

SENATE COMMERCE AND LABOR COMMITTEE

MINUTES OF MEETING

TUESDAY, FEBRUARY 27, 1973

The meeting was called to order at 9:00 a.m.

Senator Drakulich in the Chair.

PRESENT: Senator Herr
Senator Swobe
Senator Hecht
Senator Blakemore

Interested citizens which list is attached hereto and marked exhibit A.

S. B. 270 - Makes certain provisions concerning wages, hours and working conditions of female employees in private employment applicable to all employees.

Senator Herr explained that she introduced the bill because of the glaring fact over the nation now, with women is the fact that they are working along side men and not getting an equal wage. We must all realize that this is one of the things that is behind the ERA movement. This revolt is not going to stop. It is going to continue.

Richard Morgan, of the Nevada State Education Association stated that he was not in opposition to the bill, but had some questions as to the definitions that were in it. He requested that school teachers not be included in this bill. He said for many years there has been equal pay for equal teaching, teachers do not desire the 15 minute break that people in private employment have.

Bob Quinn, speaking for Nevada Motor Transport Association and the Nevada Franchised Auto Dealers Association spoke in favor of the bill with a few requested changes. He stated that many of the labor laws pertaining to women would need correcting if the ERA is ratified. He stated that on page three where it is stated that no person shall be employed for a period of longer than eight hours in any thirteen hour period, would cause the transportation industry some problems. Workers in that industry are exempt by Federal law from the overtime provisions. Truck drivers are permitted ten hours of driving time and twelve hours of duty time by the Department of Transportation. It said it would be prohibitive for bus drivers, truck drivers and pilots to take the fifteen minute break. The uniform requirement was requested to be taken out. He said they are contractual matters. Service riders and mechanics can work more than 40 hours. They are taken care of under the fair labor standards. He suggested that this law exclude those employees in the transport business.

Clint Knoll, General Manager of the Nevada Association of Employers testified in favor of the bill in part. He supported Mr. Guinn's statement. He felt the state was getting rather deep in the collective bargaining process by the language in Section 7 on page 2. He doesn't feel the state should guarantee work week because they might then be called upon to guarantee a monthly salary and then an annual salary.

Allen Bruce, representing the Associated General Contractors in Southern Nevada spoke next. He requested that the bill be tabled for further study so that other interested employer associations could have an opportunity to give some testimony. There were some conflicting problems as to construction. The matter of four hours so-called show up time. He presented labor contracts which were in effect in Northern Nevada which granted a two hour show up time pay base.

Stan Jones, Labor Commissioner, spoke in favor of the measure. His remarks are attached hereto as Exhibit B.

Lou Paley, representing the AFL-CIO spoke in favor of S. B. 270. He stated that at the present time many workers in the state of Nevada are not covered by minimum wage. Some are covered by the Fair Labor Standards Act, which is a Federal act. He stated that 8.6% of the people in Nevada are in the poverty area.

S.B. 270 was tabled until a future date.

S. B. 284 - Expands remedies for false, deceptive or misleading advertising.

Peter Holden, from the District Attorney's Office in Washoe County appeared to speak in favor of the bill.

Mr. Holden explained that the present law, 207.170 is an uneffective and unenforceable law. It has never been prosecuted successfully.

Don Crawley, General Manger of the Reno Better Business Bureau spoke in favor of the bill.

Mike Melner, State Commerce Director, spoke in favor of the bill.

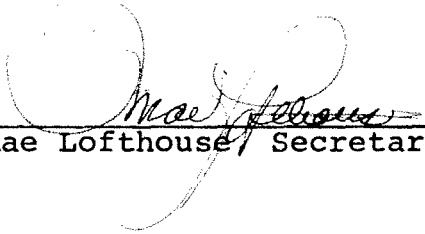
Pete Kelly, representing the Nevada Retail Association, spoke basically in support of the bill. On page 2, line 20, he objected to the work initially. He further suggested that the words, "wilfully and knowingly," be added to line 33 after the word "who." He further recommended the deletion of line 48 of Subsection 2. He feels that complaints should be brought either through the District Attorney's office or through the Attorney

General's office and not by private individuals.

Milo Terzich testified and said his company would be in favor of deleting Subsection 2, line 48 or provide a proper state board to bring the injunction. He suggested that there was still a chance of forcing someone into a situation of self incrimination.

Senators Hecht and Swobe were called to another meeting. There was not a quorum and this meeting was adjourned until Thursday, March 1, 1973, at 12:00 noon.

Respectfully submitted


Mae Lofthouse, Secretary

APPROVED:

Stanley Drakulich, Chairman

Name

Representing

RICHARD MORGAN

NSEA

F.R. Breen

State Bankers Assoc.

Marsha Mathis

Intern-Sen. Hecht

GHINT KNOLL

Nevada Ass'n of Employers

DARYL E. CAPURRO

NEVADA FRANCHISED AUTO DUES ASSN.

Robert F. Guina

NEVADA MOTOR TRANSPORT ASSN.

Allan M. Bruce

As same as same

Assoc. General Contractors

Don R. Cralle

BBB OF NO. NEVADA

P.B. Holder

W.C.D.A.

Stan Jones

NEVADA STATE LABOR COMMISSIONER

Jan Coley

New State A.T.L. C.L.O.

Wallie Warren

First Natl Bank

Exhibit A

I appear before you today as a strong advocate of decency at the workplace for many Nevada workers.

The provisions of S.B. 270, excepting a minimal increase in the minimum wage, have been a part of this state's labor codes for many years. The problem is they have been applicable to Nevada's female employees only.

We in Nevada have now reached the crossroads of time. Which direction we proceed in from this date forward is in your hands.

We can turn the pages of history back and say that your predecessors, honorable men and women such as each of you, were wrong in establishing minimum conditions of employment for Nevada's female employees and that the Nevada State Legislature was wrong when they said the health and welfare of the female workers of this state are of concern to the state and that reasonable hours and conditions of employment are not your concern.

Or, on the other hand you can say here today, those legislators were wise and that the legislation they adopted is as viable today as it was those several years ago. As a matter of fact, we view this legislation as more meaningful today than it was then.

We believe you must reach that same conclusion; since in 1967 the Nevada State Legislature amended Nevada Revised Statutes to provide it was an unlawful employment practice for an employer to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's sex. The Attorney General has said however, that if we are to implement that honorable purpose Nevada Revised Statutes must be amended to include both male and female before we may apply our present health and protective labor laws in a non-discriminatory basis.

The provisions of S.B. 270 are minimum conditions of decency at the common workplace of those who labor for their livelihood.

Many conditions of employment are established between the employer and employee or the employees union. However, time and wisdom have proven that it is necessary to establish certain minimum conditions of decency.

The shortsighted or mischievous employer is the best reason I know for employees banding together to secure satisfactory conditions of employment.

This session of the Nevada State Legislature, as no other session, must take the position Nevada is going to have minimum conditions of employment for all workers and remove the present ambiguity or mere rhetoric, or, you must tell all Nevada workers their lot is of no concern to you. No longer, with the Equal Rights Amendment, Title VII of the Civil Rights Act, and the guidelines being set down by the Equal Employment Opportunity Commission, no longer can you enjoy the luxury of failing to unequivocally tell it like it is.

You must outright repeal Chapter 609 of Nevada Revised Statutes or you must make its provisions applicable to all employees. To do less than these two alternatives will be to fail in your legislative responsibility.

There isn't any organization in the State of Nevada who either supports or opposes the Equal Rights Amendment that believes you should repeal the provisions of Chapter 609. They all have the common thread of agreement that the provisions of Chapter 609 should be applicable to all employees male and female alike.

My remarks are not made from hysteria but based upon sound evaluation and are supported by Department of Justice requests, Attorney General Opinion and Equal Employment Opportunity guidelines.

Ralph Nader has said there is no lobby for just plain citizen causes. Nader said no one was currently addressing themselves to the real citizen need with the same intensity as other well healed anti-citizen groups.

One representative of Congress said the minimum wage was being opposed by the "conglomerates". He noted hamburger kings who had literally millions to spend on commercial advertisements and lobbyists opposed a minimum wage. The representative said the chicken conglomerates, the Retail Merchants Associations were all spending tens of thousands of dollars to depress minimum wage consideration. I expect you too, will have the same groups that historically oppose labor legislation opposing this bill. If you should hear those testify as to the cost of minimum wage improvement ask them what percentage that cost might be in relationship to their annual profits.

What you, as legislators, must remember is that S.B. 270 effects real people and as such they deserve humane consideration and treatment. This includes a living minimum wage. Even at the level established by S.B. 270 it does not raise these real people above what is considered the "poverty level".

Those hamburger kings, the chicken conglomerates, the Retail Merchants Associations, are unhappy people in the midst of plenty.

Passage of S.B. 270 will make Nevada lunch bucket workers happy with moderate means.

As the advocate of all Nevada workers we urge you to pass S.B. 270.

wd