

ASSEMBLY LABOR AND MANAGEMENT COMMITTEE MINUTES

FEBRUARY 24, 1975

55

MEMBERS PRESENT: Chairman Banner  
Vice-Chairman Moody  
Mr. Barengo  
Mr. Benkovich  
Mr. Getto  
Mr. Schofield  
Mrs. Hayes

MEMBERS ABSENT: None

GUEST LIST: Warren Oakes, Associated General Contractors  
(Speaking) Stan Warren, Nevada Bell  
Les Kofoed, Gaming Industry Assoc. of Nevada, Inc.  
Louis Bergevin, Nevada Cattlemen Association  
Kate Butler, Nevadans for ERA  
Lou Paley, Nv. State AFL-CIO  
Ray Bohart, Federated Employees of Nevada  
Jean Ford, Assemblyman  
Bruce Robb, Guild, Hagen & Clark Ltd.  
Carole McCormick, Las Vegas Branch of American  
Association of University Women  
Fred Davis, President, Greater Reno Chamber of Commerce

Chairman Banner called the meeting to order at 4:30 p.m.  
Mr. Banner stated that they would ~~meeting~~ for one hour to  
hear futher testimony on AB 219 and 256 and that each side  
would be given half an hour to speak.

Stan Warren, Nevada Bell, stated that as Nevada Bell is an  
interstate carrier they were required to meet the Federal  
Fair Labor Standards Act. They oppose AB 219 as it would increase  
their operation costs and bring about inefficiency.

He stated they object specifically to Section 7, line 16.  
They presently pay time and a half overtime for over 40 hours  
in a calendar week. In order to meet federal requirements  
they would have to keep two sets of books. He cited the  
U.S. Code Title 29, Section 207 with reference to workweek.  
He stated that they would hope that the committee would consider  
rewording the bill so that it was a 40 hour work week instead  
of consecutive days. Also cited problems with Section 7, line  
17 where the bill is talking about time and a half overtime for  
8 hours in any 24 hour period. They operate on the basis of a  
work day. They have many of their people with seniority on  
a flexible work day which the employee has chosen to work.  
With this bill they would have to quit this or go back to set  
shifts. To keep the efficiency in the business they would have  
to take away this benefit from the employee.

Section 8, requiring meal breaks would be difficult in that they  
have shifts where there is only one person working and they are  
required to eat right along with the job. They actually have  
very little work to do but yet this would require them to bring

## Assembly

### LABOR AND MANAGEMENT COMMITTEE MINUTES

FEBRUARY 24, 1975

Page 2

56

in an additional employee.

Section 8, which requires the providing of suitable seats for employees. This would be impractical especially for construction men, repairmen, linemen, etc. They do meet this requirement for the people working inside but not for the outside people.

Section 11, which requires equal pay for equal work. He stated that this could result in reevaluation of jobs by the government. The federal standard accomplishes this technically.

Warren Oakes, Associated General Contractors, told the committee that the construction industry was "in a depression" with 18 to 20% of their employees unemployed. Unions are very disturbed about the cost of construction and hope to reduce this cost. Passage of this bill would put further burden on this industry. He stated that the \$1.00 for food was unrealistic. He also cited the 10-minute rest break called for in the bill and said "I'd hate to see you encourage them to loaf. We have enough trouble getting a fair day's work for a fair day's pay." He ended his statement by saying that this was a very burdensome bill which the taxpayers could not afford.

Les Kofoed, Gaming Industry Association of Nevada, Inc., stated that Judge Thompson's order gave the committee the opportunity to bring "protective and restrictive portions of applicable state laws up to federal standards". He submitted that there are provisions in AB 219 that are irrelevant and unnecessary as they are neither restrictive or protective. Specifically he referred to Section 5, which should be amended to read just like the present law. He also stated that they would like to see the committee clarify the amendment to Section 7 as proposed by Mr. Warren. Also paragraph 3 of Section 8, they would like to see deleted as unnecessary and unworkable.

Louis Bergevin, Nevada Cattlemen Association, stated that he was not sure if agriculture employees were included, but if the bill would apply to them, he would ask that some amendment be made to exempt those employees who are exempt under the Fair Labor Standards Act. He stated that much work has gone into this act and would suggest that both bills (AB219 and AB 256) be amended to read as the FLSA reads. Also stated that Section 5 of 219 where the \$1.00 meal allowance is mentioned is unreasonable. If necessary, make it reasonable and up to date at the present cost of food.

Fred Davis, President of Reno Chamber of Commerce, stated that this bill was unfair to small businessmen, of which they represent some 1,000. It would make it very difficult for them to operate. He presented a copy of their opposition and comments which are herewith attached to these minutes and made part of this record. Exhibit I.

## Assembly

LABOR AND MANAGEMENT COMMITTEE MINUTES

FEBRUARY 24, 1975

Page 3

Mr. Getto then read into the record a telegram from Jack D. Frank, Division Manager of Kennametal, Inc. which is herewith attached to these minutes as Exhibit II.

Mr. Banner than read into the record a telegram from Allan M. Bruce, Manager, Associated General Contractors, Southern Nevada Division, a copy of which is attached to these minutes and herewith made part of this record. Exhibit III.

Mr. Ray Bohart, Federal Employees of Nevada, stated that he had reviewed the amendments and they do not feel that these are sufficient. They strongly oppose any state regulations on daily overtime. This type of law in Southern Nevada, where they are in direct competition with surrounding states, would be very detrimental. He asked the committee to "please do not put us in a totally uncompromizing position with our competition in the surrounding states". He further stated, "you will destroy much of the business activity which we have now obtained."

With respect to uniform requirements that were applicable to females and are proposed in this bill, this had primarily in the past been administered with much good judgement by the State Labor Commissioner. Feel it should be left totally out of the bill.

Mr. Bohart went on to say that the provision to provide seats would totally destroy any activity and motivation to get employees off seats and to work.

Mr. Bohart ended by saying that unless the bill that the committee ends up with calls for an overtime exemption for those employees who are covered by the Federal Wage and Hour law, "you will be handing the State Labor Commissioner an intolerable job of enforcement". He would encourage that the committee allow some language in this bill whereby if any employee is subject to coverage by federal act, he is exempt from state code.

Kate Butler, Coordinator of Nevadans for ERA, read a prepared statement to the committee, copy of which is attached to these minutes and herewith made a part of this record. Exhibit IV.

Mr. Getto asked that since all benefits must be the same why not make all benefits the same as men get right now. Mrs. Butler stated that they were for real benefits and protection for all. Minimal standards that are beneficial to all workers. At the present time most of the minimum standards are written for women.



As there was no further business for this day, Chairman Banner adjourned the meeting at 5:30 p.m.

Respectfully submitted,

Sandra Gagnier,  
Assembly Attache

## AGENDA FOR COMMITTEE ON LABOR &amp; MANAGEMENT MEETING

Date Mon. Feb. 24 Time 4:30-5:30 Room 336

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*ONE HOUR MEETING TO CONSIDER AND TAKE ACTION:

- AB 219            Makes certain provisions on wages,  
                  hours, and working conditions apply  
                  uniformly to employees without regard  
                  to sex.
- AB 256            Increases minimum wage for employees in  
                  private employment.

MGMR NOB RNO  
2-026245E052 02/21/75  
ICS IPMR NCZ CSP  
7024574664 MGM TDRN LAS VEGAS NV 89105 02-21 0242P LSI  
ZIP



Exhibit L  
Mailgram



ASSEMBLYMAN ASHWORTH  
LEGISLATIVE BUILDING  
CARSON CITY 89701

WHLE THE GREATER LAS VEGAS CHAMBER OF COMMERCE RECOGNIZES THE NEED FOR ASSEMBLY BILL 219 WE ARE OPPOSED TO CERTAIN PROVISIONS IN THE PRESENT BILL. THIS INCLUDES OVERTIME, PROVIDING OF UNIFORMS AND OTHER MATTERS. OUR CHAMBER WILL ACCEPT AMENDMENTS PROPOSED BY MANAGEMENT BUSINESS PEOPLE AT THE MONDAY FEBRUARY 24 HEARING OF THE LABOR MANAGEMENT COMMITTEE. ONCE WE HAVE REVIEWED THE AMENDMENTS FROM MONDAY HEARINGS WE WILL AGAIN COMMUNICATE WITH OUR CHAMBER MEMBERS AND WITH THE LEGISLATORS.

R G "ZACK" TAYLOR, PRESIDENT GREATER LAS VEGAS CHAMBER OF COMMERCE,  
2301 EAST SAHARA AVE LAS VEGAS NV 89105

1451 EST

MGMR NOB RNO

AMENDMENTS TO A.B. 219

I.

Section 2, Paragraph 2, line 8 - Strike "." and insert:

" except employees of an employer subject to the provisions of Part I of the Interstate Commerce Act."

II.

Section 7 and Section 8, to include a provision:

"The provisions of this section do not apply to railroad employees subject to the provisions of Part 1 of the Interstate Commerce Act."

Attachment

# Exhibit I

These Amendments and Comments have the support of the Greater Reno Chamber of Commerce.

PROPOSED AMENDMENTS TO AB 219:

PAGE -2-

62

Lines 4 through 7 - Strike Section 5 in its entirety and retain existing section covering meals set forth in NRS 609.070.

Line 16 - Strike line 16 and substitute "more than 40 hours in any scheduled work week".

Lines 17 through 19 - Strike all of subsection 1 (b).

Lines 21 through 23 - Strike subsection 2 (a) and substitute "(a) the provisions of this section do not apply to persons whose rates of overtime pay are established by, or who are specifically exempted from the provisions of, the Fair Labor Standards Act of 1938, as amended (29 U.S. C. Sections 201-219)".

Lines 26 through 44 - Strike all of Section 8.

Lines 45 and 46 - Strike all of Section 9.

PAGE 3

Line 13 - After the word "employee" insert "unless otherwise directed by a legal order of a court of the land, or of an agency of the federal, state or municipal government legally constituted to do so, or by virtue of a written agreement between the employer and employee,!"

Exhibit II

63

REA159(1621)(1-033926A055)PD 02/24/75 1615

TLX NEVSCHEEL FALL

ZCZC T92 FALLON NEVADA

PMS

ASSEMBLYMAN VIRGIL GETTO

LEGISLATIVE BLDG

401 SOUTH CARSON ST

CARSON CITY NEVADA

DLR BEFORE 1600 PACIFIC DST

DEAR VIRGIL

WE WOULD LIKE TO HAVE THE FOLLOWING READ INTO THE OFFICIAL RECORD OF HEARING TESTIMONY RELATING TO THE REFERENCED BILLS. ASSEMBLY BILL #219

MEMPHANETAL IS STRONGLY OPPOSED TO ALL PARTS OF AB 219 WHICH

MAKES STATE REQUIREMENTS MORE RESTRICTIVE THAN FEDERAL LAW. WE SPECIFICALLY OBJECT TO THE FOLLOWING:

SECTION 7: THIS SECTION WOULD PLACE A HARDSHIP ON MINING AND MANUFACTURING INDUSTRIES USING CONTINUOUS PROCESSES AND OR LOCATED IN ISOLATED AREASH THESE INDUSTRIES HAVE FOUND THE USE OF A TEN DAY WORK SCHEDULE FOLLOWED BY A FOUR DAY WEEKEND TO BE ADVANTAGEOUS TO BOTH EMPLOYEES AND SONPANIES. FEDERAL LAWS REQUIRING OVERTIME PAYMENT FOR OVER 40 HOURS IN ANY WORK WEEK IS A MORE DESIRABLE APPROACH.

OPERATIONS WORKING ON A THREE SHIFT BASIS ON OCCASION ARE FACED WITH SOME SHORT SHIFT CHANGES WHICH CURRENTLY REQUIRE AN AGREEMENT BETWEEN EMPLOYEE AND EMPLOYER BUT DO NOT REQUIRE OVERTIME PAYMENTS. THE OVERTIME REQUIREMENT FOR PAYMENT OF OVERTIME WORK IN EXCESS OF 8 HOURS IN 24 HOUR PERIOD IS MORE

**RESTRICTIVE THAN FEDERAL LAW.**

**SECTION 8: REST PERIODS SHOULD BE A MATTER OF AGREEMENT BETWEEN EMPLOYEES AND EMPLOYERS.**

**SECTION 9: FURNISHING AND LAUNDERING OF UNIFORMS SHOULD BE A MATTER OF NEGOTIATIONS BETWEEN EMPLOYEES AND EMPLOYERS.**

**SECTION 11: EQUAL AMOUNT OF WORK PERFORMED WITHOUT REGARD TO SEX SHOULD BE EMPHASIZED.**

**ASSEMBLY BILL # 129**

**KENNAMETAL STRONGLY OPPOSES ASSEMBLY BILL 129. WE CURRENTLY**

**FURNISH THIS TYPE OF DISABILITY INSURANCE TO OUR EMPLOYEES AS A COMPANY PAID FRINGE BENEFIT. WE BELIEVE THAT OFF-THE-JOB DISABILITY INSURANCE SHOULD BE AVAILABLE THROUGH PRIVATE INSURANCE COMPANIES ON A COMPETITIVELY PRICED AND VOLUNTARY BASIS.**

**A BILL OF THIS NATURE HANDLED BY STATE ADMINISTRATIVE PROCEDURES WOULD NOT BE DESIRABLE AND CAN HAVE NOTHING BUT ADVERSE EFFECTS ON OUR STATES ECONOMY.**

**KENNAMETAL INC.,**

**JACK D. FRANK**

**DIVISION MANAGER**

**MMN**



# Telegram

Exhibit III

1975 FEB 24 1975  
REA099(1349)(2-021081E055)PD 02/24/75 1349

ICS IPMRNCZ CSP

7024576875 TDRM LAS VEGAS NV 38 02-24 0149P EST

FMS ASSEMBLYMAN JAMES BANNER CHAIRMAN ASSEMBLY LABOR COMMITTEE, DLR  
STATE ASSEMBLY BLDG

CARSON CITY NV 89701

REGARDING AB219 REGRET I WILL BE UNABLE TO ATTEND TODAYS CONTINUED  
HEARING MANDITORY REST PERIODS ETC IN CONSTRUCTION INDUSTRY WOULD  
IMPOSE A HEAVY COST BURDEN AND COULD RESULT IN UNNECESSARY ABUSE WE  
THEREFORE URGE OPPOSITION TO THIS MEASURE

ALLAN H BRUCE MANAGER ASSOCIATED GENERAL CONTRACTORS SOUTHERN  
NEVADA DIVISION 2301 EAST SAHARA AVENUE LAS VEGAS NEVADA 89104  
NNNN

1975 FEB 24 PM 12:02

LEGISLATION TO BE CONSIDERED: AB 219 + 256

EASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

FOR

NAME	REPRESENTING
<i>Lee Taylor</i>	<i>New State G. F. P. C. I. O</i>
<i>Stan Jones</i>	<i>United Transporters Union</i>
	<i>Neu. State Labor Commission</i>
	<b>AGAINST</b>

<i>Rain Beyers</i>	<i>Nevad Pathbrms Ass</i>
<i>L. Newton</i>	<i>NTA Law 19</i>
<i>RED BAUIS</i>	<i>GREATER RENO CHAMBER OF COMMERCE</i>
<i>Lee Kotoed</i>	<i>Earning Ind. Assn. of Nevada</i>

NAME	REPRESENTING
<i>Stan Carrin</i>	<i>Nevada Bell</i>
<i>GJ Hansen</i>	<i>The Anaconda Co</i>
<i>R. W. Williams</i>	" " "
<i>Fran Phee</i>	
<i>B. Def Carlo</i>	<i>WALLIE WARREN</i>
<i>Carole M' Cormick</i>	<i>GIANNOTI HARDWARE</i>
<i>Jimmy Lawrence</i>	
<i>Roland Cullen</i>	<i>ABC</i>
<i>Carla Anderson</i>	<i>NEV. R.R. ASSOC.</i>

KATE BUTLER, COORDINATOR, NEVADANS FOR ERA

67

Mr. Chairman, members of the committee, I am Kate Butler, coordinator of Nevadans for ERA, appearing today in support of AB219. For the first time in history, the U.S. Justice Department has filed suit against state laws that discriminate on the basis of sex. Why Nevada? In 1964, 40 States and the District of Columbia had maximum daily or weekly hours laws for women only. By 1973, all but one had responded to the changing times and the demands of their constituencies. Nevada alone retains the unfortunate distinction of being the only State to have failed to revise its discriminatory labor laws.

Because of prior legislative irresponsibility in this area, we are faced with the intervening of the federal government and a rather limited time period in which to correct the inequities. The Court has seen fit to give the legislature one more opportunity to do for ourselves rather than allow the federal government to provide the answers for us. You are the ones who must respond to your Nevada constituents who believe in equality under law. Thousands of Nevada men and women support equal employment opportunity. They will be looking to your voting record and whether you firmly decide to put an end to these discriminatory Nevada laws.

Protective labor laws, promulgated originally to protect women from exploitation, have in fact ultimately fostered it by funneling women into the lowest-paying jobs or keeping them out of the work force entirely...thus creating a new kind of exploitation. Provisions of Nevada law which are clearly discriminatory (such as the probationary period at less than minimum pay for women only) should be repealed, and provisions that extend real benefits to women workers should be extended to all workers.

Hours limits for women only ignore both the realities of the 1970s and the personal abilities of individuals in the groups they govern. The best alternative

to discriminatory limits is better standards for both men and women. Although hours limits for women only are not a real option in the 1970s, the concerns that give rise to such limits have not disappeared - concerns about fatigue, health, personal needs and family responsibilities. These are important to both men and women.

68

As in past legislative sessions, opposition continues against attempts to equalize overtime pay provisions. Such opposition suggests Nevada should follow completely, including exemptions, the Federal Fair Labor Standards Act. We suggest that would be yielding state power to the federal government. This Legislature, charged with providing for the welfare of thousands of Nevada workers, should guarantee reasonable protections to all in the work force, rather than allow the elimination of real benefits that we have long worked to achieve.

Twenty-two State legislatures, Puerto Rico, and the District of Columbia have passed overtime pay laws similar to those of Section 1 of this bill, and other States have provided for this equal protection through administrative ruling. It is interesting to note, that all of these States have also passed the Equal Rights Amendment.

Objection has also been raised to a variety of employer obligations under Section 8. These are minimal standards and should be available to all workers. Compare them with protective labor laws of California formerly on the books for women and minors only. These included not just seats, special uniforms and rest periods but also dressing rooms, first aid, weight limits, floor conditions, cleanliness, lighting, ventilation, temperature and elevator regulations. EEOC guidelines already provide variances for employers who can prove that business necessity precludes providing benefits. Nevada should go on record in support of the extension of minimal working standards for all Nevada workers.

# Legislative challenge: Put an end to sex bias

Many Nevadans are wondering "Why us?" after the Justice Department filed suit last week to strike down our state laws meant to protect women.

Perhaps we can shed some light on the matter.

The government contends a couple of our laws are discriminatory because they are used by employers to deny women job opportunities.

We agree, but we think our laws also discriminate against men.

There are many unequal provisions in new sections of Nevada Revised Statutes, chapter 609, concerning labor. The sections were adopted in the 1973 Legislature as Senate Bill 270, called the Minimum Wage Bill.

When Sen. Helen Herr introduced the bill it was written so men and women would have the same minimum wage, equal opportunities and protections. But this got changed in legislative committees.

For example, the new laws give females half-hour lunch breaks, two 10-minute breaks, suitable seats and uniforms at employers' cost if they are required.

The Justice Department suit asked the court to invalidate such provisions for women.

Nevada does not afford these protections for men. Is there any reason for this? Don't they get tired? Don't they get hungry?

For many years Nevada has had protective laws only for women and traditionalists in the 1973 Legislature apparently decided they didn't want a change.

We learned too the Legislative committee studying the bill omitted the protections for men at the request of the Motor Transport Association and the Associated General Contractors.

Nevada law also discriminates against men on overtime pay. Women must receive time-and-a-half for working more than eight hours in one day or 48 hours in one week. (Women are not to work more than eight hours a day, except in special circumstances.)

Nevada never has required overtime pay for men. Luckily though, many of them are covered by the U.S. Fair Labor Standards Act which requires overtime pay for over 40 hours a week. This covers only businesses doing a volume of \$250,000 a year.

After noting how Nevada law discriminates against men on overtime and protections, we also see the law hurts women, mainly on wages and hours.

Under the law, men and women receive the same minimum wage, but there is a special provision to pay some women less. The new laws extended Nevada's traditional right of employers to pay a lower salary to females who are undergoing a probation period of 90 days. This probation period cannot apply to male workers.

The government contends the "protections" for women give employers an excuse for not hiring or promoting females. This is especially true because Nevada law allows women to work only eight hours a day except in certain cases — such as when there is an excessive amount of business or when someone is ill.

Under the special circumstances, women may work up to 12 hours a day in any 24 hours period.

There is no limit on the amount males can work. The Justice Department case centers on the eight hour limit for women.

We have heard many complaints from women that protective laws hindered their job progress. One woman said her boss told her she could not be a store manager because managers must work long hours.

And men too suffer. Some workers on a recent construction job said they had to work 15 hours a day seven days a week.

Is there any good reason for these disparities in the law? We don't think so.

So we are not terribly surprised that the Justice Department has picked on Nevada in its quest to knock out discriminatory laws.

Perhaps we can look to the last Legislature for part of the "why" of the Justice Department suit.

The State Senate defeated the Equal Rights Amendment, with such arguments as "women are not equal" and "this would abolish our protective legislation." This protective legislation issue was a red herring because most legislators should have known it would have to go eventually. Many of them thought they could forestall this through defeat of the Equal Rights Amendment.

But obviously they failed, for the Justice Department stepped in. Even if the government loses the case, some changes now are inevitable — if only through more public awareness of the inequities in Nevada law.

Perhaps the Justice Department also was rankled by the insincerity of Nevada's Legislature in giving lip service to changing discriminatory laws.

One of the reasons for defeat of the Equal Rights Amendment was "we want to change our state laws on a piece-meal basis."

Let's see what happened. The Legislature passed bills giving wife and husband equal control of community property and banning discrimination against women in the sale of real estate.

It also removed preference for males over females in the administration of estates.

But defeated was a bill to withdraw the powers of county liquor boards to prohibit employment of females in the sale of liquor.

Also lost was a bill to abolish the Sole Trade Act which was passed in the late 1800s. It requires that a woman going into business holds a hearing at which her husband can testify against her commercial venture.

Also killed was Sen. Joe Neal's resolution to have the Legislative Commission study laws and determine if they discriminate against women. The Legislative Commission now is studying many topics in preparation for the 1975 Legislature, but equal rights for women is not one of them.

Also going down to defeat was a measure to place sex discrimination under the Equal Rights Commission rather than the State Labor Department.

This is not an exceptionally good record for ending discrimination and perhaps the Justice Department took this into account in choosing Nevada for its first attack on laws alleged to violate federal civil opportunities.

Atty. Gen. Robert List and Labor Commissioner Stan Jones have voted to fight the Justice Department suit and, of course, this is their job.

Jones has long predicted a move to strike down protective laws for women. And for several years he has campaigned for extending the laws to men, so the provisions would not be lost entirely.

Now Jones says removal of protections could result in a return of "the sweatshop conditions of the past."

We do not like his recent statements that the laws are "protective and not discriminatory." We think he knows that they are discriminatory when they apply only to one sex.

Whatever the outcome of the Justice Department suit, we hope the 1975 Legislature will make a determined effort to remove all inequities from the law and provide equal protection for men and women.

Let us come into the 20th century and remove laws which treat women like frail dolls. Today we must recognize that we are all human, work hard outside the home and have similar physical and economic needs.