Jersey will now require the registration of public works contractors.

The Oregon prevailing wage law was amended to expand the commissioner's right of action on a contractor's bond wherein workers have not been paid in full at the prevailing rate. In Illinois, approved training and apprenticeship programs were added to those fringe benefits used in determining prevailing wage rates. Hawaii revised its penalty provisions, and, in a first-of-its-kind measure, Maine authorized a fine against any person who fails to provide information in a wage survey.

Reductions in coverage were adopted for specified contracts in Montana and Oregon. Coverage was reduced in Ohio and Wisconsin by increases in the dollar threshold amount.

Several changes were made in the California prevailing wage law, including codifying the rate determination methodology. The Wyoming law was amended to add a separate definition of *locality* for public heavy and highway construction projects.

Other significant wage legislation included a major rewrite of the Idaho Wage Claim Law granting the department of labor authority to enforce the law. In addition, employees of the Nebraska State government will now be covered under that State's Wage Payment and Collection Act, labor departments in Arkansas and Hawaii were exempted from payment of certain court costs, and the Maine Bureau of Labor Standards was authorized to seek a lien for unpaid wages or severance pay.

The California labor commissioner was authorized to accept assignments of wage claims due to an employer's adverse actions taken toward an employee when such actions result from lawful conduct occurring during nonworking hours away from the employer's premises.

Laws amending time or method-of-payment requirements were enacted in Arizona, Maine, and Tennessee. Tennessee also provided that final wages due an employee who quits or is discharged are to include any vacation pay or other compensatory time that is owed.

Coverage under New Hampshire laws governing conditions of employment, the minimum wage, payment of wages, and protection for whistleblowers was revised to exclude independent contractors.

*Family issues.* Laws passed in 1999 addressed a variety of issues relating to work and the family. Rhode Island continued a recent trend by adopting legislation permitting eligible employees to take up to 10 hours of leave a year to attend school conferences or other school-related activities. California employers who provide employees with sick leave are now to allow them to use that leave to attend to an illness of a child, parent, or spouse. Oregon prohibited adverse actions against an employee because of required attendance at a juvenile court hearing involving his or her child. Employers in Maryland and Nebraska who provide leave to employees upon the birth of a child are to offer the same leave to adoptive parents. Tennessee became the second State to pass a law re-

quiring employers to accommodate nursing mothers.

*Child labor.* The pattern of recent years wherein legislation has been enacted both to strengthen and to relax child labor regulation continued in 1999. Revisions to the Indiana child labor law included provisions of both types, with some reducing the number of weekly hours that 16- and 17-year-olds may work without parental permission, others increasing the number of hours that may be worked with parental approval, and still others increasing the fines for violations of the law.

Among laws strengthening regulation, in a major development, both Tennessee and Texas passed legislation regulating the employment of children in door-to-door sales. While some States already regulate such activity, there had been little legislation in this regard in the past few years.

The Louisiana law was amended to mirror changes in Federal law prohibiting minors who are 16 or younger from driving on public roads as part of their employment and restricting such employment for 17-year-olds. Also, persons under age 18 in Louisiana are prohibited from working in various gambling activities, licensees of establishments serving alcoholic beverages in Texas may neither require nor permit a minor under age 18 to dance with another person, and Maine will prohibit the employment of minors in places having nude entertainment.

The North Dakota law was amended to clarify the fact that 14- and 15-year-old private and parochial school students are subject to the law's maximum-hours-of-work restrictions and employment certificate requirements.

Restrictions on work by minors around alcoholic beverages were eased in Arkansas, Delaware, and New Mexico. Other laws easing restrictions include a measure in Missouri expanding the authority to waive maximum-hours restrictions for children under age 16. This law also was amended to exempt children 12 years of age or older who participate in a youth sporting event as a player, referee, coach, or other necessary position. In New Jersey, the child labor law was amended to allow 14- and 15-year-olds to work as Little League umpires later in the evening.

With approval, 16- and 17-year-olds in Ohio will no longer be required to provide an age and schooling certificate to be employed at a seasonal amusement or recreational establishment. And a study is to be done in Arkansas of the impact of employment on school performance.

*Garment industry.* Several major changes were made in the law regulating the garment industry in California. Among the changes were provisions (1) increasing manufacturers' registration and renewal fees, (2) providing that, for the payment of wages, contractors will be jointly liable with those with whom they contract, (3) holding successor employers liable for wages due, and (4) establishing a procedure to enforce a claim for unpaid wages. Provision also was made for the State labor commissioner to revoke registrations and to confiscate the means of production

from certain unregistered garment manufacturers.

The New Jersey garment industry regulatory law was amended to significantly increase penalties for violations.

*Equal employment opportunity.* As in past years, various forms of employment discrimination were the subject of legislation in several States. In the more significant of these provisions, Kansas and Nevada continued a recent trend by passing laws banning employment discrimination based on the results of genetic testing. Another trend continued with Nevada banning employment discrimination because of sexual orientation. Provisions prohibiting discrimination on the basis of religion, age, and disability were added to a list of previously prohibited forms of discrimination in Vermont. California addressed age discrimination in which salary is used as a basis for terminating employees. Harassment of an employee during the course of employment was made an unfair employment practice in Colorado, and in North Carolina it was made unlawful to discipline an employee of a local board of education because he or she has filed a written sexual harassment complaint. A revised Executive order on sexual harassment was issued in Illinois.

Civil action for damages was authorized in Oregon in the event of employment discrimination based on disability and in Louisiana for violations involving employment discrimination based on pregnancy, childbirth, or a related medical condition.

An Executive order was issued in Ohio setting forth a policy against discrimination in State employment.

*Drug and alcohol testing.* A comprehensive drug-free-workplace law was enacted for employees in Arkansas, and an Executive order was issued by the Governor of South Dakota declaring that any location where work is to be performed by an employee of the State is to be a drug-free workplace.

Drug testing will be required of Department of Corrections job applicants in Arizona and West Virginia and of motor carrier employees and workers on public improvement contracts in Oregon.

In North Dakota, the law mandating employers to pay for medical examinations that they require as a condition of employment was amended to specify that a medical examination includes any test for the presence of drugs or alcohol.

*Worker privacy.* A trend continued with Arkansas, Colorado, and Texas adopting laws of general application providing immunity from civil liability to employers who furnish information about a current or former employee's job performance to a prospective employer. Legislation of this kind also was enacted in Montana, applicable to nonpublic employers, in Arkansas and Nevada, applicable to law enforcement employment, and in Minnesota, applicable to fire protection service positions.

Several States enacted measures relating to the disclosure

of personal information about employees under public records laws. Among these measures are laws in Oregon and Tennessee that prohibit the release of information on employees performing undercover investigative duties. A few States adopted laws relating to employee access to their own personnel files or regulating the disclosure of information in the file.

In response to an emerging issue, West Virginia made it unlawful for an employer to operate electronic surveillance devices or systems in certain areas, including employee rest rooms, locker rooms, and lounges.

A California bill vetoed by the Governor would have made it unlawful for an employer to secretly monitor the electronic mail or other personal computer records of an employee.

*Employee leasing.* Regulation of employee leasing companies (firms that lease persons to client companies and assume personnel, payroll, and other functions) continues to be an issue in the States. A new law was enacted in Georgia defining the relationship between leasing companies and their coemployers and employees and specifying the rights, powers, and responsibilities of these organizations. Several amendments were made to the Texas law, including expanding its coverage, changing the process for denying an application for a license, and establishing procedures to be used in assessing an administrative penalty. The Nebraska law also was amended.

*Private employment agencies.* The responsibility for regulating and administering private employment agencies was transferred to the labor departments in Rhode Island and Utah.

*Leave for crime victims.* In an emerging area of the law, California, Connecticut, and Maryland made it unlawful to retaliate against victims of crime or domestic violence for taking time off from work to appear in court. In Maine, victims of violent crimes are to be given time off to attend court, receive medical treatment, or obtain services necessary to remedy a crisis caused by domestic violence, sexual assault, or stalking.

*State labor departments.* Several measures affecting State labor departments were enacted. In North Dakota the Department of Labor is to administer and enforce a new discriminatory housing practice law, and in Connecticut and Montana existing functions were transferred from other agencies to the labor departments. On the other hand, the labor department in Washington will no longer be responsible for safety inspections in coal mines.

The Director of the Maine Bureau of Labor Standards may now assess administrative civil money penalties for labor law violations.

*Other laws.* Selective service registration will be required as a condition of public sector employment in Idaho and Virginia. The California and Rhode Island whistleblower protection laws were amended to add new protections. An Executive

order was issued stating that it is the policy of the State of Indiana to have zero tolerance for domestic violence in the workplace. And a comprehensive Day Labor Services Act was

enacted in Illinois.

The following is a summary, by jurisdiction, of labor legislation enacted in 1999.

## Alabama

*Worker privacy.* Agencies that employ State employees must inform an employee in writing of any potentially detrimental information placed in his or her personnel file. A copy of the information is to be given to the employee no later than 10 days after it is placed in the file. If the 10-day requirement is not met, the reprimands or notes will be removed from the employee's file and may not be used against the employee in any future proceeding or disciplinary action.

## Alaska

*Wages.* The overtime payment section of the State minimum wage law was amended to clarify when overtime pay is required and to overturn a court decision concerning the calculation of overtime wages. Employees in Alaska are entitled to overtime compensation for hours worked in excess of 8 a day and 40 a week. The amended law specifies that, in determining whether an employee has worked more than 40 hours a week, the number of hours worked will be calculated without including those hours worked in excess of 8 a day, because the employee has been or will be paid overtime compensation separately, based on those hours.

The overtime provisions of the minimum wage law were amended to specify that airline industry employers are not required to pay overtime to employees when the overtime hours result from a voluntary written agreement between employees to exchange work time or days off.

Persons who provide ski patrol services on a voluntary basis were added to the list of those individuals exempt from minimum wage and overtime payment requirements.

## Arizona

*Wages.* Employers will now be responsible for paying overtime or exception wages no later than 16 days after the end of the most recent pay period. Previously, payment was to be made no later than 15 days after the wages were earned. In addition, the law was amended to authorize personally delivering the wages to the employee no later than 10

days after the end of the most recent pay period for an employer whose payroll system is centralized outside of the State.

*Drug and alcohol testing.* Department of Corrections employees and job applicants will now be subject to drug testing.

## Arkansas

*Wages.* Minimum wage and overtime pay requirements will no longer apply to employees of seasonal nonprofit recreational or educational camps.

The State minimum wage law was amended to exempt the director of the Department of Labor from having the department pay court costs in actions brought to enforce the law.

*Child labor.* Persons 18 years of age or older may now sell or otherwise handle beer and cooking wines at any retail grocery establishment. Previously, the exemption from the age-21 requirement applied only to employment in those grocery establishments which, during the preceding calendar year, had gross sales of \$2 million or more.

A resolution was adopted requesting the Senate and House Interim Committees on Education to conduct a study on the impact of after-school employment on the academic performance of high school students in the State and to make recommendations for changes in the law prior to the start of the next regular session of the General Assembly.

*Employee testing.* Provisions were made to create drug-free workplace programs for employees in the State. These programs are to include a written policy statement, given to employees and applicants, informing them of the employer's policy on substance abuse and notifying them that it is a condition of employment for an employee to refrain from reporting to work or working after using drugs or alcohol. Employers also are to (1) inform employees as to how they can obtain treatment, (2) provide a general statement concerning confidentiality, (3) identify the types of testing that may be required and who may be tested, and (4) state the consequences of refusing to submit to a drug or alcohol test. Employers

with acceptable drug-free workplace programs may qualify for a 5-percent discount on worker's compensation premiums.

*Worker privacy.* An employer that provides information about a current or former employee's job history to a prospective employer, at the written request of the current or former employee, is presumed to be acting in good faith and is immune from civil liability for disclosing the information and for the consequences of the disclosure, unless the employer knowingly has provided false information. The information that is furnished may include a description of the job and its duties, as well as information about the employee's attendance on the job, the results of drug or alcohol tests, and any threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee. The immunity provided by the law will not apply when an employer or prospective employer discriminates or retaliates against an employee or prospective employee because he or she has exercised any Federal or State statutory right or undertaken any action encouraged by the public policy of the State.

The Commission on Law Enforcement Standards and Training, its members, and its employees were given immunity from civil liability for the disclosure of information to a prospective employer regarding the reasons a law enforcement officer separated from previous employment.

## California

*Wages.* A measure was enacted establishing a statutory framework for daily overtime compensation. The law requires the payment of daily overtime at a rate of 1½ times the regular rate of pay after 8 hours a day and 40 hours a week and at a rate of twice the regular rate of pay after 12 hours a day and after 8 hours on the seventh day of any workweek. A procedure was established for an employer to propose an alternative workweek schedule, which may be approved by a two-thirds vote of affected employees. The law nullifies State Industrial Welfare Commission regulatory changes that became effective on January 1, 1998, and that elimi-

nated overtime pay after 8 hours a day for workers under wage and hour orders applicable to the manufacturing industry; professional, technical, clerical, mechanical, and similar occupations; the public housekeeping industry; the mercantile industry; and the transportation industry. An employee voluntarily working an alternative workweek schedule of not more than 10 hours of work in a workday, that became effective prior to July 1, 1999, may continue to work the alternative schedule without daily overtime pay if the employer approves a written request from the employee to work that schedule. Also, within a workweek, an employee may, on the basis of a specific written request and with the consent of the employer, take time off for a personal obligation and then make up the lost time on other days within the same workweek without the payment of daily overtime for the extra hours worked on the makeup days. The Industrial Welfare Commission was authorized to exempt administrative, executive, and professional employees from overtime pay requirements if those employees meet specified wage and duty requirements. The law exempts employees covered by a collective bargaining agreement from overtime pay requirements.

Existing wage orders of the Industrial Welfare Commission exempt persons employed in an administrative, executive, or professional capacity from, among other things, the requirement for overtime compensation for work in excess of 8 hours per day. A new provision was enacted specifying that a person employed in the practice of pharmacy is not exempt from coverage under any provision of the orders of the Industrial Welfare Commission, unless he or she individually meets the criteria established for exemption as an executive or administrative employee. No person employed in the practice of pharmacy may be subject to any exemption from coverage established for professional employees.

Several changes were made in the prevailing wage law. In one of these, the rate determination methodology was codified. The prevailing rate used is to be the rate paid to a majority of workers. If the latter rate does not exist, then the single rate paid to the greatest number of workers prevails. If *this* modal rate cannot be determined, an alternative rate will be established by considering appropriate collective bargaining agreements, Federal rates, rates in the near-

est labor market area, or wage survey or other data. If the director of industrial relations determines that the prevailing rate is the rate established by a collective bargaining agreement, any specified future rate increases during the contract's term are to be incorporated into the determination. Holidays upon which the prevailing rate is to be paid are to be all holidays recognized by the applicable collective bargaining agreement or, if there is no such agreement, the holidays as otherwise provided by law. Other provisions repeal the requirement for the inclusion of travel and subsistence payments in contract specifications; require workers' representatives to file, with the Department of Industrial Relations, executed statements of the collectively bargained wage rates for the crafts, classifications, or types of work involved; and specify that employer payments for per diem wages are deemed to include apprenticeship or other training programs if the cost of training is reasonably related to the amount of the contributions.

The section of the prevailing wage law specifying that the law covers the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any State agency was amended to now also apply to contracts involving any political subdivision of the State.

During any investigation into the prevailing wage law, the Division of Labor Standards Enforcement is to keep confidential the name of any employee who reports a violation and any other information that may identify the employee.

The labor commissioner was authorized to take assignments of claims for loss of wages due to an employee's demotion, suspension, or discharge resulting from the employee's engaging in lawful conduct (for example, participating in legal union activity) during nonworking hours away from the employer's premises.

The portion of the Code of Civil Procedure establishing the priority of claims for wages, salaries, or commissions in proceedings involving insolvency or receivership was amended to limit these claims to specific ones and to increase the limit for each individual to \$4,300 from \$2,000.

*Family issues.* Any public sector employer who provides sick leave for employees is now to permit the employees to use the leave to attend to an illness of their child, parent, or spouse. In any calendar year, an employee

may use his or her accrued or otherwise available sick leave up to the amount that would be earned in 6 months of employment at the current rate of entitlement. An employer may neither deny an employee the right to use sick leave nor discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for exercising or attempting to exercise this right. The provision does not extend the maximum period of leave to which an employee is entitled under State or Federal family and medical leave laws.

*Child labor.* The Division of Labor Standards Enforcement of the Department of Industrial Relations is to review existing restrictions under Federal and State law related to the participation of minors between 16 and 18 years of age and minors under age 16 in construction projects. The goal of the review is to determine whether certain types of construction work could be performed by minors volunteering for nonprofit religious, civic, or youth organizations and under what conditions, if any, that work could be performed without jeopardizing the safety of those minors. The division is to report its findings to the legislature by April 1, 2000.

*Agriculture.* The labor commissioner is now required to provide the California Highway Patrol with a list of all registered farm labor vehicles on a quarterly basis. In addition, vehicle owners and farm labor contractors will now be liable for ensuring that vehicles are inspected. The fine for willful violations was increased to \$1,000 for each violation, and if passengers are in the vehicle at the time of the violation, the person will, in addition, be fined \$500 for each passenger, not to exceed a total of \$5,000 for each violation. The California Highway Patrol, in cooperation with local farm bureaus, is to educate farmers and farm labor contractors regarding certification requirements.

*Garment industry.* Extensive changes were made in the laws regulating garment manufacturing. Now all manufacturers will be jointly liable for the guaranteed wages of the entity with whom they have contracted to make garments. Also, the law establishes due-process procedures for filing wage and overtime claims, appeal actions, and enforcement of the laws in court. Employees will have a private right of action to recover wages

and overtime payments due from a manufacturer who has contracted with an unregistered manufacturer. Initial registration fees were increased from \$150 to \$250, and the labor commissioner was authorized to increase future fees, including renewal fees, based on the manufacturer's annual volume, but not to exceed \$1,000 for contractors and \$2,500 for all other applicants. The authority of the labor commissioner to confiscate the means of production, including equipment and property, from unregistered manufacturers that were subject to a prior confiscation within the previous 5 years was expanded. In another provision, an employee will have a lien on the assets of his or her employer for amounts due, and the lien will have priority over most other claims. A successor employer engaged in the business of garment manufacturing will be liable for the unpaid wages of the previous employer if certain specified criteria are met.

*Equal employment opportunity.* In *Marks v. Loral Corp.*, a 1997 appeals court decision held that existing State law permitted an employer to choose employees with lower salaries, even though that might result in choosing younger employees. In response to this decision, the State legislature enacted legislation that rejected the court opinion. The new law specifies that the opinion does not affect existing law in any way, including, but not limited to, the law pertaining to disparate treatment. The new legislation also declares that it is the intent of the legislature that, among other things, the use of salary as the basis for differentiating between employees during termination procedures may be found to constitute age discrimination if the criterion disproportionately affects older workers as a group.

The law requiring a cause of action in the event of sexual harassment (involving sexual advances, sexual requests, or demands for sexual compliance) in the workplace was revised by extending the cause of action to include instances of verbal, visual, or physical conduct of a sexual nature or hostile nature based on gender. Other changes require that the conduct be pervasive rather than persistent, delete the requirement that the conduct continue after a request by the plaintiff to stop, and specify that the cause of action must apply to an injury involving emotional distress or a violation of a statutory or constitutional right.

The prohibition against employment discrimination on the basis of sexual orienta-

tion was removed from the Labor Code and added to the Fair Employment and Housing Act. The latter was amended to add definitions of "religious corporation" and "religious duties" and to expressly provide that the Act does not prevent religious corporations from restricting eligibility for positions involving religious duties to adherents of the religion in question. The exemption for nonprofit religious associations or corporations will *not* apply to persons employed by such organizations to perform nonreligious duties at health care facilities operated by those organizations where the health care that is provided is not limited to adherents of the religion that formed the association or corporation.

The period within which a complaint may be filed with the Division of Labor Standards Enforcement by a person who believes that he or she has been discharged or otherwise discriminated against in violation of the labor code was extended from 30 days to 6 months after the occurrence of the violation.

*Whistleblowers.* The Reporting of Improper Governmental Activities Act was renamed the California Whistleblower Protection Act. The protection afforded to persons who make a disclosure was amended to include persons who make a protected disclosure or who refuse to obey an unlawful order. A protected disclosure includes the disclosure, to anyone, of information that may show evidence of an improper governmental activity or any condition that may significantly threaten the health or safety of employees or the public, provided that the disclosure was made for the purpose of remedying the condition.

*Other laws.* It was made unlawful to discharge, retaliate against, or otherwise discriminate against an employee, including, but not limited to, an employee who is a crime victim, for taking time off from work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. It is also now unlawful to discharge, retaliate against, or otherwise discriminate against an employee who is a victim of domestic violence for taking time off from work to seek relief, including a restraining order or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. Employees are to provide reasonable notice, if possible, of any required court appearance.

## Colorado

*Wages.* A resolution was adopted designating April 8, 1999, as National Equal Pay Day. April 8 is the day on which American women's wages for 1999, when added to their 1998 earnings, will equal what American men earned in 1998. This calculation is based on the fact that the annual compensation for women in the United States equals only 74 percent of the wages paid to their male counterparts.

*Equal employment opportunity.* Harassment of an employee during the course of employment was made an unfair employment practice. Harassment was defined as creating a hostile work environment based upon an individual's race, national origin, sex, disability, age, or religion. Harassment will not be an illegal act unless a complaint is filed with the appropriate authority at the complainant's workplace and the authority fails to make a reasonable investigation of the complaint and take prompt remedial action if appropriate.

In addition to using competitive examinations to determine appointments and promotions to State personnel system positions, a new measure authorizes the use of other objective measures of competence in making such a determination. Besides specifying that examinations may not inquire into, or be influenced by, the political or religious affiliation or race of the applicant, examinations now may not inquire into, or be influenced by, national origin, ancestry, age, sex, or disability.

*Worker privacy.* An employer that provides information about a current or former employee's job performance to a prospective employer, at the request of the prospective employer or the current or former employee, is presumed to be acting in good faith and is immune from civil liability for disclosing the information and for the consequences of the disclosure unless the employer knowingly has provided false information.

## Connecticut

*Wages.* As the result of previous legislation, the State minimum wage rate rose from \$5.18 per hour to \$5.65 on January 1, 1999, and to \$6.15 per hour on January 1, 2000.

By October 1, 2000, the labor commissioner is to adopt new regulations specifying that executive, administrative, and professional employees are to be compensated on a

salary basis at a rate determined by the commissioner. These regulations are to be updated every 4 years thereafter.

Beginning July 1, 2000, the hourly wages paid to any employee of an employer who provides food, building, property, or equipment services to the State under a State contract or agreement must be at a rate not less than the standard rate determined by the labor commissioner. The standard rate of wages determined for each classification will be equivalent to the minimum hourly wages set forth in the *Federal Register of Wage Determinations under the Service Contract Act*, plus a 30-percent surcharge to cover the cost of any health, welfare, and retirement plans, or if no such plan is in effect, an amount equal to 30 percent of the hourly wage, which will be paid directly to the employees. This requirement applies to contracts of \$50,000 or more, except that the dollar amount will not apply to companies paying the State a franchise fee to provide food services. Civil penalties from \$2,500 to \$5,000 for each offense are authorized for wage violations.

*Worker privacy.* Members or employees of the Board of Parole were added to the list of those individuals whose residential addresses are not to be disclosed by any State department or agency.

*Other laws.* Responsibility for the earned income credit program was transferred from the Department of Social Services to the Labor Department.

It was made unlawful for an employer to discharge an employee or to threaten or otherwise coerce the employee with respect to his or her employment because the employee, as a parent, spouse, child, or sibling of a homicide victim, attends court proceedings relating to the criminal case of the person or persons charged with committing the murder.

The law requiring employers to grant a leave of absence to employees who are required to attend military reserve or National Guard meetings or drills during regular working hours was amended to provide that no such employee is to be required to use vacation or holiday time for the time off or be discharged or denied a promotion because of the leave of absence.

## Delaware

*Wages.* New legislation increased the State minimum wage rate from \$5.15 to \$5.65 per

hour on May 1, 1999, with a further increase to \$6.15 per hour scheduled for October 1, 2000.

Employers may not deduct any jury duty allowance received by an employee from that employee's pay.

A Prevailing Wage Advisory Council was established to assist the Department of Labor in carrying out its duties under the prevailing wage law. The advisory council will be appointed by the secretary of labor and will consist of 10 representatives from construction industry organizations and associations.

*Child labor.* The law relating to authorized employees in retail liquor establishments was amended to allow liquor retailers to hire individuals between the ages of 18 and 20 to work in those establishments to do stockroom, shelving, or inventory work, except at the point of sale.

*Other laws.* A House Resolution was adopted recognizing April 28, 1999, as Workers' Memorial Day to remember those workers who have been injured or who have died on the job and to promote efforts to protect workers from workplace injuries such as back injury and repetitive strain injury.

## Florida

*Worker privacy.* Personal information about employees of hospitals and ambulatory surgical centers is to be confidential and exempt from State laws regarding public records.

## Georgia

*Employee leasing.* Provisions were adopted relating to professional employer organizations (employee leasing companies) and their relationships with coemployers and employees. Under these provisions, the rights, powers, and responsibilities of such organizations are delineated. A professional employer organization is defined as an employee leasing company that has established a coemployment relationship with another employer, pays the wages of the employees of the coemployer, reserves a right of direction and control over the employees of the coemployer, and assumes responsibility for the withholding and payroll taxes of the coemployer. Professional employer organizations are to be considered employers and are subject to workers' compensation requirements.

## Hawaii

*Wages.* A new provision specifies that attorney's fees and other costs of the opposing party are not to be assessed against the director of labor and industrial relations in cases involving the enforcement of unpaid wages. In addition, the law regulating wages and hours of employees on public works projects was amended to revise the penalty provisions. The penalty for a first violation was changed from a fine of up to \$1,000 for each offense to an amount equal to 10 percent of the amount of back wages found due or \$25 per offense, whichever is greater, as well as suspension from performing any work until all wages and penalties are paid. The penalty for a second violation within 2 years of the first will be the greater of an amount equal to the amount of back wages found due or \$100 for each offense, along with suspension from performing further work until payments are made. A third violation, within 2 years of the second, may result in a penalty equal to twice the amount of back wages found due or \$200 for each offense, whichever is greater, and suspension from doing any new public work for a governmental contracting agency for 3 years.

The penalty for an employer's failure to pay wages due will now be a sum equal to the amount of unpaid wages and interest at a rate of 6 percent per year from the date the wages were due. Previously, the penalty specified was for an amount *up to* that amount.

The University of Hawaii Center for Labor Education and Research is to conduct a comprehensive study of the impact of raising the State minimum wage rate, including the impact of raising the minimum wage on wage earners and employers.

A resolution was adopted requesting the Department of Labor and Industrial Relations to conduct a study of discrimination based on sex, race, and national origin with regard to wages and other terms and conditions of employment. The department is to submit a report to the legislature on its findings and recommendations, including proposed legislation if necessary, prior to the start of the next legislative session.

*Child labor.* A resolution was adopted urging the President and the U.S. Congress to pass laws prohibiting American companies from manufacturing goods using child labor or from purchasing goods from foreign manu-

facturers that exploit child labor.

*Equal employment opportunity.* Resolutions were adopted urging the U.S. Senate to ratify the convention on the elimination of all forms of discrimination against women that was adopted by the U.N. General Assembly on December 18, 1979.

## Idaho

*Wages.* In a major rewrite of the State's Wage Claim Law, the Department of Labor now has the authority to enforce its wage claim decisions. Previously, relitigation was required in district court to get an enforceable decision. Other changes allow the department's Appeals Bureau to provide an independent review of wage claim decisions; permit the claimant to choose between filing with the department or with the court, but not both; set the department's jurisdiction over wage claims to the same dollar amount that limits claims in small claims court (currently \$3,000); amend the requirements regarding payment to a separated worker to cover employees that are paid on a piece rate or commission basis; reduce the penalties for failure to pay wages (the maximum penalty is limited to \$750); amend the wage payment provisions to allow for the direct deposit of wages in out-of-State financial institutions; permit a 15-day period between the end of the pay period and the regular payday; and allow the department to collect wage claims by filing a State lien.

*Other laws.* Any male 18 years or older who has failed to register for the Selective Service may not be employed by the State of Idaho or any political subdivision of the State, including all boards, commissions, departments, agencies, and institutions.

## Illinois

*Wages.* The State prevailing wage law was amended to add training and apprenticeship programs approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor to those fringe benefits used in determining the prevailing rate of wages.

A housing authority in a municipality with a population of 500,000 or more was added to the list of those entities authorized to withhold the wages of employees. The withholding is permitted to pay a debt owed by the employee to the housing authority, but only after the employee has been afforded an op-

portunity for a hearing to dispute the debt.

*Equal employment opportunity.* The affirmative action section of the Human Rights Act was amended by adding a section requiring every State executive department and State agency, board, commission, and instrumentality to notify the Department of Human Rights 30 days before effecting any layoff. Notice also must be given to each employee targeted for layoff, to the employee's union representative (if applicable), and to the State Dislocated Worker Unit at the Department of Commerce and Community Affairs. Targeted workers are to be notified that transitional assistance may be available under the Economic Dislocation and Worker Adjustment Act. A layoff may not take effect earlier than 10 working days after notice to the department, unless the layoff is of an emergency nature, and in any case, it must conform to applicable collective bargaining agreements.

An Executive order on sexual harassment in State agencies was issued, replacing an earlier order issued in 1992. The updated version requires the head of each department, agency, board, or commission under the jurisdiction of the Governor to adopt and implement a Model Policy on Sexual Harassment. Among other provisions, the policy (1) describes the State and Federal laws that make sexual harassment illegal and the consequences of violating those laws, (2) defines sexual harassment, (3) sets forth options available to an employee for bringing a complaint within the agency and with outside agencies, and (4) specifies certain measures to prevent retaliation against an employee for making a complaint.

*Other laws.* A comprehensive Day Labor Services Act was enacted requiring the registration, with the Department of Labor, of day labor service agencies that furnish temporary employees for short-time assignments of casual, unskilled labor. The department is to adopt both rules for hearings on violations and penalties for violations, including revocation or suspension of the agency's registration. Among the law's requirements is the stipulation that, upon request, a day laborer is to be provided with a statement containing the name, nature, and location of the work to be performed, the wages offered, the terms of transportation, whether a meal and equipment are provided, and the cost, if any, of the meal and equipment. Also, a day

laborer is not to be sent to any place where a strike, lockout, or other labor action exists without advance notice of the situation. At the time of payment, each day laborer is to be provided with an itemized statement showing each deduction from wages. An annual earnings summary is to be provided as well, and day laborers are not to be charged for cashing checks. Finally, a day labor service agency may not restrict the right of a day laborer to accept a permanent position with a third-party employer to whom he or she has been referred for work.

## Indiana

*Wages.* As the result of previous legislation, the State minimum wage rate rose from \$4.25 per hour to \$5.15 on March 1.

Employees of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the Federal Fair Labor Standards Act were added to the list of those employees who are exempt from the overtime payment requirements of the State minimum wage law.

The Department of Workforce Development was authorized to contract with a private entity to provide secure electronic access to information regarding employees' employment and wages. A creditor wishing to obtain such information from the private entity must receive written consent from the employee about whom information is sought.

*Child labor.* Numerous changes were made to the child labor law. Accredited private schools, as well as public schools, are now required to issue work permits. The number of hours that 16- and 17-year-olds may work without parental permission was reduced from 40 to 30 per week. However, these minors may still work up to 40 hours a week during a school week and up to 48 hours a week during nonschool weeks with parental permission. Also with parental permission, on file at the place of employment, a 17-year-old may now work until 1 A.M. on two non-consecutive school nights per week. With parental permission, they may work up to 11:30 P.M. on the other school nights. (The time limit without parental permission is 10 P.M.) Fines for certain offenses, such as posting violations (failing to display required posters), not having employment certificates

on file, and hours violations of not more than 30 minutes, were increased from \$25 to \$50 for a second offense. Fines for other violations, such as employing a minor during school hours, age violations, or hazardous occupation violations, were increased from \$100 to \$400 on the fourth violation.

*Equal employment opportunity.* The legislative council was asked to establish an interim study committee to investigate all aspects of wage and employment in the State, including the status of women in the workplace, the status of minorities in the workplace, geographic disparities, a comparison with surrounding States, how wage and employment discrimination affects mental and physical health, and related matters.

*Other laws.* An Executive order was issued stating that it is the policy of the State of Indiana to have zero tolerance for domestic violence in the workplace. State agencies are to establish such policies, which are to include a definition, description, and examples of domestic violence; a statement that any use of work time or workplace facilities to commit or threaten to commit acts of domestic violence is cause for discipline up to and including dismissal; and information indicating where victims and abusers can go for help. An employee who so chooses may notify his or her employer of the existence of a protective order protecting the employee. Upon receipt of such notice, the employer shall make efforts to monitor and enforce the protective order in the workplace.

## Iowa

*Employee testing.* The law governing drug and alcohol testing of private sector employees and job applicants was amended to specify that alcohol testing, including initial and confirmatory testing, may be conducted pursuant to requirements established by an employer's written policy. The policy is to include requirements governing evidential breath-testing devices, alcohol-screening devices, and the qualifications for personnel administering initial and confirmatory testing. These qualifications are to be consistent with regulations adopted by the U.S. Department of Transportation governing alcohol testing required to be conducted pursuant to the Federal Omnibus Transportation Employee Testing Act of 1991.

## Kansas

*Wages.* Among amendments to the wage payment law, a provision allowing employers to make payments by bank deposits to employee's accounts was replaced with a provision that allows payments to be made by electronic deposit to an employee's account with the written consent of the employee.

*Equal employment opportunity.* It is now an unlawful employment practice for an employer to subject any employee or job applicant to genetic screening or testing or to seek to obtain, to actually obtain, or to use genetic screening or testing information about an employee or applicant to discriminate in providing benefits otherwise due or available to the employee.

## Louisiana

*Child labor.* Mirroring changes in the Federal law, the State child labor law was amended to prohibit minors who are 16 years of age or younger from driving on public roads as part of their employment. Minors 17 years of age or older may be employed as drivers of motor vehicles if the driving constitutes no more than one-third of the minor's work time in any workday and no more than 20 percent of the minor's work time in any workweek. The employment is also subject to any further restrictions imposed by Federal law on the driving of minors during employment.

Among several revisions in the charitable gaming control law is the stipulation that persons under age 18 are prohibited from working in various gambling activities, including assisting in electronic or video bingo.

The requirement that minor employees who work for any 5-hour period must receive an interval of at least 30 minutes within the period for a meal break was amended to allow a variance of up to 15 minutes.

*Equal employment opportunity.* Civil suits were authorized against employers, employment agencies, and labor organizations for violations involving employment discrimination. A civil suit may be filed in district court seeking compensatory damages, backpay, benefits, reinstatement, or, if appropriate, front pay (restitution granted to make the complainant "whole"), reasonable attorney's fees, and court costs. An individual who believes that he or she has been discriminated against and who intends to pursue court ac-

tion is to give the person who is accused of the discrimination written notice of that fact at least 30 days before initiating court action detailing the alleged discrimination. Both parties are to make a good-faith effort to resolve the dispute prior to initiating court action. A plaintiff found by the court to have brought a frivolous claim will be held liable to the defendant for reasonable damages incurred as a result of the claim, reasonable attorney fees, and court costs.

A plaintiff who has a cause of action against an employer for a violation involving employment discrimination based on pregnancy, childbirth, or a related medical condition may bring a civil suit in the district court for the parish in which the alleged violation occurred seeking compensatory damages, backpay, benefits, reinstatement, reasonable attorney's fees, and court costs.

*Whistleblowers.* Coverage of the law protecting employees of the State government from reprisals for reporting improper acts or violations of the law to proper authorities was expanded to also cover employees of any political subdivision of the State.

The law protecting employees from retaliation for reporting an employer activity, policy, or practice that the employee believes is in violation of an environmental law, rule, or regulation was amended with respect to damages awarded in the event of such a violation. The triple damages provided for the period of the damage will now be limited to 3 years, with actual damages awarded for any period of the damages that exceeds 3 years.

*Other laws.* Any person who is called to serve in a central jury pool is to be granted a leave of absence by his or her employer of up to 1 day for the jury duty. The leave of absence is to be granted without loss of wages, of sick, emergency, or personal leave, or of any other benefit. Such leave of absence was previously authorized for employees called to serve on a State petit or grand jury.

## Maine

*Wages.* The wage payment law was amended to prohibit the negotiation of severance pay lower than the State minimum.

Another amendment to the wage payment law repealed the weekly pay requirement that had applied to certain industries and substituted a general rule requiring that all non-salaried employees be paid at least semi-

monthly. Wages must be paid at regular intervals made known to the employee. A payment interval that is shorter than the maximum allowed may not be lengthened without 30 days' advance notice in writing to the employee. Family members and salaried employees are now exempted from coverage, and the definition of a salaried employee was changed by raising the threshold rate of pay from \$175 per week to an annualized rate of 3,000 times the State minimum hourly wage. Salaried employees are only those who work in a bona fide executive, administrative, or professional capacity.

The director of the Bureau of Labor Standards was authorized to seek a lien for unpaid wages or severance pay upon the failure of an employer to pay an amount assessed. The lien may be enforced against any real or personal property by a civil action in the name of the director. The director will discharge any such lien upon receiving, from any employer against whose property a lien certificate has been filed, a good and sufficient bond with sureties conditioned upon the payment of the amount of unpaid wages or severance pay as finally determined, together with any additional amount that may have become due and court costs. This remedy is in addition to all other remedies available.

The director of the Bureau of Labor Standards was authorized to require any person to provide information on the wages and benefits afforded his or her employees, as well as other information as needed to determine the prevailing wage and benefits. The director may assess a fine of up to \$50 against any person who fails to provide the information requested.

*Child labor.* A 1998 amendment to the child labor law requires the director of the Bureau of Labor Standards to establish, by administrative rule, a list of hazardous occupations for minors under age 18. This provision was amended to require that the rules adopted contain a provision prohibiting the employment of minors in places having nude entertainment.

It was made unlawful for minors to possess equipment specifically constructed, manufactured, or marketed for the purpose of brewing malt liquor or fermenting or making wine, except where possessing such equipment falls within the scope of their employment.

*Drug and alcohol testing.* Maine law was

brought into conformance with other State and Federal Government cutoff levels for screening and confirmation tests for marijuana use in employee substance abuse testing programs.

*Worker privacy.* Provisions governing employees' rights to review their personnel files were amended to allow personnel records to be maintained in any form, including paper, microfiche, or electronic form. Employers must take adequate steps to ensure the integrity and confidentiality of these records. An employer maintaining records in a form other than paper is to make available to the employee, former employee, or his or her authorized representative the equipment necessary to review and copy the personnel file. Court action to recover civil penalties for failure to make personnel files available may now be brought by the Department of Labor or, as before, by the employee or former employee.

*Plant closings.* In response to the closing and scaling back of paper production facilities in the State, the ability of the Finance Authority of Maine to support employee purchases of paper industry assets was expanded by adopting a number of measures, including adding any paper industry job retention project to the list of eligible projects.

A Peer Support Program for Displaced Workers is to be established within the Department of Labor to provide advocacy and information to employees displaced by significant layoffs. When 100 or more employees of a single employer are laid off, the department is to initiate a peer support project to assist the affected employees. The department also may initiate a project when 50 or more employees are laid off if it is determined that a project is warranted after considering the particular needs of the affected workforce and the affected communities.

*Other laws.* The director of the Bureau of Labor Standards may now assess administrative civil money penalties for labor law violations, in addition to any other penalties provided by law. The penalty that is assessed may be up to \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The director is to adopt rules to govern the administration of the civil money forfeiture provisions. The rules are to include a right of appeal by the employer and a range of monetary assessments, with consideration

given to the size of the employer's business, the good faith of the employer, the gravity of the violation, and the employer's history of previous violations.

An employee who is a victim of violent crime or abuse must be granted reasonable and necessary leave from work, with or without pay, to prepare for and attend court proceedings, receive medical treatment, or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. Leave will not be required if it would cause the employer undue hardship, if the request for leave is not made within a reasonable time, or if the requested leave is impractical, unreasonable, or unnecessary, based on the facts made known to the employer. The Department of Labor may assess civil penalties of up to \$200 for each violation.

## Maryland

*Family issues.* An employer who provides leave with pay to an employee following the birth of the employee's child is to provide the same leave with pay to an employee when a child is placed with him or her for adoption.

*Other laws.* A crime victim or the victim's representative may not be fired by an employer because of work time lost as the result of the employee's attending certain criminal or juvenile proceedings that he or she has a right to attend.

## Massachusetts

*Wages.* New legislation increased the State minimum wage rate from \$5.25 to \$6.00 per hour on January 1, 2000, with a further increase to \$6.75 scheduled for January 1, 2001. The law also provides that the State rate will always be at least 10 cents per hour higher than the effective Federal minimum wage rate. The \$2.63-per-hour cash wage that was required to be paid to employees who receive part of their compensation from tips was frozen at that level, replacing a provision that had set the tip credit at 50 percent of the basic minimum wage rate. The joint committee on commerce and labor was to conduct a study of establishing a minimum wage rate for entry-level workers under age 19 and was to report to the legislature by December 15, 1999.

## Michigan

*Plant closing.* In response to an announcement by the Kellogg Company that it is considering closing a major portion of its cereal production facility in Battle Creek, a resolution was adopted urging the company to consider every option and resource available to maintain or enhance its manufacturing presence in Michigan.

## Minnesota

*Worker privacy.* Upon the request of a fire chief or an administrative head, an employer is to provide employment information concerning an employee or former employee who is an applicant for a fire protection service position. The request for disclosure of employment information must be in writing, must be signed by the fire chief or administrative head, and must be accompanied by a release signed by the employee or former employee. In the absence of fraud or malice, the employer is immune from civil liability for any such information released to a fire department.

## Missouri

*Child labor.* The authority of the director of the Division of Labor Standards to waive restrictions on maximum hours of employment for children under age 16 was expanded. The child labor law also was amended to exempt children 12 years of age or older participating in a youth sporting event as a player, referee, coach, or other position necessary to the sporting event. The exemption, however, does not extend to a worker at a concession stand. A youth sporting event is defined as an event in which all players are under the age of 18 and that is sponsored and supervised by a public body or nonprofit organization.

*Other laws.* A Department of Labor and Industrial Relations Administrative Fund was created. The fund will be administered by the director of the department and will be used to support labor and industrial relations laws within the department's jurisdiction and to provide goods and services that relate to the administration of those laws. The fund will consist of revenues from contracts, goods, or services provided by the department to any governmental entity or other public or private entities; from moneys received as gifts, grants, bequests, or contributions from pri-

vate, Federal, county, or municipal entities; and from other moneys that are transferred or paid to the department.

## Montana

*Wages.* Individuals employed in domestic service to provide live-in home companionship services for individuals who, because of age or infirmity, are unable to care for themselves were exempted from the State minimum wage and overtime requirements.

The prevailing wage law was amended to exclude from coverage those contracts entered into by the Department of Public Health and Human Services for the provision of human services. Among other changes in coverage was the provision that heavy and highway construction wage rates will apply to staging yards located on or off the right-of-way and to new or reopened pits that produce aggregate, asphalt, concrete, or backfill when the pit does not normally sell to the general public. In addition, provisions requiring the payment of prevailing wages, benefits, and travel allowances were amended to differentiate between contracts for construction services and those for nonconstruction services.

The State prevailing wage law, applicable to public works contracts let for construction services or for nonconstruction services, was amended to exempt school districts from the nonconstruction services classification, provided that the district had previously contracted for specific nonconstruction services.

The section of the wage payment and collection law pertaining to the recovery of wages owed and penalties due was revised. Employees are now to file a complaint within 180 days of default or delay in the payment of wages. An employee may recover wages and penalties for a period of 2 years prior to filing the claim if he or she is still employed by the employer, or for a period of 2 years prior to the date of the employee's last date of employment. Where an employer has engaged in repeated violations, the period for recovery is extended to 3 years from the date on which a claim is filed for employees and from a former employee's last day of employment. Previously, the period for recovery was 18 months. As part of the wage claim process, the parties are now required to go through mediation prior to an administrative hearing. As part of the mediation process, the mediator is charged with attempting to resolve all employment-related matters between the parties, in-

cluding issues such as wrongful discharge, human rights issues, and issues relating to an employee's independent contractor status.

*Worker privacy.* A nonpublic employer who discloses information about a former or current employee's employment-related performance to a prospective employer of the employee upon request of the prospective employer or the former or current employee will not be liable for civil damages for the disclosure or any consequences related thereto, unless the employer knowingly, purposely, or negligently discloses information that is false. Also, an employer's answer to a request from a discharged employee for the reasons for his or her discharge may not limit the employer's right to present a full defense in any wrongful-discharge action.

*Other laws.* Responsibilities under the State Occupational Health Act were transferred from the Department of Environmental Quality to the Department of Labor and Industry.

## Nebraska

*Wages.* Employees of the State government will now be covered under the Nebraska Wage Payment and Collection Act.

*Family issues.* Employers who permit an employee to take a leave of absence upon the birth of the employee's child must now provide the same leave to adoptive parents upon placement of a child with them. This provision does not apply to a child over 8 years of age, a child over age 18 with special needs, a stepchild adopted by a stepparent, or a foster child adopted by a foster parent.

*Worker privacy.* Job application materials submitted by unsuccessful applicants for employment by any public body were added to the list of those items exempt from disclosure requirements under the public records law.

*Employee leasing.* An employee of a qualified employee leasing company is to be considered an employee of the client-lessee for purposes of tax credits provided under the Employment Expansion and Investment Incentive Act and the Employment and Investment Growth Act if the employee performs services for the client-lessee. A qualified em-

ployee leasing company is defined as a company that places all employees of a client-lessee on its payroll, leases those employees to the client-lessee on an ongoing basis for a fee, and, by written agreement between the employee leasing company and the client-lessee, grants to the client-lessee input into the hiring and firing of the employees leased to the client-lessee.

## Nevada

*Wages.* Wages or compensation paid to an employee whose duties include the manufacture of an explosive or the use, processing, handling, onsite movement, or storage of an explosive that is related to its manufacture must be based solely on the number of hours the employee works.

*Equal employment opportunity.* It was made an unlawful employment practice for an employer to refuse to hire, to discharge, or to otherwise discriminate against an individual in compensation or in terms, conditions, or privileges of employment because of that person's sexual orientation. In the same vein, labor organizations may not exclude individuals from full membership rights, expel members, refuse to refer members for employment, or otherwise discriminate because of sexual orientation, and employment agencies may not fail or refuse to refer an individual for employment or otherwise discriminate on the basis of sexual orientation. Also, it will be an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining to refuse to admit someone to, or employ someone in, any such program on the basis of his or her sexual orientation.

It was made an unlawful employment practice for an employer of 15 or more employees, a labor organization, or an employment agency to discharge or otherwise discriminate against a person based on information derived from genetic testing. Current or prospective employees and current or prospective members of labor organizations are not to be asked or encouraged to submit to a genetic test, nor are they to be required to submit to a genetic test as a condition of employment or labor organization membership.

*Worker privacy.* Upon the request of a law enforcement agency, an employer must provide the agency information, if available, re-

garding a current or former employee who is an applicant for the position of peace officer with the agency. Information to be provided includes that relating to compensation, job performance, attendance, and whether the employee was the subject of any disciplinary action. Also, if applicable, a record setting forth the reason that the employment of the applicant was terminated and whether the termination was voluntary or involuntary must be provided. An employer who discloses information to a law enforcement agency, as required, is immune from civil liability for the disclosure and its consequences, unless the employer acted with malice or ill will or knowingly disclosed false or misleading information.

## New Hampshire

*Wages.* Coverage under laws having to do with the conditions of employment, the minimum wage, payment of wages, and protection for whistleblowers was revised by amending the definition of employee to exclude persons who (1) possess or have applied for a Federal employer identification number or social security number, (2) have agreed in writing to carry out the responsibilities imposed on employers, (3) have control and discretion over the means and manner of performance of the work in achieving the result of the work, (4) have control over the time when the work is performed (that is, the time is not dictated by the employer), (5) hold themselves out to be in business for themselves, and (6) are not required to work exclusively for the employer.

## New Jersey

*Wages.* The State minimum wage law was amended to adopt the Federal minimum wage rate by reference. Therefore, the State rate rose from \$5.05 per hour to \$5.15, effective January 21, 1999.

A Public Works Contractor Registration Act was enacted. Under this law, a public works contractor must be registered with the Department of Labor as a condition of bidding on or engaging in any contract for public works construction, reconstruction, demolition, alteration, or maintenance. The registration form is to contain information that includes the name, principal business address, and telephone number of the contractor; evidence that the contractor is a cor-

poration, partnership, sole proprietorship, or other form of business entity; the name and address of each person with a financial interest in the contractor and the percentage of interest therein; and the contractor's tax identification number and unemployment insurance registration number. Annual registration fees collected are to be applied toward the enforcement and administration costs of the public contracts and registration sections of the Office of Wage and Hour Compliance. A registration may be suspended or revoked in the event of a violation of the prevailing wage act.

*Child labor.* The child labor law was amended to allow 14- and 15-year-olds to work as umpires for leagues chartered by Little League Baseball, Incorporated, until 9 P.M. of any day with written permission from a parent or legal guardian. Otherwise, work beyond 7 P.M. is prohibited, except during summer vacation.

*Garment industry.* The law regulating workplace standards in the apparel industry was amended to increase penalties for violations. For manufacturers or contractors who fail to comply with the law's registration requirements, civil penalties were increased, from up to \$1,000 for a first violation and up to \$2,000 for a subsequent violation to a range from \$1,000 to \$2,000 for a first violation and from \$2,000 to \$4,000 for a subsequent violation. In these cases, and where the apparel manufacturer or contractor violates other State labor laws, including laws concerning wages, overtime compensation, unemployment and temporary disability insurance, workers' compensation, child labor, and industrial homework, administrative penalties were increased from up to \$250 for a first violation and up to \$500 for a subsequent violation to a range from \$250 to \$500 for a first violation and from \$500 to \$1,000 for a subsequent violation.

*Equal employment opportunity.* A permanent Council on Gender Parity in Labor and Education was established within the State Employment and Training Commission to oversee the State's efforts to provide gender equity in labor, education, and training.

## New Mexico

*Wages.* The State's minimum wage law was amended to exempt employers of agricultural

workers from its overtime payment requirements. The law also was amended to allow the wage rate of an employee who is paid a fixed salary for fluctuating hours and who works for an employer whose business in New Mexico consists primarily of providing investigative services to the Federal government to be determined in accordance with the provisions of the Federal Fair Labor Standards Act. The rate may not be less than the Federal minimum wage.

*Child labor.* The law prohibiting the employment of minors in the sale or service of alcoholic beverages was amended to allow minors 19 years of age or older to sell or serve alcoholic beverages in restaurants and clubs whose primary source of revenue is food sales and in which the sale or consumption of alcoholic beverages is not the primary activity. A person under age 21 may not be employed as a bartender.

*Equal employment opportunity.* A resolution was adopted requesting the United States Senate to ratify the convention on the elimination of all forms of discrimination against women that was adopted by the U.N. General Assembly on December 18, 1979.

## New York

*Wages.* New legislation provides for an increase in the State minimum wage rate from \$4.25 to \$5.15 per hour on March 31, 2000. The new rate will be effective for both agricultural and noagricultural workers. The law also allows for the adoption of any higher Federal rate that may be established.

The fiscal officer of a public works contract or a building service work contract was authorized to issue, in his or her own name, an order of compliance with the prevailing wages, hours, and supplements for such contracts.

The section of the prevailing wage law requiring that a statement be posted, at the site where work is performed, of all wage rates and supplements required to be paid for the various classes of mechanics, workers, and laborers employed on the work was amended to require that such signs be written in plain English and titled with the phrase "Prevailing Rate of Wages" in type of at least 2 inches by 2 inches. The posted statement is to be constructed of materials capable of withstanding adverse weather conditions.

When permits are issued to utility companies or their contractors to perform street

excavation in New York City, the city comptroller is responsible for ensuring that prevailing wages are paid.

## North Carolina

*Equal employment opportunity.* An employee of a local board of education may not be disciplined in any way solely because he or she has filed a written complaint alleging sexual harassment by students, other local board employees, or school board members, unless the employee reporting the harassment knows or has reason to believe that the report is false.

## North Dakota

*Child labor.* The child labor law was amended to specify that 14- and 15-year-old private and parochial school students are subject to the law's maximum-hours-of-work restrictions and employment certificate requirements.

*Employee testing.* The law requiring employers to pay for medical examinations that they require as a condition of employment was amended to specify that a medical examination includes any test for the presence of drugs or alcohol.

*Whistleblowers.* The act protecting employees from retaliation for having reported a violation of a law, for participating in an investigation, hearing, or inquiry, or for refusing to perform an action that the employee believes violates a State or Federal law, rule, or regulation was amended. A person charging an employer with a violation must now file a complaint with the department of labor within 300 days after the alleged act of wrongdoing.

*Other laws.* The Department of Labor is to receive and investigate complaints and otherwise administer and enforce a new law dealing with discriminatory housing practices. The department may adopt rules necessary to implement the law, provided that the rules impose the same obligations, rights, and remedies as are provided in Federal fair housing regulations. The department is to emphasize conciliation to resolve complaints.

## Ohio

*Wages.* By law, threshold amounts for contract coverage under the State prevailing

wage law are adjusted every 2 years according to the change in the Bureau of the Census Implicit Price Deflator for Construction, provided that no increase or decrease exceeds 6 percent for the 2-year period. As a result, effective January 1, 2000, the threshold amount for new construction rose from \$55,574 to \$58,058, and the threshold amount for reconstruction, remodeling, or renovation increased from \$16,672 to \$17,687.

*Child labor.* With the approval of the superintendent of schools of the school district in which they live, 16- and 17-year-old minors will no longer be required to provide an age and schooling certificate to be employed at a seasonal amusement or recreational establishment. This exemption will apply not more than 2 months before the last day of the school term in the spring and not more than 2 months after the first day of the school term in the fall. While school is in session, these minors may be employed only on weekends during the time from the end of the schoolday on Friday to 11 P.M. on Sunday. To be considered a seasonal amusement or recreational establishment, a business may not operate for more than 7 months in any calendar year.

*Equal employment opportunity.* An Executive order was issued setting forth a policy against discrimination in State employment and declaring that nondiscrimination and equal employment opportunity are the policy of the State in its decisions, programs, and activities. To implement this policy, all State departments, agencies, commissions, and employees are to take action to ensure nondiscrimination and equality of opportunity for employment and advancement in State government, including, but not limited to, the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, and in-service training programs. Action plans are to be initiated by all State departments, agencies, commissions, and authorities, subject to review by the State equal employment opportunity coordinator, who also may investigate complaints regarding alleged discrimination.

## Oregon

*Wages.* The State minimum wage rate rose from \$6.00 per hour to \$6.50 on January 1, 1999, as the result of the passage of Ballot Measure 36 in the November 1996 general election.

Provisions relating to claims against a public works contractor's bonds were amended to provide that when the commissioner of the Bureau of Labor and Industries has learned that one or more workers providing labor on a public work have not been paid in full at the prevailing rate of wage or overtime wages, the commissioner has a right of action on the contractor's bond, cashier's check, or certified check. The commissioner's right of action exists without the necessity of an assignment and extends to workers on the project who are not identified when the written notice of claim is given, but for whom the commissioner has received information that they have provided labor on the public work and have not been paid in full. The commissioner is to give written notice of the claim to the contractor and the State agency if the contract is with a State agency, or to the clerk or auditor of the public body that let the contract if the public body is not a State agency.

Projects that are completed under agreements between a school district and a community foundation or nonprofit corporation wherein the ownership of the facility is transferred from the school district for the purpose of completion of the project will be exempt from certain public contracting requirements, including the prevailing wage law.

The law providing for the Prevailing Wage Education and Enforcement Account was amended to specify that the funds in this account may be used to finance educational programs on public contracting and purchasing law.

The amount of money that the commissioner of the Bureau of Labor and Industries is authorized to pay a wage claimant from the Wage Security Fund was increased from \$2,000 to \$4,000. This fund is used to pay unpaid wages when the employer against whom a valid claim was filed has ceased doing business and is without sufficient assets to pay the claim.

Sections of the wage collection law were repealed that had required producer-promoters intending to do business in Oregon to first obtain a permit from the commissioner of the Bureau of Labor and Industries and to provide a bond or letter of credit guaranteeing payment of the musicians and supporting technical personnel to be employed in the production.

*Family issues.* An employer may not discharge, threaten to discharge, intimidate, or coerce any employee by reason of the employee's required attendance at a juvenile

court hearing involving his or her child. It is not required that this time off be paid.

*Agriculture.* License and endorsement fee limits for farm labor contractors were increased. Fees of up to \$100 may be required for a farm labor contractor license, with or without employee endorsement. Fees of up to \$250 may be required for a farm labor contractor license with forestation or reforestation endorsement, with or without employee endorsement. An additional fee of up to \$50 may be required for a farmworker camp endorsement. Fees collected are to be used by the Bureau of Labor and Industries for the administration of farm labor contractor licensing and farmworker camp endorsement programs.

The farm labor contractor licensing law was amended to authorize the commissioner of the Bureau of Labor and Industries to license limited-liability companies, nonprofit corporations, and agricultural associations.

*Equal employment opportunity.* Civil action was authorized in the event of employment discrimination based on disability. A civil action may be filed in circuit court to recover compensatory damages or \$200, whichever is greater, and punitive damages. In addition, the court may award relief that includes, but is not limited to, reinstatement or the hiring of employees. The prevailing party in such a suit may be awarded costs and reasonable attorney's fees.

*Drug and alcohol testing.* Every public improvement contract let by the State or a political subdivision thereof is now to include a condition that the contractor must demonstrate that an employee drug-testing program is in place.

Every motor carrier in the State either must have an in-house drug-and-alcohol-testing program that meets Federal requirements or must be a member of a consortium which provides testing that meets the Federal requirements. A civil penalty of up to \$1,000 may be imposed for failure to establish or participate in a required drug-and-alcohol-testing program. Following a hearing (if one is requested), a driver with a positive test result will have the result entered into his or her employment driving record.

*Worker privacy.* The law relating to public records was amended to provide that, with certain limited exceptions, a law enforcement agency may not disclose information about an

employee of the agency while he or she is performing undercover investigative duties and for a period of 6 months after the conclusion of those duties. In addition, public bodies are prohibited from releasing photographs of public safety employees without their written consent and from disclosing information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee.

The provision exempting the addresses and telephone numbers contained in public employee personnel records from disclosure under the public records law was amended to allow the disclosure of this information on substitute teachers when it is requested by a professional education association of which the teacher may be a member.

*Inmate labor.* As part of a constitutional amendment approved by the State's voters on November 2, sections pertaining to work by prison inmates now specify that, to the extent possible, the corrections director is to avoid establishing or expanding for-profit prison work programs that produce goods or services offered for sale in the private sector if the establishment or expansion thereof would displace or significantly reduce pre-existing private enterprises or would displace or significantly reduce government or nonprofit programs that employ persons with developmental disabilities.

*Other laws.* A Hearing Officer Panel was established within the Employment Department. Hearing officers assigned from the panel may conduct contested case proceedings on behalf of State agencies and perform other services, as requested by an agency, that are appropriate for the resolution of disputes arising out of the conduct of agency business. The Bureau of Labor and Industries is among those agencies that need not use hearing officers assigned from the panel.

The law limiting outside employment by members of the Employment Relations Board was amended to allow them (1) to serve as an arbitrator, a fact finder, or a mediator for parties located outside of the State, (2) to teach academic or professional classes for entities that are not subject to the board's jurisdiction, (3) to have a financial interest, but an inactive role, in a business unrelated to the duties of the board, and (4) to publish, and receive compensation or royalties for, books or other publications that are unrelated to the members' duties. A board

member must be on leave or act outside of normal work hours when pursuing any of these activities.

## Pennsylvania

*Wages.* The State minimum wage law was amended by a measure adopted in late 1998. The earlier law provided a maximum tip credit of 45 percent against the State hourly minimum wage. (With the \$5.15 State basic hourly minimum wage requirement in effect, employers were required to pay a minimum cash wage of \$2.83 per hour to employees earning at least a portion of their income from tips.) The new amendment eliminates the 45-percent tip credit provision and stipulates that the \$2.83-per-hour minimum cash wage will remain in effect if there are any future increases in the State basic hourly minimum wage rate. In addition, an incentive program was established that permits employers in the food service industry to pay employees a training wage less than the minimum wage for training periods of from 2 to 12 weeks, depending on the job title. The difference between the training wage and the minimum wage is to be paid to the employee upon successful completion of the training period.

## Rhode Island

*Wages.* As the result of new legislation, the State minimum wage rate was increased from \$5.15 to \$5.65 per hour on July 1, 1999. The section of the law providing a credit against the minimum wage for employees receiving gratuities will now also apply to those employees, such as buspersons, who receive gratuities indirectly.

Employees involved in the removal of ready-mix concrete, sand, bituminous stone, or asphalt flowable fill from the site of public works were added to those workers covered by the State public works prevailing wage law.

Resolutions were adopted proclaiming April 8, 1999, as Rhode Island Pay Equity Day in recognition of the wage gap between men and women.

*Family issues.* An amendment to the State Parental and Family Medical Leave Act stipulates that an employee who has been employed by the same employer for 12 consecutive months will be entitled to 10 hours of leave a year to attend school conferences or other

school-related activities for a child of whom the employee is the parent, foster parent, or guardian. The employee is to provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. The leave need not be paid, except that an employee may substitute any accrued paid vacation leave or other appropriate paid leave for the school involvement leave.

*Private employment agencies.* Responsibility for collecting a bond required to be paid by employment agencies was transferred from the Board of Police Commissioners or other issuing agency to the Department of Labor and Training. The amount of the bond was increased from \$10,000 to \$50,000.

*Whistleblowers.* The Whistleblowers' Protection Act was amended to prohibit an employer from discharging, threatening, or otherwise discriminating against an employee who refuses to violate or to assist in violating any Federal, State, or local law, rule, or regulation.

## South Carolina

*Inmate labor.* Changes were made relating to the disposition of wages of a prisoner who is allowed to work for pay. The law now specifies that 20 percent of the prisoner's gross wages will be deducted for restitution to the victim of the crime perpetrated by the prisoner, 35 percent to pay the prisoner's child support obligations or, if there are no such obligations, to defray the cost of the prisoner's room and board, 10 percent for the inmate's purchase of incidentals, and 10 percent to be put into an interest-bearing escrow account for the benefit of the prisoner. The balance must be used to pay Federal and State taxes required by law. Any monies not used to pay taxes are to be made available to the inmate for the purchase of incidentals.

## South Dakota

*Wages.* Coverage of the minimum wage law was expanded to apply to all employees, rather than being limited to those aged 18 and older. The provision for payment of a subminimum "opportunity wage" was amended to apply to any employee under 20 years of age rather than just to 18- or 19-year-olds.

*Equal employment opportunity.* An Execu-

tive order directed that a Governor's Wage Study Task Force be created to research wage rates, income, and disposable income benefits in comparable employment positions as those economic factors relate to community sizes, types of businesses, neighboring States, and the U.S. averages. The task force was to report its findings to the Governor by November 1, 1999.

*Drug and alcohol testing.* An Executive order was issued declaring that any location at which work is to be performed by an employee of the State is to be a drug-free workplace and, further, that all employees of the State are prohibited from unlawfully manufacturing, distributing, dispensing, processing, or using any controlled substance in the workplace.

## Tennessee

*Wages.* The Wage Regulations Act was amended to specify that the final wages due an employee who quits or is discharged are to include any vacation pay or other compensatory time that is owed to the employee as the result of company policy or a labor agreement. Employers are not required to provide vacations, either paid or unpaid, or to establish written vacation pay policies.

The wage payment law was amended to provide that any employee who leaves or is discharged from employment is to be paid in full all wages or salary earned no later than the next regular payday following the date of dismissal or voluntary leaving, or 21 days following the date of discharge or voluntary leaving, whichever occurs last.

*Family issues.* Employers are to provide reasonable unpaid break time each day to employees who need to express breast milk for their infant. If possible, this break time is to run concurrently with any break time already provided to the employee. Reasonable efforts are to be made to provide a room or some other location in close proximity to the work area, other than a toilet stall, where the employee can express her breast milk in privacy. An employer will not be required to provide the break time if doing so would unduly disrupt his or her operations.

*Child labor.* It was made unlawful to employ a minor under age 16 to sell goods or services to customers at their residences, at

places of business, or in public places such as street corners or public transportation stations, unless certain conditions are met. Any person who engages a minor under age 16 in peddling and who transports the minor more than 5 miles from his or her residence must ensure that the minor does not work more than 3 hours a day on schooldays, more than 18 hours a week during a school week, more than 8 hours a day on nonschooldays, more than 40 hours a week during nonschool weeks, and not after 7 P.M. if the next day is a schoolday. The employer must also comply with the record-keeping requirements of the child labor law. An employer in violation of two or more of these requirements will be subject to a fine of from \$1,000 to \$10,000 for each violation, with each instance of a minor working in violation considered a separate violation. The law does not apply to individuals who are self-employed or who volunteer to sell goods or services on behalf of nonprofit organizations or governmental entities or for school functions.

*Worker privacy.* The law governing the release of public records was amended to provide that certain personnel records of undercover law enforcement officers remain confidential. This information includes the address and home telephone number of the officer, as well as the addresses and home telephone numbers of the members of the officer's household or immediate family. Information in a personnel file that has the potential, if released, to threaten the safety of the officer or the officer's immediate family or household members may be edited if the chief law enforcement officer determines that its release poses such a risk.

The law relating to public records was amended to make confidential certain records of any State, county, municipal, or other public employee that are in the possession of a governmental entity in its capacity as an employer. These records are unpublished telephone numbers, information on bank accounts, the employee's social security number, information on the employee's driver's license, except where driving or operating a vehicle is part of the employee's job description or job duties, and the same information about immediate family members or household members.

*Other laws.* A resolution was adopted recognizing April 28, 1999, as Workers Memorial

Day in commemoration of workers killed, injured, or disabled on the job.

## Texas

*Child labor.* The employment of a child under age 18 to sell goods or services in a setting other than a retail establishment, to request donations, or to distribute items, information, or advertising was made a hazardous occupation for purposes of the child labor law. A person may not employ a child in these activities unless the person obtains the signed consent of the child's parent or guardian at least 7 days before the date the child begins employment. The signed consent is to be on a form approved by the Texas Employment Commission. The individual who consents to the employment is to be provided with a map of the route the child will follow during each solicitation trip and the name of each individual who will be supervising the trip. The employer is to provide at least one adult supervisor for every three children working, and each trip is to be limited to no later than 7 P.M. on a schoolday and to the hours between 10 A.M. and 7 P.M. on all other days. Violations will be a Class A misdemeanor. The law is not applicable to charitable organizations or to fundraising for school-sponsored clubs, organizations, or activities.

The Alcoholic Beverage Code was amended to make it unlawful for a permittee or licensee to employ, authorize, permit, or induce a minor under age 18 to dance with another person in exchange for a benefit.

*Worker privacy.* An employer who discloses information about a current or former employee's job performance to a prospective employer of the current or former employee on the request of the prospective employer or the employee will be immune from civil liability for the disclosure or for any damages caused by the disclosure, unless the information disclosed was knowingly false or was disclosed with malice. An employer may not disclose information about a nurse that relates to conduct that is protected under the law providing protection for a person's refusal to engage in certain conduct relating to patient care.

*Employee leasing.* Several changes were made

in the law regulating employee leasing companies, including the addition of a statement that professional employer organizations are covered by the law. Other provisions specify that entering into a contract with an employee leasing firm will not affect a client company's status or certification as a small, minority-owned, disadvantaged, or woman-owned business enterprise or as a historically underutilized business with respect to State contracts, and that client companies will still be subject to labor law requirements. The law also stipulates that the client company retains responsibility for (1) the direction and control of assigned employees as necessary to conduct the client company's business or comply with legal requirements, (2) goods and services produced, and (3) the acts, errors, and omissions of assigned employees committed within the scope of the client company's business. In assessing administrative penalties, the labor department is to consider the severity of the violation, whether the violation was willful or intentional, whether the license holder acted in good faith to avoid or mitigate the violation, the license holder's past history of violations, and the penalties previously assessed against other license holders.

*Other laws.* The law protecting employees who are called to jury duty from termination or from an act by the employer to improperly influence the employee was amended. The civil penalty for violation was increased from an amount of up to 6 months' compensation to an amount of not less than 1 year's compensation and not more than 5 years' compensation. In addition, a criminal penalty for violating the law was established.

The law prohibiting the termination of a permanent employee who is a member of the State military forces because he or she is ordered to active duty was amended to also apply to an employee being called to authorized training. The employee may not be subjected to loss of time, a downgrading of his or her efficiency rating, loss of vacation time, or the forfeiture of any benefit of employment during or because of the absence.

## Utah

*Wages.* The section of the wage payment law prohibiting retaliation against an employee for filing a wage claim or for testify-

ing in an enforcement action was amended. The Division of Antidiscrimination and Labor was given authority to enforce this section; previously, an administrative law judge in the Division of Adjudication had such authority. Also, an employee claiming a violation of this law may now file a request for agency action with the division. On receipt of such a request, the division is to conduct an adjudicative proceeding and may attempt to reach a settlement between the parties through a conference.

*Private employment agencies.* The regulation of private employment agencies was transferred to the Labor Commission from the Department of Workforce Services.

## Vermont

*Wages.* Legislation was enacted raising the State minimum wage rate from \$5.25 per hour to \$5.75 on October 1, 1999. In addition, a livable wage rate study committee was created to study issues related to the minimum wage and issues related to providing livable compensation to Vermont wage earners. The committee is to determine the amount of a minimum livable wage rate and offer its recommendations for achieving that rate in a reasonable amount of time. The committee also is to recommend a system for maintaining a livable minimum wage in light of inflation and any other economic factors that may affect an individual's buying power. Finally, the committee is to consider how wage increases may affect the economy and is to propose innovative methods to assure the economic viability of businesses if the minimum wage is increased.

A resolution was adopted designating April 8, 1999, as Equal Pay Day in Vermont. April 8 is the day on which American women's wages for 1999, when added to their 1998 earnings, will equal what American men earned in 1998.

*Equal employment opportunity.* It will now be an unfair labor practice under the State Employees Labor Relations Act for an employer or employee organization to discriminate against an employee or member on the basis of religion, age, or disability. Other

forms of discrimination already are prohibited under the act.

## Virginia

*Other laws.* A person who has failed to meet the Federal requirement to register for the Selective Service may not be employed by the Commonwealth of Virginia or any political subdivision of the Commonwealth, including all boards, commissions, departments, agencies, and institutions thereof.

## Washington

*Wages.* As the result of Initiative 688, approved by voters in the November 1998 general election, the State minimum wage rate for employees over age 18 increased from \$4.90 per hour to \$5.70 on January 1, 1999, and to \$6.50 per hour on January 1, 2000. Beginning January 1, 2001, and annually thereafter, the rate will be adjusted for inflation by a calculation using the Consumer Price Index for Urban Wage Earners and Clerical Workers, or a successor index, for the previous year.

*Agriculture.* The Department of Labor and Industries and the Department of Health are to adopt joint rules for the licensing, operation, and inspection of temporary worker housing and the enforcement thereof. These rules are to establish agricultural worker protection standards that are at least as effective as those developed under the Washington Industrial Safety and Health Act.

*Other laws.* The Department of Labor and Industries will no longer be responsible for coal mine safety inspections.

A resolution was adopted asking the Governor to proclaim April 28 as Workers' Memorial Day to honor those who have lost their lives on the job and those who have suffered work-related injuries and illnesses.

## West Virginia

*Worker privacy.* It was made unlawful for any private or public sector employer to operate any electronic surveillance device or system, including a closed-circuit television sys-

tem, a video-recording device, or any combination of those or other electronic devices, for the purpose of recording or monitoring the activities of employees in areas designed for the health or personal comfort of the employees or for the safeguarding of their possessions, such as rest rooms, shower rooms, locker rooms, dressing rooms, and employee lounges. An employer in violation of this law is guilty of a misdemeanor and, if convicted, is subject to a \$500 fine for a first offense, a \$1,000 fine for a second conviction, and a \$2,000 fine for third and subsequent offenses.

*Drug and alcohol testing.* Applicants for employment with the Department of Corrections must now pass a preemployment drug-screening test prior to being hired.

## Wisconsin

*Wages.* The threshold amount for coverage under the State prevailing wage laws for State and municipal contracts was changed administratively from \$160,000 to \$164,000 for contracts in which more than one trade is involved and from \$32,000 to \$33,000 for contracts in which a single trade is involved.

## Wyoming

*Wages.* The prevailing wage law was amended to add a separate definition of "locality" for public heavy and highway construction projects. The State will now be separated into three districts for the purpose of determining prevailing wage rates: Laramie County, Natrona County, and the rest of the State. The definition of "locality" according to which the State is divided into four groups of districts will continue to apply to public building projects. □

## Notes

<sup>1</sup> The Kentucky legislature did not meet in 1999. The District of Columbia, Mississippi, Oklahoma, and Puerto Rico did not enact significant legislation in the fields covered by this article. Information about Guam and the Virgin Islands was not received in time to be included in the article, which is based on information received by November 10, 1999.