

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By Senator Gary C. Aklestad, Chairman, on January 31, 1989, at 1:00 P.M. at the state Capitol.

#### ROLL CALL

Members Present: All members were present. Senator Tom Keating, Vice-chairman, Senator Sam Hofman, Senator J.D. Lynch, Senator Gerry Devlin, Senator Bob Pipinich, Senator Dennis Nathe, Senator Richard Manning, Senator Chet Blaylock, and Senator Gary Aklestad, Chairman.

Members Excused: There were no members excused.

Members Absent: There were no members absent.

Staff Present: Tom Gomez, Legislative Council Analyst

Announcements/Discussion: There were no announcements or discussion.

#### HEARING ON SENATE BILL 218

#### Presentation and Opening Statement by Sponsor:

Senator Gene Thayer, Senate District 19, sponsor of SB 218, stated section 39-71-601 intended for Division of Workers' Compensation to initial jurisdiction of requests by injured workers, extending the time allowed to file a claim. Senator Thayer because of the Workers' Compensation Court and the Supreme Court have eroded the jurisdiction, the law needs to be clarified and put back where it belongs. Currently, claimants have to go to both the Division and the Workers' Compensation Court to get an extension of claim filing time. This creates unnecessary delays. SB 218 clarifies the three areas where the Division has jurisdiction: 1) Cases where the claimant knew about the disability, but didn't know it would be disabling. 2) Cases where the claimant didn't know about a disability, but the disability was manifested later than the claim filing time. 3) Cases where the claimant was misled or not otherwise given due process by his employer or insurer, so the claimant failed to file a claim. Senator Thayer stated SB

218 eliminates the current confusion and puts jurisdiction back where it belongs--an administrative rather than a judicial first determination.

List of Testifying Proponents and What Group they Represent:

Bill Palmer, representing the Workers' Compensation Division

George Wood, representing the Montana Self Insurers Association.

Don Judge, representing the Montana State AFL-CIO.

Michael Sherwood, representing the Montana Trial Lawyers.

Bill Palmer stated SB 218 allows the division to better address claim filing waver requirements. The division has jurisdiction within twenty-four months after the claim filing time expires. The process was once clear, now the process has become confusing. The division and the court do the same procedure simultaneous, making the jurisdiction unclear. The claimant has significant delays in obtaining a routine decision. The issue affects claim filing only. It is still up to the insurer to rule on acceptance of claim liability. The department thinks SB 218 effectively addresses the court cases. The cases have gone to the courts instead of to the division.

George Wood, Executive Secretary of the Montana Self Insurers Association, stood in support of SB 218.

Don Judge, Montana State AFL-CIO, requested the committee to give SB 218 a DO PASS recommendation.

Michael Sherwood, Montana Trial Lawyers Association, stated the association supports SB 218.

List of Testifying Opponents and What Group They Represent:

There were no testifying opponents.

Testimony:

There was no testimony.

Questions From Committee Members:

There were no questions from the committee members.

Closing by Sponsor:

Senator Thayer urged support of SB 218.

## HEARING ON SENATE BILL 163

Presentation and Opening Statement by Sponsor:

Senator J.D. Lynch, Senate District 34, stated there are incidence in Montana where the severely handicapped, non ambulatory DD clients living in rural areas, are not given access to services available. Lynch gave the committee an example of a situation concerning a Rural Butte DD person. This individual could not participate in Sheltered Workshop because the specialized bus did not come to her area. The lift-ramp bus was contracted to serve an eight miles radius, and the client lived ten miles away, two miles beyond the radius. Lynch stated if the state of Montana can afford thousands of dollars to keep prisoners in Deer Lodge, the state should provide an opportunity for DD people to participate with their peers in group activities. The law should provide equal opportunity for DD individuals to participate in services. The Butte example is not isolated. People, throughout the state, are not able to get to their destinations because of transportation costs. Senator Lynch stated, in order to present the Legislature with a "reasonable ball park figure", the amount of money the state currently allows for milage was doubled. This is an fairness issue concerning the small handicapped, nonambulatory population of the society. Senator Lynch closed by urging the committee to provide services.

List of Testifying Proponents and What Group they Represent:

There were no testifying proponents.

List of Testifying Opponents and What Group They Represent:

There were no testifying opponents.

Testimony:

There was no testimony due to inclement weather. Helena's weather and surrounding road conditions were severe.

Questions From Committee Members:

Senator Nathe asked if the state is providing the services now, and will SB 163 increase the biennium costs by \$746,000. Senator Lynch stated he did not agree with the fiscal note. The state is currently providing some services. The people in question are the people who live beyond the designated areas and are not able to receive services that are currently available.

Senator Nathe asked if the \$915,000 amount was for clients in groups homes, but who are daytime residents of Sheltered Workshops. Dennis Taylor, stated the Department contracts with ten transportation providers across the state. The department also contracts in smaller communities, which do not have group homes. Approximately, a total of \$12,00 is appropriated. Each client is appropriated \$800. Senator Nathe asked if the department paid \$.45 per mile for people who are living at home or at group homes and are needing to be transported. Dennis Taylor stated the department pays for transportation costs for individuals who reside within the transportation service area. There are approximately 150 individuals who would be eligible for new service should the legislation pass. The transportation service is available in thirty-one communities.

Senator Keating asked if a DD family would be reimbursed if they drove their DD child from Fort Benton to Great Falls in order for the child to participate. The family would be reimbursed for \$.45 per miles under the new legislation. Senator Nathe asked if the reimbursement went for all DD clients, or only to the clients needing a lift. Dennis Taylor replied, currently, the department contract with only ten service providers.

Senator Keating asked if the department currently pays milage to some recipients, either directly or indirectly. Mr. Hunter stated the only case he is aware of is the Silver Bow County family. Senator Keating asked what is the current amount being spent on the development disabled program. Mr. Taylor replied approximately ten million dollars.

Senator Aklestad asked for a fiscal note estimation if each passenger was reimbursed at \$.45 per mile. Senator Lynch replied the amount would be enormous is each client riding the bus was reimbursed at the \$.45 per mile rate. The reimbursement amount would be considered a bargain if the milage was calculated according to how many miles the bus drove.

Closing by Sponsor:

Senator Lynch stated he was open to amendments to make a better and less expensive bill. One hundred and fifty people will be effected. Suggestions are: 1) The bill could be limited to nonambulatory clients who cannot go to services by normal automobile or taxicab. 2) The \$800 figure per client could be cut to a more reasonable figure. 3) The milage could be adjusted to a more reason figure, such as \$.22 1/2 per mile. Senator Lynch stated the clients must not have to leave their homes and families and live in a

foster homes so they can participate in services. At home, the DD child has the family's love, and care. SB 218 can be made to work for these people, and Montana could be a "more kinder and gentler nation".

HEARING ON SENATE BILL 234

Presentation and Opening Statement by Sponsor:

Senator Boylan, Senate District 39, chief sponsor of SB 234, stated the bill is an act defining "tipped employee" in the minimum wage laws. Food service people and restaurant owner have a problem with the Montana minimum wage law concerning the "tipped employee" issue.

List of Testifying Proponents and What Group they Represent:

Leon Stalcup, representing the Montana Restaurant Association.

Laurie Shadoan, Bozeman, MT, representing the Bacchus Pub and Rocky Mountain Pasta Company.

Tom Cott, Bozeman, MT, representing himself.

Peter Orrantic, Bozeman, MT, representing the Frontier Family Restaurants.

James Tutwiler, Helena, MT, representing the Montana Chamber of Commerce.

Testimony:

Leon Stalcup, Montana Restaurant Association, presented the committee with written testimony concerning SB 345. (Exhibit A) Stalcup stated the association lost "tip crediting" in the 1987 Legislative Session. Currently, labor intensive type-businesses are at risk due the imposition of uncontrolled, mandated, increased labor costs. Many Montana restaurants operate on a two and three percent net profit on gross sales margin. The employee reports a one dollar tip, and the employer pays a twelve percent fee to the state and national government on the tip. The restaurant ends up making no profit on a \$4.00 meal.

Laurie Shadoan, owner of the Bacchus Pub and Rocky Mountain Pasta Company, Bozeman, Montana, submitted written testimony in support of SB 234. (Exhibit B).

Tom Cott, owner of a Bozeman restaurant, stated the average yearly rate of pay range from \$6.95 an hour to \$8.46 in "tipped income" based on eight percent guidelines. Mr. Cott

stated his employees earn 20 to 30% more than the eight percent claimed on a daily basis. Employers must pay payroll taxes on said tips. Cott stated he must pay \$100,000 worth of extra taxes on wages annually, which comes to \$12,000 per year in taxes. Since 1987, when the tip credit was disallowed, the average guest check has risen to 16.8%, a substantial inflation in order to compensate the additional wage. Mr. Cott stated the business provides the building, pays taxes, hires unskilled people off the streets, pays wages, trains the employees, and covers mistakes. If the tipped credit is not passed, according to Cott, Montana's restaurant may disallow tips altogether in order to avoid paying the taxes.

Peter Orrantic, representing Frontier Family Restaurants of Bozeman, stated "tipped credit" is vital for the operation of businesses, such as Frontier Pies, and other independent businesses. Orrantic stated Frontier Restaurants is an aggressive, young company, based in Bozeman. The restaurant has been well received in Montana and would like to expand within Montana's boundaries to the major population centers, such as Great Falls and Billings. The company owns the franchise rights to seven western states. The other states look more attractive when expansion is considered. Orrantic stated it is sad a Montana company would have to go outside state boundaries in order to fill it's growth potential, especially when there are Montanans needing jobs.

James Tutwiler, Public Affairs Manager for Montana Chamber of Commerce, stated the Chamber is in full support of SB 234. Tutwiler stated the Chamber is concerned with Montana's competitive position. Labor costs are a subject of concern. Montana is rated sixth highest in the nation in terms of the cost of doing business. Montana's economy is not performing at the National economy level. Two basis statistic gives comparative information: The national hourly wage is \$9.45, while the Montana hourly wage is \$8.76. Based on November's Department of Labor statistics, the national per capita income is \$15,041. Montana's per capita income is \$12,347. SB 234 is a step in the right direction and should address the mandated raised labor cost issues. The data does not reflect the productivity increase.

List of Testifying Opponents, and What Group They Represent:

Senator J. D. Lynch, representing himself and his constituency.

Frank Sullivan, Butte, Montana. representing the Montana Restaurant and Bartender Union 457 and the Montana State Council of Hotel and Restaurants, etc.

Secily Fascione, Missoula, MT, representing the Hotel Restaurant Union.

Mary Balls, Great Falls, MT, representing herself.

Dennis Sullivan, Butte, MT, representing himself.

Elaine Bray, Great Falls, MT, representing herself.

Debbie Betterman, Butte, MT, representing herself.

Brenda Nordlund, Kalispell, MT, representing herself.

Virginia Jellison, Helena, MT, representing the Montana Low Income Coalition.

Gene Fenderson, Helena, MT, representing the Montana State Building and Construction Trade Council.

Nadine Jenson, Helena, MT, representing the Montana State AFL-CIO.

Testimony:

Senator J.D. Lynch stated he was appalled to hear testimony saying "the employees virtually do not mean better business for the business." When a business has good employees, there is more food selling, not because the restaurants has the nicest table cloth, the coldest water, or the hardiest lemon, it is because the employees help the employer make money. The word tip is defined "to incur promptness." Senator Lynch stated he goes to Jorgenson's restaurant and leaves a tip because the service is good. The idea that \$3.35 minimum wage is too high for the employers to pay and the employers should pay \$1.34 less because the customers are satisfied with the service is completely ludicrous. Do not misunderstand what has been said today. The employers are not paying \$7.00 an hour, the employers are paying taxes on \$7.00 an hour. They are paying \$3.34, which is minimum wage. Senator Lynch stated he called constituents employers asking if they want to cut their employees out of tips, so the employers don't have to pay the employees \$3.35. The employers laughed. The employers are paying above \$3.35 minimum wage scale in the sacred cities of Butte and Anaconda. Senator Lynch stated there are better ways to solve the economic problems and to encourage business than to gouge people from \$3.35 to \$2.01.

Frank Sullivan, Financial Secretary-treasurer of the Montana Restaurant and Bartender Union 457, Butte Montana; President of Montana State Council of Hotel and Restaurants; Montana Bartenders Council; President of the Silver Trades and Labor

Council for Butte Silver Bow; International Trustee for Local 746-Anaconda, 509-Anaconda, 806-Deer Lodge; and State Organizer of the State Restaurant Employees International Union, stated adamant opposition to SB 234. SB 234 would serve to rescind and set back the positive industrial gains of the 49th and 50th Legislative session. The Legislation would open the door and allow employers to use the hard earned employee tips and would subsidized employers' wage factors. In effect, the legislation creates a sub-wage for people who work for tips, who can least afford the wage decrease. The majority of these people are dependant on their hard earned tips in order to survive. According to studies, the average restaurant employee earns approximately \$5,700. The total amount earned leaves people living barely at the 1986 poverty level. "Tipped credit" would create further hardships, resulting in reduced purchasing power. The less money in workers' pockets means less money returning into the main stream economy. The downward financial spiral of financial stability would only serve to force these people, who are already clinging to the lowest economic bracket, to perhaps go on public assistance. We understand the employers may be motivated by the clamor for "tipped credit", but does this does not make the bill just. Especially, since many industry's employers are already reaping the financial rewards of government sponsored tax credits. Another financial reward is the usage of the employee trained fund, such as: on the job training, which subsidizes the employers up to six months.

The industry does not promise a 40-hour work week. The idea cannot be considered as a basis for an income. The nature of the industry has proven any kind of tip is restricted and governed by factors produced by the employer. The factors, such as time of day, shift assignment, hours, and physical handicaps and other uncontrolled circumstances. The tip proposal was overwhelmingly voted down by the 50th Legislature. SB 234 will have a serious impact on the tipped employee's economic welfare. Many opponents were prevented from testifying due to inclement weather. Sullivan submitted approximately 10,000 signatures of people who petitioned against SB 234. Additional signatures are forthcoming. The legislation includes any employee who receives \$30.00 or more in tips each month. Beauticians and taxicab drivers will also be affected. The so-called "over-paid" employees are an asset to the business.

Secily Fascione, Missoula, Mt, Hotel Restaurant Union, stated petitions are forthcoming. The restaurant worker does not get a forty hour work week, a retirement pension plans, or a health insurance program. The hourly income and the tipped income is critical for all financial needs. Even as a advocated of the workers, a jump from \$2.00 to \$3.35 is



a significant labor cost. Fascione stated she tracked various restaurants who are still in business and found the menu prices have increased regardless of hourly wage. The union feels the businesses can carry on. In 1987 the average national annual wage for an restaurant worker is \$5,700. The amount was approximately the same as the national poverty level for a single person. Many people in the restaurant industry are not single people, but who are single, heads of households supporting their children on low wages.

Mary Balls submitted a signed petition from restaurants between Great Falls and Helena. Ms Balls stated these signatures represent small businesses that employ approximately two waitresses. Ms. Balls stated she works as a waitress. These people, according to Ms Balls, are \$3.35-wage minimum people. Ms. Balls stated she could not raise her seven-year-old son on \$2.01 per hour. The customers are friends. They are given a personal touch because they are friends. The waitress is the hostess for the community. The waitresses do not receive health benefits or insurance programs. Waitresses work approximately 32 hour a week versus 40 hour weeks guaranteed at other kinds of employment. Ms. Balls stated she made \$ 3,000 in wages last year, and she worked for five and one half months.

Dennis Sullivan, Butte, Montana, stated, no doubt, the restaurant owners invest in the employee training. As a consumer, he returns to the restaurants where he is treated right. Being treated right is what tipping is all about. Mr. Sullivan urged the committee not to accept SB 234.

Elaine Bray, Great Falls, MT, stated definite support against SB 234. Ms. Bray stated she has worked in the restaurant business since she was a young girl. Later, she became secretary of the Local union and is now serving as president. Ms. Bray stated she has talked to hundreds of people in the last few day and has gathered 1,979 signatures from the Great Falls area. Ms. Bray submitted the signatures for the record.

Debbie Betterman, Butte, Montana, stated she works for a non-union restaurant and is a single parent raising two children on wages and tips. If the committee votes yes on SB 234, it will be impossible, according to Ms. Betterman, to raise the children as they should be raised.

Brenda Nordlund, Montana Women's Lobbyist, stated historically Woman's Lobbyists have opposed similar legislation, and the continue to do so at this time.

Virginia Jellison, Montana Low Income Coalition, stated opposition to SB 234. Ms Jellison stated if people's wages are reduced, these same people will end up on the welfare rolls. Ms. Jellison stated she finds it hard to believe the legislature is dealing with a bill such as SB 234 at the same time the legislature is dealing with welfare reform. Ms Jellison stated an increase in minimum wage is the answer to the problem, not a decrease.

Gene Fenderson, Montana State Building and Construction Trade Council, stated the Council is totally opposed to SB 234.

Nadine Jenson, Executive Directory of Montana State Council 9 and the American Federation of State Counties, stated opposition to SB 234. Ms Jenson stated she represents employees, she feels, who do not receive a fair wage. Ms Jenson stated, if tips help these people raise their standard of living, she is for the people and against SB 234.

Don Judge, Montana State AFL-CIO, Helena, MT, stated support opposition to SB 234. Mr. Judge submitted written testimony . (Exhibit 2)

There were no further opponents to SB 234.

Questions From Committee Members:

Senator Blaylock asked Sicily Fascione how many people in the restaurant industry work a forty hour week. Ms Fascione stated there are far more part time workers than full time employees. The number of employees changes according to the seasons. The senior employees may get forty hours a week during the summer months, but in the winter the senior employees share twenty-five to thirty-two hours a week. The additional part-time employees hired in the summer are terminated in the winter. Senator Blaylock asked if the forty hour per week senior employees are receiving health insurance and other benefits. Ms Fascione stated the benefits varies restaurant to restaurant. Very few restaurants provide health insurance benefits to their employees. Employees must work at least twenty-five hours a week year round to qualify for any employer contribution to health insurance policies. Ms. Fascione stated fewer than twenty-five percent of the people she represents have health insurance coverage.

Senator Pipinich asked how many signatures were presented to the committee. Ms Fascione stated she has over five thousands signatures. Senator Pipinich stated the complete

total is approximately ten thousands signatures against SB 234. The signatures are from restaurant patrons.

Senator Hofman asked Ms Fascione about the average wage per year. Ms Fascione stated the Montana Department of Labor's figures for 1987 list 22,000 employees in the restaurant and bar industry. The average income is \$5,709. The average number of hours worked is thirty-one hours. The \$5,709 figure, according to Fascione, does not reflect tips.

Senator Hofman asked if most people tip 5%, 10%, or 15% of the meal cost. Ms Fascione stated it is very rare to receive a 15% tip. Most people tip approximately 10% because it is easy to figure. Many people leave the change they receive after paying the bill. The federal government mandates the restaurants allocates 8% of the gross sales. The Internal Revenue declares the restaurant employees figure at eight percent. The Internal Revenue is considering a ten percent figure may be more accurate.

Senator Hofman asked Lauri Shadoan about her statement when she said she paid a high wage. Lauri said she paid her employees up to \$8.00, and the her waitresses could make more than \$8.00 per hour. Ms. Shadoan stated the committee must understand how the percent is effected. Ms Shadoan explained the procedure. The total of the tip figure and the 8% of total gross sales is considered the total tip amount. The \$6.60 a hour comes from the federal allocated tip figure. The federal government says the employee makes \$6.60 per hour, and unless the employee can prove differently, the employee has to pay taxes on the \$6.60 amount. The restaurant can handle the allocated tip figure in two ways. It is handled on an hourly basis or it is handled by the actual dollar income made per person. The employer is caught in between federal and state wage regulations.

Senator Manning asked what were the average hours a restaurant employee worked per week in the Butte area. The average is 30 hours per week. The Great Falls employee works approximately 25 hours. Based on \$2.01 an hour, the weekly rate is approximately \$240.00 per week. The average tip is approximately \$10.00 per week.

Senator Lynch asked Ms Shadoan what she pays her employees per hour without tips. Ms Shadoan replied the wage is between \$3.35 and \$4.50, depending on seniority.

Senator Keating asked Ms Shadoan if SB 234 is passed, will she also reduce the employee's wages by \$2.00 per hour or by \$1.34 per hour. Ms Shadoan said no. The reason why the issue is coming up is because HB 28 is on the floor of the

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

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House. HB 28 will increase the minimum wage. HB 28 says the minimum wage is set to come in at \$4.35 per hour or at \$4.25 per hour. Without tipped credit, it is difficult to pay the \$4.35 or the \$4.25 wage. Ms Shadoan stated she does not have a problem with a bill that says an attached wage will remain at \$3.35. Ms. Shadoan said she is concerned where the state will go with the minimum wage, but without tipped credit.

Senator Keating stated he is concerned about the \$.12 amount taken out of the tipped dollar. Senator Keating asked if that is the tax against employers. The waiter gets the dollar, and the employer pays \$.12 for social security, unemployment compensation, and workers' compensation premiums. The only thing exempt from the tipped income is the state income tax. The businesses pay federal unemployment compensation and federal social security. Senator Keating stated the Legislature could exempt the tax on Workers Comp premium in regards to the tip. Senator Keating wondered what kind of impact this action would cause.

Senator Nathe asked what determines the hourly tip. The tip is determined by the wage on a bi-monthly pay period. The more the employee claims, the more the employer claims. The amount is an arbitrary figure, and it should work for both the employee and the employer. Sometimes it is hard for the employee to come up with the \$400 at the end of the year.

Senator Keating asked Debbie Betterman what she made an hour. Ms Betterman stated she makes \$4.26--minimum wage for 24 years of service. Ms. Betterman said she works 19 hours a week. Yesterday, Ms Betterman stated she worked 11:00 to 3:00 p.m. and made \$8.40 in tips. On Sunday, Ms Betterman worked 9:00 a.m. to 1:00 p.m. and cleared \$27.00 in tips. The amount of the tips are different each day for various reasons.

Senator Keating asked if the employer paid Ms Betterman \$4.26 per hour because of her seniority or because of the amount of tips she received. Ms Betterman stated the reason is seniority. Ms Betterman stated she makes approximately \$6.00 per hour, and if SB 234 passes, she will make approximately \$4.00 per hour.

Closing by Sponsor:

Senator Boylan stated the employers know they have to have good employee in order to stay in business. SB 234 is not out to hit the wage earners. Labor and management has to get together so they don't "break the sled" that is providing the employment. Both sides must protect the

another. People are eating out more and more. The fast food people are going to take over the market because of the size, business savvy, and tax understanding. The basic issue is: Taxes have to be paid on the estimated employee wage.

## EXECUTIVE ACTION

## DISPOSITION ON SENATE BILL 70

Amendments and Votes:

Senator Aklestad stated SB 70 has a Statement of Intent.

Tom Gomez explained the section 13 of the bill provides the Department of Social and Rehabilitation Services authority to adopt rules and implement the Job Search and Training Program for recipients of the AFDC Program. The intent of the legislation is to establish the program consistent with the provisions of the federal law. This will help insure AFDC recipients education for employment and prevent long term welfare participation. The statement of intent indicates the program will be mandatory. In the 1990 Biennium beginning July 1, 1990, the program should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under section six. The statement of intent outlines the area the department should consider in adopting rules. Rules will include policy for determining participation in the program, services, the delivery of the services, and the fair hearing. The Legislature expressly intends the department will comply with federal requirements and adopt such methods of administration necessary to obtain the maximum amount of federal funds possible.

Senator Devlin moved the statement of intent. The motion passed unanimously.

Tom Gomez explained the SRS amendment. The amendment makes clear the department will provide the necessary child care assistance in line with the federal format to any persons who loses AFDC eligibility as a result of the federal earned income disregards. The amendment provides for a specific effective date of April 1, 1990 to correspond to the mandatory requirement. The department will provide necessary child care to the people who need transitional child care assistance.

The motion carried.

Tom Gomez explained the Aklestad Amendment. The governor will guarantee the program's activities are coordinated with programs administered under the Federal Job Training

Partnership Act, or any other relevant employment, training, education, or work program in Montana. The governor may consolidate the program established in section 3 with other programs to maximize program activity coordination as required in subsection one.

Senator Sam Hofman moved the amendment. The motion passed unanimously.

Senator Lynch explained the Lynch Amendment. Section six will add: "If child care is not available, the parent or other relative who is personally providing care of a child under six year of age is exempt from participation in the program." In some areas, child care is simply not available.

Lee Tickell stated the federal mandate addresses a concern where the state is required to guarantee child care. If the child care is not guaranteed, the client cannot be held accountable for not find a job. Previously, the federal mandate indicated a person could be exempt if they had children under six years of age. The federal statute says the only people who could be exempt are mothers with children under three years of age. The age requirement may go down to one year old.

Tickell said the federal mandates says that any person who has a child under three may be exempt from going to work. But if the child is between three and six years of age, the client is not exempt from going to work.

Senator Lynch asked if a mother can be exempt if the child is three years old, plus one day. Tickell stated the state has to guarantee the child care. No, the three years old and one day old child cannot be exempt, unless the availability of the child care is virtually impossible. The concern is already taken care of in current statute.

Senator Lynch asked Ms Jellison to respond. Ms Jellison stated she asked Senator Lynch to submit the amendment to clarify what the Legislature's intent is concerning the child care issue. The current law allows the administrative branch to change the ruling from three to one years of age. Ms Jellison stated the coalition would prefer the age to be three, rather than one. Families with young families should not be forced into work training unless child care is provided.

Lee Tickell stated the best way to address long term poverty is to intercede early and preventing a pattern of staying at home for six years.

Senator Keating asked who determines the administrative rules adopted by the department. Tickell replied the determination will be up to the department, as it goes through the formal rule making process. The department will follow the direction of the legislation.

Senator Nathe asked what happens if the rules are adopted, but there is opposition. Tickell stated the rules would be adopted, unless the Administrative Code Committee intercedes.

Senator Lynch stated the intent is the three years and under age group is provided an exemption, while the three to six age group will be provided child care.

Senator Aklestad stated the amendments will stay attached.

ADJOURNMENT

Adjournment At: The meeting was adjourned at 2:58 P.M.

  
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Senator Gary C. Aklestad, Chairman

GCA/mfe

minutes.131

ROLL CALL

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: January 31, 1989

	PRESENT	ABSENT	EXCUSED
SENATOR TOM KEATING	X		
SENATOR SAM HOFMAN	X		
SENATOR J.D. LYNCH	X		
SENATOR GERRY DEVLIN	X		
SENATOR BOB PIPINICH	X		
SENATOR DENNIS NATHE	X		
SENATOR RICHARD MANNING	X		
SENATOR CHET BLAYLOCK	X		
SENATOR GARY AKLESTAD	X		



SENATE STANDING COMMITTEE REPORT

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February 3, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 70 (first reading copy -- white), respectfully report that SB 70 be amended and as so amended do pass:

1. Title, line 12.

Following: "EMPLOYMENT;"

Insert: "TO REQUIRE NECESSARY CHILD CARE ASSISTANCE;"

2. Page 1, line 16.

Following: line 15

Insert: " STATEMENT OF INTENT

A statement of intent is required for this bill because [section 14] grants the department of social and rehabilitation services authority to adopt rules necessary to implement the provisions of this bill.

It is the intent of the legislature that the department establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of aid to families with dependent children obtain the education, training, and employment needed to avoid long-term dependency on welfare. The program should be a mandatory program and, in the biennium beginning July 1, 1990, should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under [section 6].

In establishing the program, the department should adopt rules for:

- (1) determining participation in the program;
- (2) providing services and activities to program participants;
- (3) determining eligibility for child care assistance under [section 9];
- (4) selecting providers of services and activities under the program;
- (5) evaluating the performance and effectiveness of the program;
- (6) imposing sanctions as provided in [section 10]; and
- (7) resolving disputes involving an individual's participation in the program.

continued

SCRSB070.203

The legislature expressly intends that the department comply with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible."

3. Page 7, line 1.

Following: "assistance."

Strike: "The"

Insert: "In accordance with sections 301 and 302 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)], the"

4. Page 7, lines 2 through 4.

Following: "assistance" on line 2

Strike: remainder of lines 2 through "for" on line 4

Insert: "to: (a)"

5. Page 7, line 5.

Following: "[section 3]"

Insert: "; and

(b) any individual whose family has ceased to receive aid to families with dependent children as a result of increased hours or income from employment or because of loss of federally prescribed earned income disregards"

6. Page 7, line 11.

Following: line 10

Insert: "NEW SECTION. Section 11. Coordination requirements -- consolidation of programs authorized. (1) The governor shall assure that program activities under [this act] are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in [section 3] with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services."

Re-number: subsequent sections

7. Page 10, line 16.

Following: "through"

Insert: "8, 10,"

8. Page 10, line 17.

Following: "12,"

Insert: "13,"

Strike: "14"

Insert: "15"

Strike: "15"

Insert: "16"

9. Page 10, line 18.

Following: line 17

Insert: "(2) [Section 9] is effective April 1, 1990."

Renumber: subsequent subsection

10. Page 10, line 18.

Strike: "Section 13"

Insert: "Sections 11, 14,"

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Gary C. Aklestad, Chairman

Statement of Intent adopted.

*H.C.*  
*2/6/90*  
*11:00*



## Montana Restaurant Association

Legislative Committee  
P.O. Box 7369  
Missoula, Montana 59807

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 1A page 1 of 2  
DATE 1-31-89  
BILL NO. SB 234

What is the tip credit?

When Congress brought the food service industry under the Fair Labor Standards Act in 1967, it recognized that restaurant employees often receive a substantial portion of their income in tips. It created what is known as the tip credit, which allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage.

Existing national law allows an employer to take a tip credit up to 40 percent of the minimum wage. This means that employers may pay their tipped employees \$2.01 an hour in cash wages and take a tip credit of \$1.34 an hour (40 percent of \$3.35).

Safeguards in the law insure that tipped employees earn at least the minimum wage. To protect tipped employees, the law provides that a tip credit cannot reduce an employee's wages below the required minimum wage. In other words, a tip credit can never exceed tips actually received by an employee. In addition, the credit must be clearly shown on payroll records, and it cannot be used at all unless its application and limitations are first explained to the employee.

Changes to tax law in the 98th and 100th Congresses reversed a long-standing policy that employee tips (in excess of the tip credit) are not remuneration for employer payroll tax purposes.

Until enactment of the Deficit Reduction Act of 1984, tips had not been considered wages for FUTA (unemployment compensation) tax purposes. The 1984 tax act defined all tips wage "wages" for FUTA purposes, thus subjecting employers, for first time, to FUTA liability on income their employees had received not from them, but from customers.

The Omnibus Reconciliation Act of 1987 extended this same rationale--that tips should be considered wages for payroll tax purposes--to FICA (Social Security) taxes. With enactment of the 1987 act, employers were required to pay FICA taxes on all reported tips, although before then they had only paid FICA on tips "deemed as wages" (tip credit).

As a result of these changes, the Internal Revenue Code now treats tips as if they were wages paid by the employer, while tips are not counted as wages under Montana law.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1A page 2 of 2

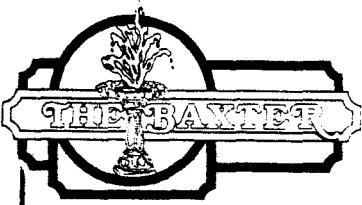
DATE 1-31-89

BILL NO. SB 234

Employers contribute significantly to the production of tip income. Tips are earned on the premises of the employer, using the employer's equipment and serving food bought and prepared under their supervision. The employer determines the general atmosphere, price of meals and the quality and presentation of food; factors that contribute directly to the level of tip income received by employees. Employers should be given "credit" for their part in providing an environment conducive to tipping. Tips are part of the employee's total compensation and are so recognized by the national government.

The tax acts of 1984 and 1987 **requires** employers to pay unemployment and the employer share of Social Security payroll taxes on tip income, making tips wages for the purposes of FUTA and FICA payroll taxes. In addition the employer pays workers' compensation payment on tips.

The Fair Labor Standards Act, under Federal law, allows tip crediting. At this time only 8 other states do not allow tip crediting. Fairness would dictate Montana restaurants should be treated similarly to businesses in other states.



January 31, 1989

SENATE LABOR & EMPLOYMENT

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DATE 1-31

BILL NO. SB234

LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
SENATOR GARY AKLESTAD, CHAIRMAN

Chairman Aklestad and members of the Labor and Employment Relations Committee;

Thank you for giving me this opportunity to testify in favor of SB 234, defining tipped employees. My name is Laurie Shadoan. I am owner of two restaurants in Bozeman, the Bacchus Pub and Rocky Mountain Pasta Co. I employ 74 people, of which 50% are tipped employees.

I feel compelled to explain in detail what a tip credit is. When Congress brought the foodservice industry under the Fair Labor Standards Act in 1967, it recognized that restaurant employees often receive a substantial portion of their income in tips. It created what is known as an employee's tip credit. This credit allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage. The existing Federal Law allows an employer to take a tip credit up to 40% of the minimum wage. This means that the Federal Law allows employers to pay their tipped employees \$2.01 per hour in cash wages and take a tip credit of \$1.34 per hour (40% of \$3.35). Federal Law has safeguards insuring that all tipped employees earn at least minimum wage.

Federal Law also passed in 1987 a law declaring that all tipped employees must claim 8% of their employer's gross income. With this addition it requires employees and employers to pay taxes on these tips. In my two restaurants the tipped employees claim for tax purposes \$5.10 and \$6.60 per hour, cash wage plus tip allocation. This figure does not represent the total income for tipped employees. I have tried several times to promote into management a tipped employee. My starting rate for floor supervisors is \$8.00 per hour. These tipped employees are clearing well above the \$8.00 per hour. I can not compete with the tipped employee.

The Bacchus Pub  
Rocky Mtn. Pasta Co.  
The Robin Lounge

Statistics indicate that there are currently 40 states with a tip credit (either state or federal). Montana currently has the sixth (6th) highest minimum wage for tipped employees. With the current legislation in the House (HB28) , Montana would move into fifth (5th) highest state. With the proposed increase to \$4.00 per hour in 1990, Montana would become the second (2nd) highest state in the nation, only behind California! You can not change the way the industry operates by ignoring that tipped employees exist.

I believe that Senate Bill 234 is written with the safeguards that should be in a bill of this nature. The definition of a "tipped employee" means any person who regularly and continuously receives \$30.00 or more a month in tips, is a financial safeguard. Federal law currently defines a "tipped employee" as a person who regularly and continuously receives \$20.00 or more a month in tips.

I have copies for each one of you in regard to the Federal and State Wage and Hour laws, and the statistics which I quoted. I urge your committee to give SB234 a "DO PASS" report.

SENATE LABOR & EMPLOYMENT

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**RANKING BY STATE OF MINIMUM CASH WAGE PLUS TIP CREDIT  
(BEGINNING WITH THE HIGHEST STATES)**

CALIFORNIA	4.25
ALASKA	3.85
MINNESOTA	3.85
WASHINGTON	3.85
HAWAII	3.65
MONTANA	3.35
NEVADA	3.35
OREGON	3.35
CONNECTICUT	3.27
GEORGIA	3.25
N. DAKOTA	2.80
W. VIRGINIA	2.68
VIRGINIA	2.65*
RHODE ISLAND	2.60
MICHIGAN	2.51
MASSACHUSETTS	2.50
S. DAKOTA	2.34
IDAHO	2.30
NEW YORK	2.30
VERMONT	2.25
DELAWARE	2.23
PENNSYLVANIA	2.22
DISTRICT OF COLUMBIA	2.15
UTAH	2.06
ALABAMA	2.01
ARIZONA	2.01
FLORIDA	2.01
ILLINOIS	2.01
IOWA	2.01
LOUISIANA	2.01
MAINE	2.01

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States that have tip credit and the amount of the tip credit.

Arkansas	50% credit
Colorado	40% credit
Connecticut	23% credit
Delaware	33 1/3% credit
District of Columbia	2.60 per hour
Hawaii	.20 per hour
Illinois	40% credit
Kansas	40% credit
Kentucky	50% credit
Maine	1.74 per hour
Maryland	40% credit
Massachusetts	40% credit
Michigan	25% credit
Nebraska	1.34 per hour
New Hampshire	50% credit
New Jersey	1.34 per hour
New Mexico	1.34 per hour
New York	1.05 per hour
N. Carolina	50% credit
Ohio	50% credit
Oklahoma	50% credit
Pennsylvania	45% credit
Rhode Island	35% credit
S. Dakota	30% credit
Texas	50% credit
Utah	25% credit
Vermont	40% credit
Virginia	Amount to be determined by employer
W. Virginia	20% credit
Wisconsin	1.74 per hour
Wyoming	50% credit

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States with NO tip credit.

Alaska	3.85
California	4.25
Georgia	3.25
Idaho	2.30
Indiana	2.00
Minnesota	3.85
Montana	3.35
Nevada	3.35
N. Dakota	2.80
Oregon	3.35
Washington	3.85

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HIBIT NO.

DATE

BILL NO.

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*1-31-89*  
*SB 234*

States with no state minimum wage.

Alabama  
Arizona  
Florida  
Iowa  
Louisiana  
Mississippi  
Missouri  
S. Carolina  
Tennessee



# Federal and State Wage and Hour Laws

The following is a tabulation of the federal and state minimum wage laws as they affect restaurants. In the past this guide has proven to be an invaluable source of information, especially for those who operate restaurants in more than one state.

In using this chart, you should be aware that in many jurisdictions change in wages, hours and other related requirements are made by administrative action rather than by legislation. Thus, the information provided here is subject to change. You should verify the data on the

chart before acting upon it in important matters.

A blank space in the chart indicates that there is no applicable provision in that jurisdiction.

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SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. B pg 6 of 17  
DATE 1-31-89  
BILL NO. SB 234

### IMPORTANT NOTE:

The state laws and regulations summarized in this supplement are current only through August of 1988 and are subject to change. Therefore, before acting on any information provided herein you are encouraged to verify it with the appropriate state agency. Further, the information provided herein is in no way intended as a substitute for the advice and counsel of your attorney or accountant.

ALSO, IT IS IMPORTANT TO NOTE THAT WHENEVER A STATE LAW OR REGULATION IS DIFFERENT FROM THE FEDERAL LAW OR REGULATION, THE LAW OR REGULATION MOST FAVORABLE TO THE EMPLOYEE MUST BE FOLLOWED.

STATE	COVERAGE/EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/OVERTIME	TIPS	CREDITS/DEDUCTIONS		SHORTAGES	REMARKS
					MEALS	UNIFORMS		
FEDERAL	FLSA covers all persons employed by enterprises with annual dollar volumes of at least \$382,500	\$3.35 per hour.	Restaurant employees and housekeeping workers: 1 1/2 times regular rate for hours worked in excess of 40 in a workweek.	Credit equal to 40% of the minimum wage, if the employee actually receives that amount. Employees must be informed of the law and must retain all tips (tip pooling permitted) (See footnote 2.)	(See footnote 3)	Expenses associated with the purchase and maintenance of employer required uniforms cannot be applied to the employee if it results in reducing hourly earnings below the required minimum. Wash and wear uniforms need not be maintained if: (1) they do not require a daily wash, (2) do not require a daily wash, and (3) do not require extensive repairs.	Employers may not deduct from an employee's pay for cash shortages, breakage, check errors, etc. if to do so would reduce the employee's hourly wage below the minimum.	The Administrator of the U.S. Labor Department's Wage and Hour Division has broad authority to issue regulations and opinions in the enforcement of the FLSA.
ALABAMA	No applicable state law.						Deductions may be made if employer authorizes them at time of employment.	Enforcement Agency: Mr. Brian Bell, Commissioner, Alabama Department of Labor, 651 Administrative Bldg., Montgomery, AL 36100 5901 (205) 721-3460
ALASKA	General coverage. Exempts persons under 18 employed on a part-time basis (not more than 30 hours a week). (See footnote 1.) However, persons under 18 working more than 30 hours per week must be paid at least federal minimum wage.	\$3.85 per hour. Alaska statutes provide that minimum wage shall be 50 cents per hour higher than prevailing federal minimum wage.	1 1/2 times regular rate after 40 hours in a week or 8 hours in a day. Overtime provisions do not apply if employer has fewer than 4 employees. Employees may enter 10 hours per day/40 hours per week at regular rate of pay. Overtime then at 1 1/2 times regular rate over 10 hours per day or 40 hours per week. Without written contract, it remains 8 hours per day/40 hours per week unless exempted elsewhere in statutes.	(See footnote 4)	Credit against minimum wage for reasonable cost on occupation basis as determined by director.	Same as federal except cannot be applied to employees if at time employer distinctive apparel or advertising).	No deductions unless employee willingly admits responsibility and voluntarily, in writing, agrees to deduction or reimbursement. Cannot cut into minimum wage under any circumstances.	Enforcement Agency: Thomas E. Scharf, Jr., Director, Labor Standards and Safety Division, Dep 101 Labor, P.O. Box 630, Juneau, AK 99802 (907) 465-4870

STATE	COVERAGE/EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/OVERTIME	TIPS	MEALS	CREDITS/DEDUCTIONS	UNIFORMS	SHORTAGES	REMARKS
	There is no minimum wage order applicable to the restaurant industry.	\$3.25 per hour effective 1/1/88 \$3.30 per hour effective 1/1/89	Employees of hotels, motels and restaurants, where such operations have an annual sales volume of less than \$302,500, shall be compensated at 1 1/2 times their regular rate for hours worked in excess of 48 hours in a work week.	Tip credit of 50 percent of minimum wage.	Credit equal to reasonable value of board, lodging and apparel, not to exceed 30 cents per hour. Meal allowance now set by regulation at \$1 per meal.	No credit is allowed on uniforms when employer requires to be worn as a condition of employment.	No deductions allowed from minimum wage.	Deductions may not be made unless one of the following applies: (1) employer is empowered by state or federal law, (2) employer has prior written authorization from the employee, or (3) there is a reasonable good faith dispute as to amount of wages due.	State has equal pay and child labor laws. Enforcement Agency: Dan Meltgen, Labor Law Investigator, Industrial Commission, P.O. Box 19070, Phoenix, AZ 85005 (602) 255-4515.
	Applies to all employers regardless of number of employees or sales volume except government employees and certain salespersons (over 18). (See footnote 1). Also exempt is any individual who is the parent, spouse, child or legally adopted child of employer.	\$4.25 per hour, \$3.60 for minors (under 18) and minors 18 and over). Wage rate for teachers for first 160 hours only. Employment of minors at lower rate may not exceed 25 percent of total work force except during school vacations. However, employers of less than 10 persons may employ 3 minors at the reduced rate. Child labor minimum may not fall below federal minimum at any time.	Overtime for adults at 1 1/2 times regular rate after 8 hours in a day or 40 in a week. Double-time for all hours worked after 12 in 1 day. Minors may not work more than 8 hours per day, 6 days per week, not before 5:00 a.m. or after 10:00 p.m. (12:30 a.m. on non-school days) and must receive time and one-half after 40 hours in a week. Meal and rest periods required.	Separate tipped classification. Tipped employees may be paid not less than \$3.50 per hour. A tipped employee is one who is engaged in an occupation in which he or she customarily receives gratuities of not less than \$50 per month. (Effective 7/1/88)	Credit allowed as follows: Breakfast - \$1.50 lunch - \$2.10 dinner - \$2.80 (Effective 7/1/88) Written consent must be obtained from employee before meal credit can be taken.	Uniform maintenance reimbursement is not required for "wash and wear" uniforms. (See footnotes 5 & 6)	Deductions are allowed only where it can be shown that the loss was caused by a dishonest or willful act on an employer's gross negligence.	Wages, hours and working conditions are established by State Industrial Welfare Commission or its Enforcement Agency: California Department of Industrial Relations, Division of Labor Standards Enforcement, P.O. Box 6003, San Francisco, CA 94101	
	Covers all employees except supervisors, nonmanagement minors may be paid 15 percent below the minimum wage.	\$3 per hour (\$2.55 per hour for nonmanagement minors)	Workers must be paid time and one-half of their regular hourly rate for any work in excess of 40 hours per week and/or for any work in excess of 12 hours per workday. Minors subject to Child Labor Law must be paid overtime wage rate for work in excess of 8 hours in a 24-hour period and/or 40 hours per week.	Tip credit of up to 40 percent of minimum wage. All tips received by tipped employee shall be retained by that employee (either individually or through a pooling arrangement). Employer is responsible for supporting amount of tip credit taken.	Reasonable cost of fair market value of providing meals to employer may be considered part of minimum wage. No profit to employer may be included in the reasonable cost of fair market value of such meals furnished. Meal must be consumed before taking this credit.	Employer required uniforms must be provided and maintained by employer. Clean and washable uniform furnished by employer and requiring no special care need not be maintained by employer.	No deductions allowed.	Wage rates, hours and other labor standards are established by the Director, Division of Labor, either directly or through a wage board. The last order applicable to restaurants was Order No. 19, which took effect on July 1, 1983. Enforcement Agency: Labor Standards Section, Division of Labor, 1313 Sherman Street, Denver, CO 80202 (303) 866-2876, 2877	
	Law covers all employees/employers. Specific industries are covered by wage orders. Persons employed in restaurant occupations are subject to Mandatory Order No. 8. (See footnote 1)	\$3.75 effective 10/1/87 \$4.25 per hour as of 10/1/88 Thereafter, % of 1 percent more than highest federal minimum wage rounded to nearest whole cent.	1 1/2 times regular rate after 40 hours in a week, 1 1/2 times time-and-one-half rate for all hours on seventh consecutive day. Minors 16-18 may not work between 11 p.m. and 6 a.m. on days preceding school days; they may work until midnight on other days.	Credit of 23 percent of minimum wage. Employee must receive at least \$1.10 in tips per week (quarter-time, \$2 a day). Employer must retain employee-signed statement. Applies only to service employees, those performing duties incidental to the serving of food/beverages to patrons seated at tables or booths.	An allowance or deduction of 85 cents for a full meal or 45 cents for a light meal.	Deposits may not be required. Otherwise, treatment is similar to federal law.	No deductions allowed.	Minimum wages and other standards are established by orders of the labor commissioner upon the recommendation of wage boards. Enforcement Agency: Salt Lake City, Utah, Director, Labor Department, 200 City Block Building, Westend Street, UT 84109 (203) 566-3450	
	General application. (See footnote 1)	\$3.35 per hour for all employees	No overtime provision. Minors under 16 may not work more than 8 hours in a day or 48 hours in a week, not after 7 p.m. or before 6 a.m. Effective 7/8/87, the law now permits 14 and 15 year olds to work until 10 p.m. on nights preceding non-school days.	Credit not to exceed 33 1/2 percent of minimum rate (\$3.35 per hour). Maximum credit, \$1.12 per hour. A tipped employee is defined as customarily and regularly receiving at least/more than \$50 a month in tips. Gratuities may not be taken or retained by an employer except as required by law. Tip pooling is permitted under certain conditions.	There is no provision for a regular meal credit, but employer may charge a reasonable amount for each meal eaten. This is permitted if employees sign agreement.	Permitted if employee signs agreement. Not permitted if deduction reduces wages below minimum.	No deductions allowed.	The Department of Labor, Division of Industrial Affairs is empowered to issue regulations on the line, tip and meal credits and other standards. Enforcement Agency: Karen E. Pevsner, Division of Industrial Affairs, Department of Labor, 8th floor, State Office Building, 820 N. French Street, Wilmington, DE 19801 (302) 571-2882	

BILL NO. SB 234  
 SUBJECT OF MINIMUM WAGE

STATE	COVERAGE/ EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/ OVERTIME	TIPS	MEALS	CREDIT/ DEDUCTIONS	UNIFORMS	SHORTAGES	REMARKS
MINNESOTA	Wage Order No. 10, effective January 2, 1982 applies to employers in hotels, restaurants, apartment buildings and related occupations. (See footnote 1.)	\$4.75 per hour \$4.30 under 18 \$4.45 for learners over 18 up to 30 days. Split shift or excess spread of hours requires additional payment of \$4.75 per day.	1 1/2 times regular rate after 40 hours in a week.	Credit of \$2.60 per hour for service employees or such lesser amount as they actually receive.	Allowance of not more than \$2.66 per meal, limited to 1 meal for 4 or less hours of work; 2 meals for more than 4 hours.	Where employer's uniform forms to the worn they must make an additional hourly payment of 13 cents if employee provides and maintains uniform; 9 cents if employer provides and employee maintains uniform and 4 cents if employer purchases but employer maintains uniform.	No deductions allowed.	Wage orders are issued by the Wage Hour Board, Enforcement Agency, Harold R. Spackman, Associate Director, Wage-Hour Office, Department of Employment Services, 2nd Floor, 394 Uptown Street, N.W., Washington, DC, 20011 (202) 576-6542.	
MINNESOTA	No general minimum wage law.		Child labor laws place maximum hour limits on minors (under 18).						
MINNESOTA	General application. Not covered employees subject to FLSA, employees with annual sales of \$40,000 or less, employees with 5 or fewer employees, employees who receive tips and high school or college students.	\$3.75 per hour.	No provision applicable to restaurant employees. Child labor laws restrict hours of persons under 18.	Licensed employees not covered.				Follows Federal Law.	Deann Collins, Georgia Dept. of Labor, 684 State Labor Bldg., Atlanta, GA 30334 (404) 656-3613.
MINNESOTA	General application. Exempts persons whose guaranteed monthly compensation is \$1,000 or more; persons covered by the FLSA except state minimum applies if higher and state workweek applies if shorter.	\$3.85 per hour effective 1/1/88.	1 1/2 times regular rate after 40 hours. Split shifts during 24-hour period prohibited unless compensated within a period of 14 consecutive hours.	Wage of a tipped employee may be deemed to be increased on account of tips if employee is paid not less than 20 cents below applicable minimum and combined amount of wages and tips is at least 50 cents more than applicable minimum wage. (See footnote 2.)	(See footnote 3.)	No special provision - generally follows FLSA.	(See footnote 7.)	The Director of Labor and Industrial Relations is empowered to make rules to implement the Wage and Hour Law. Provisions of the law may not be waived by agreement. Enforcement Agency: Yuko Kikuya, Administrative Enforcement Division, Department of Labor and Industrial Relations, Room 340, 630 Pine Island Street, Honolulu, HI 96813 (808) 548-4047.	
MINNESOTA	General application (See footnote 1.)	\$2.30 per hour. Learners and handicapped workers may, under certain circumstances, be paid less than minimum wage if the employer obtains a special permit from the Department of Labor and Industrial Services.	No general overtime provision. Minors under 16 may not be employed more than 9 hours in a day nor between 9 p.m. and 6 a.m. (See footnote 8.)	(See footnote 4.)	In the case of hotel and restaurant employees (cooks, waiters, waitresses, kitchen helpers and miscellaneous help), the valuation to be placed on meals shall be as follows: meals per day for any part thereof, \$1.50; meals per 5-day week, \$9.00; meals per 7-day week, \$10.50.	(See footnotes 5 and 6.)	Certain losses may be deducted from the wages with written authorization from employee.	The Director of the Department of Labor and Industrial Services is empowered to issue regulations. Enforcement Agency: Gary H. Gaud, Director, Department of Labor and Industrial Services, 227 N. 4th Street, Statehouse Mail House, ID 83720 (208) 334-3227.	
MINNESOTA	General application. Exempts employees employing fewer than 4 employees. Footnotes 1, 2 and 3 apply.	\$3.35 for 18 and older; \$2.85 for persons under 18.	1 1/2 times the regular rate after 40 hours for all types of establishments.	Tip credit equal to 40 percent of minimum wage.	15 cents credit permitted to bring wages up to minimum wage. Meals must be actually eaten.		No deductions allowed.	The Director of the Department of Labor has authority to make and revise regulations. Enforcement Agency: Owenlyn Martin, Director, Illinois Department of Labor, 310 South Michigan Avenue, 10th Floor, Chicago, IL 60604 (312) 793-2804.	
MINNESOTA	Employers with 4 or more employees. Exempts employees under 17 and employees covered by FLSA. Footnote 1 applies. Also exempts employees who have not been employed more than 10 weeks in any 4 consecutive 3-month periods.	\$2 per hour.				No adjustment permitted.	Deductions not permitted.	Enforcement Agency: Paul H. French, Director, Division of Employment Standards, 1013 State Office Building, Indianapolis, IN 46204 (317) 232-2083.	

SECRET 1  
 EXHIBIT 1  
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STATE	COVERAGES/ EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/ OVERTIME	TIPS	CREDIT/DEDUCTIONS		SHORTAGES	REMARKS
					MEALS	UNIFORMS		
MISSISSIPPI	No applicable state law	\$2.65 per hour. Exempts students during academic terms and people under 19 and over 60 who work less than 40 hours per week. Foodstuffs 1 applies. Reduced rate for learners and apprentices by permit.	Minors under 16 may not be employed before 7 a.m. or after 7 p.m. except from June 1 through Labor Day when hours may be extended to 9 p.m. While school is in session, 4 hours per day; 28 hours per week. Under 16 while school is not in session, maximum of 8 hours a day, 40 hours a week.	Allowance shall not exceed 40 percent of required minimum wage. Employer has the burden through substantial evidence (records) to establish that no allowance credited was actually received by employee.	Hourly rate may be reduced by the reasonable cost to employer of meals furnished to employee.	Attorney general has ruled that under federal law employer must pay employees' wages earned. Any contracts made by the employer and employee with provisions that violate the law would be unenforceable. The law would be unenforceable and void. Employer cannot make a deduction for uniforms and maintenance which would result in employee getting less wages than were due under his or her contract.	Losses due to breakage or to misplacement for goods or services rendered may not be withheld from employee's wages unless loss is attributable to the willful or intentional derelict of employee's interest by employee. Any cash shortages occurring in a common cash register or bill may not be withheld from any employee's wages.	Enforcement Agency, Division of Labor Services, DES, 1000 East Grand Lakes Mall, Jackson, MS 39201-5115, 281-3606
MISSISSIPPI	General application. Exempts hotels, motels and restaurants with annual dollar volume averages below \$95,000 for 5 preceding years. (See footnote 1)	\$3.35 per hour. Benefits, as wages, require payment of accrued vacation, commissions or other benefits according to agreement between employer and employee. Such items are subject to the same regulation.	1 1/2 times the regular rate after 40 hours in a week. The following are exempt from this overtime requirement: hotels, motels, restaurants, taxicab drivers, and mechanics and salesmen who work for automobile dealers and aircraft sales establishments.	Credit equal to 50 percent of state minimum. Employers may not require employees to retail any part of their tips (except for withholding tax purposes). Tip pooling permitted, but may not be required by the employer. Such tip pooling must be entirely voluntary. (See footnote 2)	(See footnote 1)	An employer who requires his employees to wear uniforms must provide and maintain them if costs would reduce wages of his employees below required minimum.	Deductions may be made if employer willfully or intentionally withholds but such deductions may not be made from an employee's wages. No employer shall deduct the following from the wages of employees: fines, cash penalties in a certain money bill, cash box, or register used by 2 or more persons; overcharge; losses due to acceptance by an employer of checks which are subsequently dishonored if such employer is given discretion to accept or reject any check; losses due to defective or faulty workmanship, lost or stolen property, damage to property, default or consumer credit or nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional derelict of employer's interest.	(Commissioner of Labor has authority to issue regulations governing, among other things, exempt employees, students, part time rates, and allowances under the act. Enforcement Agency, Charles E. McCoy, Director, Division of Employment Standards and Mediation, Labor Cabinet Franklin, KY 40001-3027, 504-2784)
MISSISSIPPI	No applicable state law		No minor under the age of 16 shall be employed, permitted or suffered to work in any general occupation except in street trades more than 8 hours in any 1 day, nor more than 6 consecutive days in any 1 week, nor more than 3 hours on any day when schools are in session, nor more than 40 hours in one week, nor before 7:00 a.m. or after 10:00 p.m.		No minor shall be employed, permitted or suffered to work for more than 5 hours continuously without an interval for meals. Such interval shall not be included as part of working hours of the day and in no case shall this interval be reduced to less than 30 minutes.	Employers may require uniforms at employee's expense. However, the federal rule would apply in the case of employees covered by the FLSA.	No person acting either for him self or as agent or otherwise shall assess any fines against his employees or deduct any sum as dues from their wages. This does not apply in cases where employees willfully or negligently damage goods or works or in cases where employees willfully or negligently damage or break property of employer, in such cases the fine shall not exceed the actual damage done.	Enforcement Agency, Leo C. Hamilton, Assistant Secretary of Labor, Office of Labor, 5380 Florida Boulevard, Baton Rouge, LA 70806 (504) 375-4221





SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1

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STATE	COVERAGE/EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/OVERTIME	TIPS	MEALS	CREDITS/DEDUCTIONS	UNIFORMS	SHORTAGES	REMARKS
MISSISSIPPI	No applicable state law	\$3.35 per hour	1 1/2 times the regular rate after 40 hours in a week, 48 hours for students employed by seasonal amusement or recreational area if board and lodging are furnished	(See footnote 4)	Credit equal to reasonable cost of board and lodging customarily furnished. Combined credit may not exceed 40 percent of the minimum wage.	The cost of uniforms and their laundering, where the nature of the business requires, the employee to wear a uniform is primarily for the benefit and convenience of the employer and may not be included in computing wages.	No deductions allowed	Enforcement Agency: Perry McQuinn, Director, Division of Labor Standards, Department of Labor and Industrial Relations, P.O. Box 449, Jefferson City, MO 65102 (314) 751-3403	
MISSISSIPPI	General application. Exempts employees covered by FLSA and migrant handicapped workers (See footnote 1). A state supreme court case established that where an exemption is provided in the FLSA, the person is covered by state law unless state law provides similar exemption. Therefore, employees covered by FLSA are also subject to Mississippi law even though the FLSA may provide a partial or full exemption.	Effective 8/30/87, \$3.35 per hour	No overtime requirement. State law restricts hours of employment of minors. Women's protective law required.	Separate minimum wage established for persons compensated primarily by tips. \$2.01 per hour plus all tips received. Burden is on employer to prove that employee is compensated primarily by tips.	Wages include cash value of all remuneration in any medium other than cash. Thus, allowance is actual cost.	Employer's may only deduct, withhold or divert a portion of employee's wages (1) when required by state or federal law, (2) by an order of a court or (3) when employee agrees in writing to a deduction.	Enforcement Agency: Raymond Giffin, Labor Law Compliance Program Manager, Metroside Department of Labor & Safety Standards, 13131 Jean Street, 3rd floor, Omaha, NE 68102, 1898 (402) 554-3095		
MISSISSIPPI	General application	\$3.35 per hour. Those under 18 may be hired at 85 percent of the minimum wage.	1 1/2 times the regular rate after 40 hours in a week, and after 8 hours in a day (4 day, 40-hour week, excepted from daily overtime requirement). Employees who are compensated at 1 1/2 times the minimum for all hours and persons employed by business enterprises with annual dollar volume less than \$50,000 are exempt (See footnote 1).	Tip sharing permitted (See footnote 4)	Included as part of wages if agreed to in contract or employment. Maximum allowance for meals actually consumed: 35 cents for breakfast, 45 cents for lunch, 70 cents for dinner or a total of \$1.50 per day.	No deductions or credits (See footnote 5)	Deductions must be authorized in writing by employee, who must agree to each deduction.	Enforcement Agency: Richard M. King, Director, Department of Labor, 19 Parkside Street, Concord, NH 03301 (603) 271-3176	
MISSISSIPPI	General application	\$3.45 per hour Starting Jan 1, 1988, \$3.55, Jan 1, 1989, \$3.65 per hour	Employees covered under the minimum wage law shall, in addition to their regular compensation, be paid at the rate of time and one-half for all time worked in excess of 40 hours in any one week, except for employees employed by an amusement, seasonal, or recreational establishment which does not operate for more than 7 months in any calendar year or during the preceding calendar year. Its average receipts for any six months of such year were not more than 33 1/3 percent of its average receipts for the other 6 months or any employees of employers covered under the provisions of the Federal Fair Labor Standards Act.	50 percent tip credit	The employer shall be entitled to deduct from the minimum wage an allowance for meals. The rate of such deduction shall be: Meals (weekly) \$76.75 Meals (per meal) \$1.75	Same as federal	No deductions allowed	Enforcement Agency: Cynthia A. Pavesio, Wage and Hour Administrator, Department of Labor, 19 Parkside Street, Concord, NH 03301 (603) 271-3176	

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STATE	COVERAGE/ EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/ OVERTIME	TIPS	MEALS	CREDITS/DEDUCTIONS	UNIFORMS	SHORTAGES	REMARKS
NEW JERSEY	General application	\$3.35 per hour	1 1/2 times the regular rate after 40 hours in a week. Overtime premium pay must be in cash, neither meals, lodging nor tips may be credited against it. Persons under 18 are limited to 8 hours in a day and 40 hours and 6 days in a week. (See footnote 2)	Wages may include all tips received. However, cash wage must be no less than \$2.01	Wages include full value for board and lodging. (See footnote 3)	Cost of uniforms may be deducted only if a pre-employment agreement so provides.	No deductions allowed	No deductions allowed	Commissioner of Labor has authority to issue regulations including those establishing the value of tips, meals and lodging. Enforcement Agency: Merit and Compensation Agency. Merit Enforcement Department of Labor CN 389, Trenton, NJ 08625
NEW MEXICO	General application. Persons 18 or under who are not students in a primary, secondary, vocational or training school and who are not graduates of a secondary school are exempt. College and university students are not exempt. (See footnote 1)	\$3.35 per hour	1 1/2 times the regular rate after 40 hours week, unless covered by written agreement to waive overtime compensation. All hours worked in excess of 14 in any week of 7 days, whether covered by written waiver or not, must be compensated at 1 1/2 times the regular rate.	Tipped employees, defined as customarily and regularly receiving at least \$40 a month in tips, have a special minimum wage rate of \$2.01 per hour. All tips must be retained by employees; tip pooling prohibited.	Cost of meals deductible if there is a pre-employment agreement to that effect.	Cost of uniforms may be deducted only if a pre-employment agreement so provides.	Deductions may be made only in accordance with a pre-employment agreement.	The Commissioner of Labor has authority to accept or reject Wage Board recommendations for minimum wage and such regulations as the commissioner deems appropriate. The wage order covering the restaurant industry defines the scope of the industry. Defines, within a service employee, and prescribes minimum wages and allowances for tips, meals, lodging, etc. Enforcement Agency: Human Resources, Supervising Labor Standards Inspector, State of New York Department of Labor, One Main Street, Brooklyn, NY 11201 (718) 797-7499	
NORTH CAROLINA	Minimum wage and overtime provisions cover enterprises with 3 or more employees who are not otherwise covered. By federal guidelines under the Fair Labor Standards Act and who do not fall within one of the exemptions. Major exemptions are for agricultural and domestic workers. (See footnote 1)	\$3.35 per hour to increase at the same time and on the same amount as the federal minimum wage up to \$4.00 as long as no change occurs before 6/1/89. Certain full-time students may be paid 90% of the minimum wage (rounded to the lowest nickel) (currently \$3.00 per hour) (footnote 1)	1 1/2 times the regular rate after 45 hours in a week.	Credit equal to 50 percent of the minimum wage if employee is notified in advance; is permitted to retain all tips and accurate and complete tip records are maintained by employer. Employee must certify tips. Tip pooling is allowed although no employee's tips may be reduced by more than 15 percent under such an arrangement. (See footnote 2)	Reasonable cost of meals. No set dollar amounts.	Employee may withhold or deduct a portion of employee's wages when employer has signed authorization on or before the payday for pay period from which deduction is made. Deductions for unique or customized items may not cause wages to fall below minimum wage or appropriate overtime.	Cash and inventory shortages and damage or loss to employer's property may be deducted with written authorization of employee. Employer must be notified of specific amount of deduction and may withhold for unique or customized items. Deductions may not cause wages to fall below minimum wage and overtime (for federally covered establishments).	Commissioner of Labor has authority to determine credit for meals, lodging and other facilities, provide for employment of handicapped persons, apprentices and seasonal employees with establishments operating 180 days or less per year, and generally to enforce the law. Enforcement Agency: Thomas A. Harris, Director of Wage and Hour Division, Department of Labor, 4 W. Education Street, Raleigh, NC 27601 (919) 733-2152	

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STATE	COVERAGE/EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/OVERTIME	TIPS	CREDITS/DEDUCTIONS	MEALS	UNIFORMS	SHORTAGES	REMARKS
MASSACHUSETTS	General application. Exempts employees with annual gross dollar volume less than \$150,000. (See footnote 1)	\$2.90 per hour. Learners may be paid 80 percent of minimum for 90 days. Employees with less than \$150,000 gross annual sales shall pay at least \$1 per hour in wages to all employees who customarily receive tips or gratuities on regular basis from patrons and shall pay at least \$1.50 per hour in wages to all other employees.	1 1/2 times the regular rate after 40 hours. Management and management liaisons are exempt from overtime requirements if they spend at least 50 percent of their time performing management duties.	Tipped employees must retain all tips and cannot be required to tip other employees. (See footnote 4)	Cost or value of meals may not be included in computing wages. A 30 minute meal period must be allowed between the third and fifth hour on an 8-hour shift.	Precise credit to be determined by Wage Board. (See footnote 3)	Employer must pay for required uniforms.	No deductions allowed.	Commissioner of Labor has authority to establish wage rates and other labor standards by order. The restaurant industry is subject to Public Necessity Occupation MWD Order No. 1, effective July 1, 1980. Enforcement Agency: Byron Kousser, Commissioner, Department of Labor, State Capitol Building, Boston, MA 02805 (1/01) 224-7660
MASSACHUSETTS	General application. Exempts employees with annual gross dollar volume less than \$150,000. (See footnote 1)	\$2.90 per hour. Learners may be paid 80 percent of minimum for 90 days. Employees with less than \$150,000 gross annual sales shall pay at least \$1 per hour in wages to all employees who customarily receive tips or gratuities on regular basis from patrons and shall pay at least \$1.50 per hour in wages to all other employees.	Follows federal law if not covered by FLSA. 1 1/2 times the regular rate after 40 hours. No overtime provision if gross dollar volume is less than \$150,000.	Credit equal to 50 percent of minimum hourly wage if tips are present (by deduction for federal tax purposes); employer's records show that tips plus wages equal no less than minimum wage and employee is informed of tip credit provision. Employer may not use any portion of tips to pay minimum wages, but tip pooling is allowed. (See footnote 9)	Same as federal law.	Same as federal law.	Employer must pay for required uniforms.	No deductions allowed.	Director of Industrial Relations has broad enforcement powers and authority to issue regulations after consultation with an advisory board, to appoint wage boards and to adopt or reject their recommended wage orders. The wage order applicable to food and lodging occupations is Minimum Wage Order No. 1 (M-10) (Enforcement Agency: Theresa Fitzpatrick, Division of Prevailing Wage, Minimum Wage and Merit, Department of Labor, 2221 W 5th Avenue, Box 875, Columbus, OH 43216 (614) 461-4140
MASSACHUSETTS	General application. Exempts employees with annual gross dollar volume less than \$150,000. (See footnotes 1 and 10)	\$3.35 per hour. Commissioner of Labor has authority to establish wage and labor standards and provide by regulation for employment at less than minimum wage of learners, apprentices and persons employed by age or physical handicap.	No provision for overtime. Maximum hours for persons under 16 is 8 per day, 48 hours and 6 days per week. Persons under 15 may work 7 a.m. to 7 p.m. 15-year olds may work until 11 p.m. on non-school days.	Credit equal to 50 percent of minimum wage.	Same as federal law.	Credit equal to reasonable cost of laundering uniforms.	No deductions allowed below minimum wage.	No provision generally a matter of agreement. Making to purchase an employer and employee from entering into a written contract. Lumping deductions for breakage of merchandise or inventory shortage. Cash shortages may not be deducted unless employer can show that employee is solely responsible.	Enforcement Agency: Dean Calhoun, Commissioner, Department of Labor, 1315 Broadway Place, Oklahoma City, OK 73101 (405) 235-5030
MASSACHUSETTS	General application. Exempts bona fide executive, administrative or professional employees who are salaried at minimum of \$650 per month, outside sales people, maintenance, managerial or assistant managerial personnel domiciled at multi-unit lodging accommodations with a dollar volume under \$250,000; employees covered by FLSA are also exempt.	\$3.35 per hour for adults and minors.	1 1/2 times regular rate after 40 hours in a week. Meal period of 30 minutes required after 5 hours of continuous employment. First period required for minors, 15 minutes every 4 hours; adults, 10-minute break for every 4 hours or major portion thereof.	Tips may not be used as a credit toward amount of state minimum wage due, even in federally regulated establishments.	Credit equal to actual cost, exclusive of profit.	Credit equal to fair market value.	No deductions allowed below minimum wage.	Deductions may be made for meals or lodging provided to employee; deductions may not be made for uniforms or to recover losses caused by breakage or lost shortages.	Wage and Hour Commission may establish rules prescribing minimum conditions of employment for adults and minors, if no longer has authority to set minimum wage. Enforcement Agency: Wage and Hour Division, Bureau of Labor and Industries, 1400 S.W. Fifth Avenue, Portland, OR 97201 (503) 229-5750
MASSACHUSETTS	General application. Exempts salaried executives, administrative or professional employees to the extent that they are covered under federal law. (See footnote 1)	\$3.35 per hour.	Closely parallels FLSA. Overtime requirement for restaurants is 1 1/2 times regular rate after 40 hours. No maximum hour restrictions for adults (over 18). Minors (16-18) are permitted to work 28 hours per school week (Monday through Friday) with 8 hours on Saturday and/or Sunday for a maximum of 44 hours per week.	Not to exceed 40 percent of minimum wage, assuming tipped employee is one who customarily and regularly receives at least \$30/month in tips. Employee must be informed of tip credit law, and all tips received by employee must be retained by employee. A gratuity added to charge by management or customer is property of employee. Service charge can be retained by employer.	Credit equal to actual cost, exclusive of profit.	No allowance in computing minimum wages. Employers may be required to provide and maintain uniforms under an agreement with employer, provided wages are not reduced below minimum.	Deductions may be made if authorized in writing by employees and if Secretary of Labor and industry deems such deductions proper and in conformity with intent and purpose of wage law and California law and if deductions do not reduce wages below minimum wage.	Director, Bureau of Labor Standards has enforcement powers. Director may provide for employment at less than minimum of learners, students and handicapped persons under certificate. Enforcement Agency: Helen R. Friedman, Director, Bureau of Labor Standards, Room 1305, Labor and Industry Building, Harrisburg, PA 17120 (717) 787-4670	

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STATE	COVERAGE/ EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/ OVERTIME	TIPS	CREDITS/DEDUCTIONS MEALS	UNIFORMS	SHORTAGES	REMARKS
SOUTH CAROLINA	<p>General application. Exempts persons employed in seasonal resorts which serve meals to general public, and which are open for business not more than 6 months per year although exemption applies only to employment between May 1 and October 1.</p> <p>5 employees at all times during the preceding 12 months and employees of domestic work in private homes.</p>	<p>\$4.00 per hour effective 7/1/88</p> <p>75% of applicable minimum wage for 14-15 year olds for work week of 24 hours or less. Employer's shift schedule at least a 3-hour shift. Employees reporting for work at start of shift must be given 3 hours work or 3 hours wages at regular rate.</p>	<p>1 1/2 times regular rate after 40 hours in a week. Employment of minors under 18 more than 48 hours per week is prohibited. 14- and 15-year-olds may now be employed until 7:00 p.m. and may work not more than 40 hours per week and not more than 8 hours a day. (Note: 14-15 year-old minors working more than 24 hours per week must receive minimum wage: 14-25 hours x \$3.55 hour. 16- and 17-year-old minors may work 9 hours per day.) Exempts any employee employed in a kind of job: executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act of 1938 and compensated for services on a salary basis of not less than \$200 per week. No curfew for 16- and 17-year-olds who have graduated or quit school. Students in the group may not work after 11:30 p.m. if there is school the following day. If no classes are scheduled then employment may continue until 1:30 a.m. Certificate of age necessary to prove non-student status for any work beyond curfew.</p>	<p>Credit equal to 35 percent of minimum wage. No tip credit for busboys unless they receive tips directly from customer.</p> <p>6:00 a.m. to 7:00 p.m. and may work not more than 40 hours a week and not more than 8 hours a day. 14 and 15 year olds may be employed until 9 p.m. during school vacations. (Note: 14-15</p>	<p>No authorized credit.</p>	<p>No deductions allowed.</p>	<p>No deductions allowed. However, employer has right to recover by separate legal action any monies owed employer by employee.</p>	<p>Director of Labor has broad authority to establish regulations after publication and public hearing. Newly enacted law requires regular paydays and requires employers, on request, to give employees an itemized statement of hours worked, gross wages and deductions. Enforcement Agency: Edna C. St. Germain, Administrative Division of Labor Standards, Department of Labor, 270 Elmwood Avenue, Greenville, SC 29607 (401) 457-1000</p>
	<p>Applies to personnel who have reached the age of 18.</p>	<p>\$3.35 per hour. Effective 7/1/88</p>	<p>No child under 16 shall be employed for more than 8 hours per day or 40 hours per week.</p>	<p>Credit equal to 30 percent of minimum wage. A tipped employee is defined as customarily and regularly receiving at least more than \$25 a month in tips.</p>	<p>State Attorney General has ruled that net cost of meals may be used as credit toward minimum wage, but tips and other allowances may not total more than 25 percent of required minimum wage.</p>	<p>(See Credits/Deductions: Meals)</p>	<p>(See Credits/Deductions: Meals)</p>	<p>Enforcement Agency: R. S. Clark, Director of Employment Standards, Department of Labor, P.O. Box 11329, Columbia, SC 29211 (803) 734-9603</p>

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STATE	COVERAGE/ EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/ OVERTIME	TIPS	MEALS	CREDITS/DEDUCTIONS	UNIFORMS	SHORTAGES	REMARKS
MISSISSIPPI	No applicable state law			An automatic gratuity or service charge must be distributed among the employees who served the customers					Enforcement Agency: Weldon Morris Director, Lower Floor, 501 Union Building, Nashville, TN 37219 (615) 741 7858
TEXAS	General application. Exempts persons covered by federal law, any employee less than 18, not a high school or vocational school graduate, any person under 20 who is a student, any person 1) employed by certain family members, any handicapped person (21 or younger) who is participating in a cooperative school work program (See footnote 1)	\$3.25 per hour effective 9/1/87	There is no overtime requirement in the minimum wage law	Credit equal to 50 percent of minimum wage (See footnote 2)	Credit equal to cost of meal, provided cost of meals defined in earnings statement provided employee	Deductions from an employee's wages for uniform costs may be made only with specific written authorization of the employee; permitting such deductions, any such deductions must be reported to employee with his or her wage statement	Deductions permitted under same conditions as for uniforms	Employee cannot legally withhold an employee's wages even for shortages unless there is some prior agreement (this is the position of the Tennessee Department of Labor based on the Attorney General's comment. If to a nonemployee for an employer to withhold an employee's wages unless there is some prior agreement between them giving the employee the right to withhold	Employee's withholding by unemployment insurance fund are required to pay from minimum wage unless otherwise certified. Enforcement Agency: Labor Law Division, Department of Labor, and Standards, Box 12157, Capital Station, Austin, TX 78711 (512) 475 7001
UTAH	participating in a cooperative school work program (See footnote 1)	\$2.75 in Zone 1, Salt Lake; Weber, Utah and Davis Counties and all cities not included in above counties with a population of 5,000 or more, \$2.50 in Zone 2 and all other areas not otherwise provided for	Law restricting maximum working hours for women was repealed on May 8, 1973. No employer shall employ any person under age 16 for more than 8 hours in any 24-hour period or more than 40 hours in any 1 week. If minors are attending school, they are only allowed to work 4 hours a day, providing it is not before 5 a.m. or after 9:30 p.m. (See footnote 8)	Credit equal to 25% of minimum wage if employee receives and reports to the employer receipt of at least \$30 per month in tips or gratuities. Rules for use of the credit are similar to those under federal law. All tips or gratuities shall be retained by the employees receiving such tips or gratuities; however, if will not be employees to pool tips or gratuities to be divided equally among those employees regularly receiving tips or gratuities	Credit may not exceed 50 percent of the listed menu price for a meal, no deductions for meals not eaten	Required uniforms must be provided by employer at no cost to employee. Employer may request a deposit, not to exceed \$10.00, which must be refunded to employee at time of termination	Any deduction made by employer for shortages, damages, or breakages must be reported in writing to the Commission. A signed agreement must be accepted by this office if signed under duress	A female or minor shall be treated as an experienced employee after 150 hours of work with a single employer or in the industry provided every employee may consider any new employee as an experienced female or minor not exceeding 60 hours of work from the time of employment. Enforcement Agency: Louise S. Mann Inspector, Employment Standards, Industrial Commission of Utah, 1141 E. 300 South, P.O. Box 5800, Salt Lake City, UT 84110 (800) (801) 530 6801	
VERMONT	General application, exempts employees with fewer than 2 employees. Student exemption from increase over federal minimum wage	\$3.45 per hour Starting 7/2/87, \$3.55, 7/2/88, \$3.65. Minimum wage applies to all businesses in Vermont, regardless of whether they are covered by FLSA	1 1/2 hours the regular rate after 40 hours. Employees of the following are exempt: restaurant, hotel, motel, retail/service establishments, etc.	1 1/2 credit schedule (maximum credit/minimum cash wage). See wage employees in restaurants, hotels, 7/2/86-\$2.07/1/88, 7/2/87-\$2.13/1/81 42, 7/2/88-\$2.19/1/81 46	Credit schedule for meals actually furnished and accepted: \$1.00 - breakfast \$1.25 - lunch \$1.50 - dinner \$1.75/night - lodging \$10.50/wk - full room \$22.50/wk - full board \$33.00/wk - full rmt/dtd	Where employer requires employee to wear a specific uniform peculiar to his place of business, the cost of providing and maintaining same shall not be deducted from any employee's wage nor shall any compensation pass to an employer from any employee for a uniform or maintenance thereof	All deductions permitted by law and upon written employee authorization or subsequent employer documentation on subsequent employer documentation. Those for goods or services provided by the employer to the employee for which repayment was indicated, may be made unless otherwise prohibited by law	The Labor Department can enforce the minimum wage because it requires employers to pay it if they are covered under its provisions and can take them to court if found in violation. However, employer's themselves are responsible for any unpaid monies. Enforcement Agency: Sharon S. Watson, Director, State Labor Law Administration, Department of Labor and Industry, 205 N. Fourth Street, Richmond, VA 23241 (804) 786 7386	

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STATE	COVERAGE/EXEMPTIONS	MINIMUM WAGE	MAXIMUM HOURS/OVERTIME	TIPS	CREDIT/DEDUCTIONS		SHORTAGES	REMARKS
					MEALS	UNIFORMS		
WASHINGTON	General application (See footnote 1)	\$2.30 per hour \$1.75 per hour for those under 18. Minimum wage rates for minors are set by the Director of the Department of Labor and Industries.	1 1/2 times the regular rate after 40 hours. Provision does not apply to employees who request compensatory leave in lieu of overtime pay. Maximum hours for minors 8 hours per day, 5 days per week. (See footnote 1)	(See footnote 4)	No credit allowed against wages.	Employer who requires special uniforms must furnish them free of charge to employee.	Deductions allowed if employee agrees in advance. (See footnote 7) Deductions from the employee's pay checks may not result in their receiving less than the state minimum wage unless those deductions are required by law or accrue to the employee's benefit.	*Employment Standards* (provide the standards of working conditions for all employees regardless of age or sex. Enforcement Agency: Supervisor of Employment Standards, 925 First St., Olympia, WA 98504, M/F, T/10 (206) 586-2236
WEST VIRGINIA	General application. Exempts employees with fewer than 6 employees and individuals subject to the minimum wage, maximum hours and overtime compensation provisions of the Federal law.	\$3.35 per hour	1 1/2 times the regular rate after 40 hours	Credit equal to 20 percent of regular hourly rate	Credit established by regulation; not to exceed \$1 per day	Costs not required as reasonable; thus cannot be included in computing wages.		Enforcement vested in Commissioner of Labor, Enforcement Agency: Marcell Wright, Acting Director, Wage and Hour Division, 1800 Washington Street East, Charleston, WV 25302, (304) 488-7950
MISSISSIPPI	General application	\$3.35 per hour for employees 18 and over; \$3.00 per hour for minors (17 and under). Minimum wage rates are established by Wage Order.	1 1/2 times the regular rate after 40 hours in 1 week	Ligated employees may be paid \$2.01 per hour (18 or over) or \$1.71 per hour (17 or under) if tips received make up the difference.	Credit schedule and employer cannot require that meals be accepted as part of payment of wages. Adults \$1.85 per meal; \$39.00 per week. Minors \$1.65 per meal; \$34.80 per week.	Costs may be included in wages as payment for uniforms purchased; provided (1) that the employer has actual or constructive possession of the uniform; (2) that the employee's purchase and receipt of the item is evidenced by a written acknowledgment; and (3) that the employer reimburse the terms from the employer at the employee's option upon the termination of employment at a law and reasonable price. Deductions may be made from wages as payment for uniforms assigned to the employee by the employer, provided (1) that such uniforms had not been returned to the employer upon termination; (2) that the employee gave written acknowledgment of the receipt of such item; and (3) that the uniform was assigned during the employment of such employee.	Deductions may be made from wages resulting from cash shortages; provided (1) that the employee gives written acknowledgment upon receiving employment; (2) that the employee shall be responsible for any such shortages; (3) that the employer shall at the beginning and end of her work period be verified on the amount by the employer in the employee's presence and give written acknowledgment of such verification; (3) that the employee be the sole and absolute user and have sole access to the register or cash amount; (4) that the sum not exceed \$100.00 or the deductible amount of an insurance policy carried by the employer, whichever is less.	For questions contact Charles A. Rouse, Compliance Supervisor, Wyoming Department of Labor Research, Bay, Cheyenne, WY 82002 (307) 777-7261
UTAH	General application. Exempts all minors under 18 and all part time workers (20 hours per week or less). (See footnote 1)	\$1.60 per hour	Women must be paid time and one half for any hours in excess of 8 in 1 day or 48 in 1 week	50 percent of applicable minimum wage, but ligated employees may not receive less than \$1.10 per hour.	Can deduct actual cost of meals; provided such meals are consumed by employee and acknowledged in writing.			

Footnotes follow on page 12

1. Exempts executive, administrative or professional employees.
2. A tipped employee is defined as customarily and regularly receiving at least/more than \$20 a month in tips.
3. The law allows a credit for the reasonable cost to the employer of meals furnished to employees. The credit may not include a profit.
4. Tips may not be included in computing wages--no credit allowed.
5. An employer who requires his employees to wear uniforms must provide and maintain such uniforms.
6. An employer may require a security deposit for the return of a uniform.
7. Deductions are allowed only when it can be shown that the loss was caused by a dishonest or willful act or by an employee's negligence.
8. Although state law places restrictions on the hours of work for women, when challenged, such laws are usually found invalid because they conflict with Title VII of the 1964 Civil Rights Act.
9. All restaurants and other foodservice operations which pay tipped employees less than the minimum wage, that is, they take a tip credit, must furnish to patrons a printed notice as follows: "This restaurant pays \_\_\_\_\_% of the minimum wage to its tipped employees. The balance is made up from your tips." This notice must be printed in a separate box on the menu in lettering of the same size as the most common sized lettering on the menu or be printed on a separate card that is firmly attached to the menu. Where the restaurant does not use individual menus, the notice must be posted on the bulletin board or sign. If patrons are not furnished with the required notice, all employees must be paid the full minimum wage. In Ohio, this notice need not appear on menus in restaurants covered by the FLSA.
10. Also exempts persons under 18 who are not high school or vocational school graduates, persons under 22 who are full-time high school, vocational school or college students, and part-time employees (less than 25 hours a week)

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1200 Seventeenth Street, N.W.  
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(202) 331-5900

ADDENDUM TO WAGE AND HOUR CHART

SENATE LABOR & EMPLOYMENT  
EX. NO. 1-17 of 17  
DATE 1-31-89  
BILL NO. SB 234

**California**

As of October 31, 1988, there is no longer a separate minimum wage for tipped employees in the state of California. Tipped employees, like other employees in the state, must now be paid \$4.25 per hour. The California Supreme Court has ruled unconstitutional a July 1988 Industrial Wage Commission decision to allow a two-tiered minimum wage based on the amount of an employee's tips. The court's ruling is retroactive to July 1, 1988, and all employees must be paid back wages by January 1, 1989. Interest and penalties accrue beyond that date.

**Maine**

On January 1, 1989, the minimum wage in Maine rose from \$3.65 per hour to \$3.75. The tip credit increased by a like amount, from \$1.64 to \$1.74.

**Pennsylvania**

Effective February 1, 1989, the minimum wage in Pennsylvania increased from \$3.35 to \$3.70 per hour for all employers. The tip credit rose from 40% to 45%.

**Vermont**

Effective January 1, 1989, the Vermont minimum wage increased from its 1988 level of \$3.65 per hour to \$3.75. The wage will continue to increase by no less than 10 cents a year, until it reaches \$3.95. Additionally, increases in the wage are tied to the federal minimum wage, so that the Vermont minimum wage will rise by the same amount as any future rises in the federal wage. Vermont's tip credit remains at 40 percent.

**Washington**

On January 1, 1989, the state of Washington raised its minimum wage from \$2.30 per hour to \$3.85. On January 1, 1990, the wage will go to \$4.25. There are no provisions for a tip credit.

\_\_\_\_\_ ON THE  
\_\_\_\_\_ DATE  
\_\_\_\_\_





JAMES W. MURRY  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2 page 1 of 1

DATE 1-31-89

BILL NO. SB 234

(406) 442-1708

Testimony of Don Judge on Senate Bill 234 before the Senate Labor and Employment Relations Committee, January 31, 1989

Mr. Chairman, members of the Committee, for the record my name is Don Judge and I'm representing the Montana State AFL-CIO in strong opposition to Senate Bill 234.

As has already been made very clear here today, SB 234 would allow employers to withhold paying up to 40 percent of our state's minimum wage to those employees who receive tips, or gratuities, from their customers. This change would establish a new basic minimum wage of \$2.01 per hour for such workers based on a 40 percent reduction of our current minimum wage of \$3.35 per hour. The caveat, of course, is that the employees must receive at least enough tips to raise the new basic back to the \$3.35 per hour.

Think about the effects of Senate Bill 234 for just a minute: Should this bill pass, a worker who earns up to \$4.69 per hour with the wages and tips combined could suffer a wage cut of up to 28.6 percent, or a loss of as much as \$1.34 per hour! We've heard and read extensively about how the incomes of so many Montanans rank at or near the bottom of national scales. And yet we are here discussing a bill that would take the lowest of the low paid and push them down even further -- and not by just a few points, but by as much as 28.6 percent.

Look at what that means for the employee. With a 1987 average annual wage of \$5,709 for employees of eating and drinking establishments, a 28.6 percent pay cut equals about \$1,632. That pushes their annual wage down to about 42 percent of the poverty level for a standard family of three (\$9,690 for 1987).

With an approximate 29,000 potential tipped employees in the state, the total wage loss related to this bill could reach \$38,860 per hour. Think about the effects of that multiplied annually in lost consumer spending. With an average workweek of approximately 31 hours for workers in the affected industries, the potential annual loss could equal as much as \$62.6 million! That's money taken from workers' paychecks and off of Main Street.

And think about another potential impact: untold millions of dollars more in requests for general assistance from people who have been pushed so deep into poverty that they can work full time and still qualify for welfare. This proposal comes at a time when the Legislature is trying to find ways to move people onto the job rolls and off of the welfare rolls.

**AMERICA WORKS BEST WHEN WE SAY, UNION  
YES ✓**

Testimony of Don Judge  
Senate Bill 234  
Page Two  
January 31, 1989

People who work for minimum wage plus tips don't plan their futures based on tips; they plan based on their real wages. Tips can fluctuate with the season, with the weather, with the day, with the menu. Planning for college, for home-buying, for car-buying, all depends on the base wages paid. And I submit to you that people paid a wage of \$2.01 an hour don't plan to buy new cars, don't build new houses and don't send their children off to college. And, they don't pay taxes.

This is a terribly punitive bill that cuts the very heart out of the already meager income of some of the lowest paid workers in our state. A bill in the last session of the Legislature to officially declare that tips are not wages passed the House and the Senate unanimously. We hope that the same unanimity can be applied to votes against this terribly punitive measure. We urge you to give SB 234 a resounding "do not pass" recommendation.

Thank you.

58 234

1-31-89

## **HOTEL and RESTAURANT EMPLOYEES and BARTENDERS**

LOCAL NO. 312  
AFL & CIO



PHONE (406) 755-5279  
BOX 144  
KALISPELL, MONTANA 59901

February 6, 1989

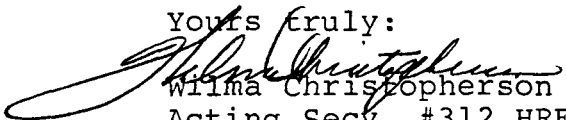
Senator Gary Aklestad  
Capitol Station  
Helena, Mt. 59620

DEar Senator Aklestad:

Enclosed are more petitions concerning the Tip Credit bill.

We ask for your support in defeating this bill. We are already  
at the poverty level. Thanking you in advance, I remain

Yours truly:

  
Wilma Christopherson  
Acting Secy. #312 HRE&B

S.B. 234  
1-31-89

We, the undersigned, as [REDACTED] employees in Great Falls, oppose efforts by the Montana Restaurant Association to pressure the State Legislature to adopt Tip Credit provision. We oppose a tip credit law because it would legally allow Montana Businesses to pay their Tipped Employees as little as \$2.00 hourly. We live on our tips and wages and believe any attempts to decrease our hourly wage through tip credit are invalid.

NAME

ADDRESS

PHONE

WORKPLACE

ONE HUNDRED THREE PAGES OF SIGNED PETITIONS WERE SUBMITTED FROM THE GREAT FALLS AREA. THE ORIGINALS ARE STORED AT THE HISTORICAL SOCIETY.

SB 284

1-31-89

We, the undersigned, as friends and relatives of tipped employees, as restaurant patrons, and as individuals concerned about the Montana economy, oppose efforts by the Montana Restaurant Association to pressure the state legislature to adopt a tip credit petition. We oppose the tip credit proposal because it would legally allow Montana businesses to pay their tipped employees as little as \$2.00 hourly. We believe tipped employees deserve a decent wage and we view a tip credit provision as unfair to Missoula's wage earners working for tips.

*Kalispell*

NAME

ADDRESS

PHONE

WORKPLACE

TWENTY-ONE PAGES OF SIGNED PETITIONS WERE SUBMITTED FROM THE KALISPELL AREA.  
THE ORIGINALS ARE STORED AT THE HISTORICAL SOCIETY.

STATEMENT OF INTENT

\_\_\_\_ BILL \_\_\_\_

Proposed Draft

January 20, 1989

A statement of intent is required for this bill because [section 13] grants the department of social and rehabilitation services authority to adopt rules necessary to implement the provisions of this bill.

It is the intent of the legislature that the department establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of aid to families with dependent children obtain the education, training, and employment needed to avoid long-term dependency on welfare. The program should be a mandatory program and, in the biennium beginning July 1, 1990, should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under [section 6].

In establishing the program, the department should adopt rules for:

- (1) determining participation in the program;
- (2) providing services and activities to program participants;
- (3) determining eligibility for child care assistance under [section 9];
- (4) selecting providers of services and activities under the program;
- (5) evaluating the performance and effectiveness of the program;
- (6) imposing sanctions as provided in [section 10]; and
- (7) resolving disputes involving an individual's participation in the program.

SB70

1-31-89

The legislature expressly intends that the department comply with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

LC0128SI

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SB 70  
1-31-89  
AKlestad

Amendments to Senate Bill No. 70  
First Reading Copy

Requested by Senator Gary Aklestad  
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez, Staff Researcher  
January 24, 1989

1. Page 7, line 11.

Following: line 10

Insert: "Section 11. Coordination requirements -- consolidation of programs authorized. (1) The governor shall assure that program activities under [this act] are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in [section 3] with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services."

Renumber: subsequent sections

2. Page 10, line 17.

Strike: "12"

Insert: "10, 13"

Strike: "14"

Insert: "15"

Strike: "15"

Insert: "16"

3. Page 10, line 18.

Strike: "Section 13"

Insert: "Sections 11 and 14"



*Lynch Amendment*  
*SB 70*  
*1-31-89*

AMENDMENT TO S.B. 70

SECTION 6. Exemptions. lines 19-22 , (1) (c)

Replace comma after "...3 years of age..." with a period and delete "...except as otherwise provided in administrative rules adopted by the department."

Add: "If child care is not available, the parent or other relative who is personally providing care of a child under 6 years of age is exempt from participation in the program."

Amendments to Senate Bill No. 70  
First Reading Copy

Requested by the Department of Social and Rehabilitation Services  
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez, Staff Researcher  
January 31, 1989

1. Title, line 12.  
Following: "EMPLOYMENT;"  
Insert: "TO REQUIRE NECESSARY CHILD CARE ASSISTANCE;"
2. Page 7, line 1.  
Following: "."  
Strike: "The"  
Insert: "In accordance with sections 301 and 302 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)], the"
3. Page 7, lines 2 through 4.  
Following: "assistance" on line 2  
Strike: remainder of lines 2 through "for" on line 4  
Insert: to: (a)
4. Page 7, line 5.  
Following: "[section 3]"  
Insert: "; and  
(b) any individual whose family has ceased to receive aid to families with dependent children as a result of increased hours or income from employment or because of loss of federally prescribed earned income disregards"
5. Page 10, line 16.  
Following: "through"  
Insert: "8, 10 through"
6. Page 10, line 18.  
Following: line 17  
Insert: "(2) [Section 9] is effective April 1, 1990."  
Renumber: subsequent subsection

Amendments to Senate Bill No. 70  
First Reading Copy

Requested by Representative John Cobb  
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez, Staff Researcher  
February 1, 1989

1. Page 7, line 11.

Following: line 10

Insert: "NEW SECTION. Section 11. Performance standards -- monitoring and evaluation of program. (1) In addition to standards of performance established pursuant to section 487 of the federal Family Support Act of 1988 [42 U.S.C. 687], the department shall provide standards to further measure the performance and effectiveness of the program. Such standards must consist of an objective, quantifiable measure of the extent to which participation in the program increases the employment and earnings of participants and decreases their dependency on public assistance.

(2) In order to determine whether performance standards are met, the department shall monitor and evaluate the program on the basis of appropriate factors that must include the following:

- (a) placement of participants in unsubsidized employment;
- (b) retention of participants in unsubsidized employment;
- (c) the increase in earnings, including hourly wages, of participants due to placement in unsubsidized employment;
- (d) reduction in the number of individuals and families receiving aid to families with dependent children; and
- (e) the amount of reductions in payments for aid to families with dependent children.

(3) In monitoring and evaluating the performance of the program, the department shall determine the reasons for high and low levels of performance, administrative efficiencies, and program coordination."

Renumber: subsequent sections

2. Page 10, line 10.

Following: line 9

Insert: "NEW SECTION. Section 16. Audit required. The legislative auditor shall conduct a performance audit of the program established in [section 3] and report the results of the audit to the 52nd legislature."

Renumber: subsequent sections

SB 70

1-31-89

Cobb  
Pg 2

3. Page 10, line 17.

Strike: "12, 14,"

Insert: "13"

Following: "15"

Insert: "through 17"

4. Page 10, line 18.

Strike: "13"

Insert: "14"

5B

LABOR COMMITTEE

VISITORS' REGISTER

51st LEGISLATIVE SESSION

234

218

163

DATE: Jan 31 1989

LEAVE PREPARED STATEMENTS WITH SECRETARY! PLEASE!!!

PRINT: NAME	REPRESENTING	Check One	
		Support	Oppose
Leon Stalcup	Montana Restaurant Assn	X	
Jim Tutwiler	MT CHAMBER COMMERCE	X	
Peter Cvrantio	Frontier Family Restaurant	X	
Laurie Shaton	King Galatin Corp	X	
Bill Garner	Dir of Wash Camp <sup>MB</sup> 218	<del>X</del>	
Don Judge	MT STATE AFL-CIO	218	X 234
Mike Jupp	MI Self		X 234
Dave Lyde	Self		X 234
Sherry Clark	Tipped employees		X 234
Jutack Ferreri	Tipped employees		X 234
Dony Beckworth	TIPPED employees		X 234
Alma O'Leary	Butte Local - C.A.S.J		X 234
Bob Eaton	C.A.S.J		X 234
Gregory DeJohn	C.A.S.J		234
Lorna Frank	Farm Bureau		
Margie Barbara Oller	Helen, Neb.		234
Debra Heimlauf	Helen, Neb.		234
Dennis E Sullivan	C.A.S.J.		234
Marie Davis	Local 457		X 234
Mike Sherwood	MT C.A.	218	
Betty Whitaker	Tipped Employee		234

LABOR COMMITTEE

VISITORS' REGISTER

51st LEGISLATIVE SESSION

DATE: JAN 31, 1989

LEAVE PREPARED STATEMENTS WITH SECRETARY! PLEASE!!!

PRINT: NAME	REPRESENTING	Check One	
		Support	Oppos
CAROL A. MAY	HERE 457		234
Kathy Polyescoe	HERE 457		234
Debbie Bitterman	waitress		234
Mary Hall	waitress		234
Debbie Sherr	waitress		234
George Wood	mt. St. James Church	113 ✓	
Shirley M. O'Hara	Ex. Board. HERE 457		234
Nadlean Jensen	AFSCME		234
Elaine J. Graham	HMR # 101		234
Charlie Mchordie	<del>HMR # 101</del> waitress		234
M. Ball Helena	201- 12th AVE Lexington	Hot 4B	234
SECKY FASCIONE Missoula	HOTEL REST. UNION		234
FRANK R. SULLIVAN	ORGANIZER- HOTEL-EMPLOYEE REST EMP. INTERNATIONAL UNION-		234
CURT Pentecost	TIPED employee		234
FINN PRUNUSKE	MAPP		234
Eugene Fekolen	MT State Bldg brook		234
Virginia Jellison	MUC -		234
Brenda Nordlund	UT Women's Lobby		234