
State Labor Legislation, 1937

Including Workmen's Compensation
Legislation

Prepared by

LABOR LAW INFORMATION SERVICE

CHARLES F. SHARKEY, *Chief*



Bulletin No. 654

STATES DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

UNITED STATES DEPARTMENT OF LABOR

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January 1938

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1938

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STATE LABOR LEGISLATION, 1937

INTRODUCTION

DURING the legislative year of 1937 all of the State legislatures were in session except those of Louisiana and Mississippi.¹ The legislatures of Alaska, Hawaii, and Puerto Rico also held sessions during the year.

Considerable labor legislation was enacted in 1937. As a result of the action taken during 1936 and 1937, every State now has an unemployment-compensation act, and 47 States have passed laws authorizing old-age assistance. In addition, a great deal of new or amendatory legislation was enacted providing aid to dependent children and the needy blind. Legislation was also passed covering vocational training, apprenticeship, and related subjects.

Much progress was made during the year in the field of hours-of-labor and minimum-wage legislation. Heretofore such laws have been made applicable to women and minors only, but in Pennsylvania legislation was passed providing for a 44-hour week covering all employees, and in Oklahoma a minimum-wage law was adopted affecting men, as well as women and children.

In the field of labor relations, State laws similar to the National Labor Relations Act were passed, establishing the right of collective bargaining for employees engaged in strictly intrastate employments. Such laws were adopted in Massachusetts, New York, Pennsylvania, Utah, and Wisconsin. In several States new or amendatory anti-injunction laws were considered. Legislation was also enacted providing for the arbitration and mediation of labor disputes, and the protection of employees from coercion and intimidation was the subject of legislation in several States.

Four additional States (Kansas, Kentucky, Nevada, and New Mexico) ratified the Federal child-labor amendment, bringing the total number of such States to 28. A number of States strengthened their laws relating to the employment of minors. In North and South Carolina the minimum age at which children may be employed was raised to 16 years. Several other States increased the minimum age of employment in hazardous occupations. In several jurisdictions compulsory school-attendance laws were amended, while in some of the other States the maximum hours of labor of minors were decreased. In Missouri and New York the sale of goods, etc., manufactured by child labor was declared to be unlawful.

¹ For a résumé of Federal labor legislation, see *Monthly Labor Review* for October 1937 (p. 898).

In several States the functions of the departments of labor were expanded and strengthened by the granting of additional powers and authority. Under a reorganization plan in Arkansas, Georgia, and Tennessee, departments of labor were established as separate and distinct entities.

The subject of health and safety received attention in a number of the States, while 16 States passed new or amendatory legislation relative to the regulation, etc., of the sale of prison-made goods.

As a number of legislatures held special sessions in 1936, primarily for the purpose of enacting unemployment-compensation legislation, special mention is made of such legislation in this report. For the first time an outline of workmen's compensation legislation has been incorporated in this brief review of 1937 labor legislation.

The following topical summary presents the most important labor legislation enacted in 1937, but does not include such subjects as absentee voting laws, retirement legislation, unemployment relief, or the examination, licensing, etc., of workmen.

GENERAL STATE LABOR LEGISLATION

Child Labor

During 1937 four States—Kansas (S. Con. Res. 3), Kentucky (ch. 30), Nevada (S. J. Res. No. 2), and New Mexico (H. J. Res. 4)—ratified the Federal child-labor amendment, bringing the number of States having ratified this amendment to a total of 28. However, the Kentucky Supreme Court, in the case of *James E. Wise et al. v. Albert Chandler et al.*, decided October 1, 1937, held that the ratification by the State of Kentucky was invalid.

A number of States made changes in their child-labor laws. In Hawaii the compulsory school-attendance law was amended by increasing the age of attendance from 14 to 16 years (Ser. A-25). The educational laws were also amended in Alaska (ch. 18), Oklahoma (p. 175), South Carolina (No. 344), and Wisconsin (ch. 40). The Massachusetts Legislature provided that an investigation be made relative to increasing the age of compulsory school attendance (ch. 65).

Missouri (p. 196) and New York (ch. 806) passed laws prohibiting the sale of goods, wares, or merchandise manufactured by child labor within or without the State. North Carolina made considerable changes in the law regulating child labor (ch. 317); in that State minors between 16 and 18 may hereafter be employed only 9 hours a day and 48 hours a week, no child under 16 may be employed in any factory, and minors under 18 may not work in certain hazardous occupations. The child-labor law of South Carolina was also changed (No. 331) so as to prohibit the employment of minors under 16 in any factory, mine, or textile establishment. In Vermont the law was changed (No. 176) by providing for an 8-hour day and 6-day week,

while in Wyoming (ch. 30) females may not be employed before 7 a. m. or after 10 p. m.

In Indiana the employment of a minor is prohibited where the principal business of the employer is the selling of malt or alcoholic liquors (ch. 267). The employment of a minor under 18 in a coal mine is also prohibited in this State (ch. 240). In Wisconsin the child-labor law was amended by providing that boys may not engage in street trades until they are 13 years of age (ch. 401). In that State badges are now required to be worn by minors up to the age of 18, instead of 17 as heretofore, and the hours of labor of employment in street trades are limited to 8 hours a day and 40 hours a week. Connecticut adopted several important amendments. The department of health was authorized (p. 439) to declare occupations hazardous to the health of minors under 18; however, exceptions were made in the case of minors under 16 years enrolled as bona fide apprentices. The law governing the issuance, etc., of employment certificates was also changed.

Hours of Labor

Men and women.—Six States legislated on the subject of hours of work for both men and women. In Colorado (ch. 165) the hours of labor of pharmacists were limited so as not to exceed an average of 9 hours a day and not more than 108 hours in any 2 consecutive weeks. In that State the legislature has also required (ch. 214) that all persons employed by a contractor doing public printing must observe the prevailing standard of working hours and conditions fixed by the industrial commission. In North Carolina laws were enacted (chs. 406, 409) regulating the hours of labor of men, women, and minors. Women may not be employed for more than 48 hours a week, 9 hours a day, and 6 days a week, and men may not work for more than 55 hours a week, 10 hours a day, or 12 days in any consecutive 14. However, there are numerous exceptions, such as cases of emergency and seasonal employments.

The Pennsylvania Legislature by a comprehensive act (No. 567) regulated the hours of labor of all employees in the State. Employment is limited to 44 hours a week, 8 hours a day, and 5½ days a week. The law, however, does not apply to agricultural labor, domestic servants in private homes, or persons over 21 years of age and earning \$25 a week or more in executive positions or in the professions, and the department of labor and industry may grant further exemptions. In Washington (ch. 129) the hours of labor of domestic employees are limited to 60 hours a week. In Utah (H. J. Res. 1) a constitutional amendment was proposed to permit the legislature to determine the hours of labor in certain cases; this amendment will be voted on at the next general election.

Women and minors.—A number of States made changes in laws regulating the hours of labor of women and minors. The Arkansas law was amended (Act 83) by adding to the list of establishments to which the law already applies, hotels, restaurants, banks, insurance companies, public utilities, and the operation of elevators. Under this law the hours of work are limited to 9 a day and 54 a week. The Connecticut Legislature (p. 437) has provided that emergency exceptions to the hours-of-labor law may be granted to manufacturing and mechanical establishments only for a period of 8 weeks during any 12-month period. An act (p. 438) also reduced the hours of labor for females in mercantile establishments to 8 a day, 48 a week, and 6 days a week, instead of the former limitations of 9 a day and 52 a week.

The Illinois law (p. 550) was amended in several respects, including the adoption of legislation limiting the hours of labor to 8 a day, and 48 a week. The Massachusetts Legislature (ch. 153) continued until April 1, 1938, the suspension of the law prohibiting the employment of women in the manufacture of textile goods after 6 p. m. In Nevada (ch. 207) the hours of labor of women have been limited to 8 a day and 48 a week. In New Hampshire (ch. 200) a number of new employments have been covered under the law limiting the hours of labor. Another act in New Hampshire (ch. 36) reduced the maximum hours of labor for women and minors while engaged at manual or mechanical labor in mercantile establishments from 10¼ to 10 a day, and from 54 to 48 a week.

In New Jersey a law was passed (ch. 70) which supplemented the original act regulating the hours of labor for women. By the provisions of the new law women employed in manufacturing establishments, bakeries, and restaurants are not permitted to work between midnight and 7 o'clock in the morning. However, by the provisions of chapter 113, glass manufacturing establishments and hotel restaurants are not covered by the law. Several changes were made in the New York law. By chapter 281, the maximum hours of employment of female elevator operators are fixed at 8 a day and 48 a week, instead of 9 and 54, respectively, while chapter 660 authorizes the employment of females over 18 in certain canneries between September 1 and December 1, for 10 hours a day and 6 days a week. By the provisions of chapter 283, a female over 21 may not be employed as a conductor or guard on street, surface, electric, subway, or elevated trains more than 8 hours a day or 48 hours a week. The former limitation was 9 and 54 hours, respectively.

The Ohio law was considerably amended and supplemented (S. B. 287). The maximum hours for females are now limited to 8 a day (instead of 9) and 48 a week (instead of 50), while in manufacturing industries females may not be employed for more than 8 hours a day

or 45 hours a week. The law also requires that employecs must be given a meal period, and the maximum hours for boys under 18 and girls under 21 are fixed at 48 a week. The Pennsylvania act was amended (No. 322) by fixing the maximum hours of work for females at 8 a day, 44 a week, and 5½ days a week, instead of the former provision of 10 a day, 54 a week, and 6 days a week. In Vermont (No. 177) the hours of labor for women and children are now limited to 9 per day (formerly 10½) and 50 per week (formerly 56), but in cases of extraordinary emergency public-service employees are exempted from the act.

Drivers of motor vehicles.—New or amendatory legislation regulating the hours of labor of drivers of motor vehicles was adopted in California (ch. 228), Indiana (ch. 300), Iowa (ch. 134), New York (ch. 534), and Washington (chs. 166 and 184).

Miscellaneous.—In Connecticut (p. 438) the provisions of the law relating to night work of women and minors were amended by exempting physicians, surgeons, nurses, pharmacists, attorneys, teachers, and social-service workers. The New York law was changed (ch. 84) by requiring additional meal periods for persons starting work before noon and continuing later than 7 o'clock; persons employed more than 6 hours, starting between the hours of 1 o'clock in the afternoon and 6 o'clock in the morning, must be allowed a specified meal period. The law of New York State relating to the hours of labor on public works was also amended (ch. 676) by providing that time lost in 1 week because of inclement weather may be made up during that week or during the succeeding 3 weeks. The Utah law governing an 8-hour day for men employed in mines was amended (ch. 59) so as to provide that the 8-hour period must be computed from the time the men go underground until they return to the surface.

Labor Relations

Collective bargaining.—In five States—Massachusetts (ch. 436), New York (ch. 443), Pennsylvania (No. 294), Utah (ch. 55), and Wisconsin (chs. 51 and 173)—laws were enacted establishing State labor relations boards.²

Colorado passed a law (ch. 195) regulating the bituminous-coal mining industry of the State and providing for the establishment of codes of fair competition. The law requires that employees must be permitted to organize and bargain collectively through representatives of their own choice, and assures to them freedom from interference, restraint, and coercion from any source whatever. Antiunion contracts are prohibited.

The Nevada Legislature (ch. 206) provided that combinations of workmen or laborers may represent employees in a labor dispute.

² See analyses of acts in *Monthly Labor Review* for October 1937 (p. 854).

In Utah a law (ch. 57) was passed requiring employers, at the request of an employee, to pay not more than 3 percent of the employee's wages to labor organizations. The registration of labor organizations with the industrial commission is provided by another law (ch. 56).

Arbitration and mediation.—In Connecticut an act was passed (p. 439) extending to the board of mediation and arbitration the power to examine the pay roll or other records, and to inspect conditions affecting relations between employers and employees where a strike or lock-out exists. The act also provides for the appointment of alternate members of the board and investigators to make inspections and to adjust disputes.

In New York a State board of mediation was established (ch. 594). Legislative power was granted to the Pennsylvania Department of Labor and Industry to mediate labor disputes (No. 177). In South Carolina (No. 340) the duties formerly vested in the State board of conciliation were transferred to the commissioner of labor. The commissioner is required to investigate industrial disputes, strikes, or lock-outs, to make findings of fact, and to attempt to induce both parties to arrive at an amicable agreement.

Intimidation and coercion.—In Colorado (ch. 188) employers must not interfere in their employees' right to engage in politics or to become candidates for public office. In Pennsylvania (Act No. 288) an employer must not threaten or intimidate employees for failing or refusing to sign petitions. A similar law prohibits an employer from influencing the political actions of an employee in West Virginia (ch. 36).

Strikes and lock-outs.—A new anti-injunction law was passed in Pennsylvania (No. 308). Under the law persons who have an indirect interest in a labor dispute, as well as those who have ceased work because of a labor dispute, are considered employees. It is also provided that officers and members of unions are not liable for unlawful acts of agents unless they actually participated in such actions or ratified them. The act also provides that an employer who has employed strikebreakers may not be granted an injunction. The Wyoming law was amended (ch. 15) so as to provide that a court may not enjoin patrolling, among other acts, in order to give publicity to the existence of a labor dispute. Tennessee (ch. 160) and Vermont (Act No. 210) passed laws prohibiting so-called sit-down strikes. In Utah (ch. 53) the legislature required that any person before accepting employment during a strike must register with the industrial commission. In that State, also, picketing was declared lawful (ch. 58). The Pennsylvania Legislature (Act No. 391) prohibited any person, firm, etc., not directly involved in a strike or lock-out from recruiting persons to take the place of striking employees.

The Arkansas Legislature (Act No. 166) established a department of State police. Of particular interest to labor is a provision that no

officer or member of the State police may ever be used for performing police duties on private property in connection with any strike, lock-out, or other industrial disturbance. In Massachusetts the activity of private police and detectives in labor disputes was regulated (ch. 437). Hereafter a licensed detective who enters an industrial plant as an employee for the purpose of interfering with the organization of employees must register with the commissioner of public safety. The Utah Legislature declared (ch. 52) that peace officers may not deputize the employees of a private employer when a strike or lock-out directly concerning the employer exists. In Connecticut (p. 278) the legislature authorized the commissioner of State police to appoint special policemen for the protection of the property of any gas, electric, telephone, telegraph, or water company. Upon application of any railroad, street railway, or steamboat company the State police commissioner is authorized to appoint one or more persons designated by such company to act as policemen.

Miscellaneous.—California (ch. 396) authorized the adoption of codes of fair competition in certain trades and industries. All provisions of the State laws, or of the laws of the United States, governing labor conditions in service trades are considered incorporated in the provisions of any code. In Minnesota (ch. 235) the Governor was authorized, upon request of 65 percent of the service-trades employers, to prescribe regulations and standards of trade practices governing maximum hours, minimum rates of pay, and working conditions so as to prevent unfair competition. In Colorado a law was enacted (ch. 113) regulating the cleaning and dyeing trade, providing for a maximum 60-hour week for route salesmen and a maximum 8-hour day for all other employees, except night watchmen, executives, and employees engaged in emergency work. A 6-day week was also established, and the industrial commission has been authorized to fix fair wages for the various classes of employees. No person under 17 years of age may be employed. Employees must be given the right of self-organization and collective bargaining, and antiunion contracts are prohibited.

A labor code, consisting of all laws relating to labor, was enacted in California (ch. 90), and Wisconsin (ch. 166) directed the industrial commission to compile and codify such laws and general orders of the commission. In New York (ch. 296) no person may be required to be fingerprinted as a condition of securing employment or of continuing employment. The Ohio law relating to assignment of wages was amended (S. B. 103) so as to make valid any contract or agreement between employers, employees, and a labor union that authorizes a deduction from the wages of the employees for payment of union dues. The criminal syndicalism law of Washington was repealed (ch. 210).

The Massachusetts Legislature passed a resolution (Resolve, ch. 30) asking the commission on interstate compacts affecting labor and industries to consider the problems relating to employment and the preservation of freedom and equality of bargaining power. A recess committee was created in Maine (p. 583) to study labor relations.

Wages

Minimum wages.—As a result of the United States Supreme Court decision holding minimum-wage laws constitutional,³ much legislation was adopted by the States. In four jurisdictions (Arkansas, District of Columbia, Minnesota, and Puerto Rico) minimum-wage laws which were already on the statute books were revived and made effective. Such laws were also amended or reenacted in Colorado (ch. 189), Connecticut (p. 286), Massachusetts (ch. 401), Minnesota (ch. 79), New York (ch. 276), and Wisconsin (ch. 333). New minimum-wage laws were adopted in Arizona (ch. 20, 2d Spec. Sess.), Nevada (ch. 207), Oklahoma (p. 387), and Pennsylvania (No. 248). The Oklahoma law was made applicable to men, as well as to women and minors.

Payment of wages.—A number of States made changes in the laws governing the payment of wages. In Maine a daily record of the hours of labor of employees must be kept (ch. 193). The Michigan Legislature (Act No. 119) added several new occupations to the wage-payment law. Hereafter, wages must be paid not later than 8 a. m. on the 15th and last days of the month in Nevada (ch. 31). A new law was enacted in New Mexico (ch. 109) requiring semimonthly pay days and regulating the time of payment in case of resignation or discharge. The Tennessee Legislature (ch. 153) made violations of the wage-payment law punishable by a fine instead of a forfeiture. The Utah law was reenacted (ch. 60), and provides for regular semimonthly pay days and regulation of the time of payment in cases of resignation, discharge, or suspension of work. A law (H. B. 343) was passed by the legislature of South Carolina regulating the payment of wages. This law, however, was vetoed by the Governor. In Maryland the legislature (J. Res. No. 16) authorized the appointment of a commission to study the question of unpaid wages.

The New Hampshire law relating to the payment of wages was amended (ch. 149) and now requires that wages of employees who are discharged must be paid within 72 hours. The Oregon law was changed so that in cases of discharge the wages must be sent to the employee if he so requests (ch. 92). A new law (p. 596) was enacted in Illinois requiring the payment of wages of a discharged employee within 5 days, when amounting to \$100 or less. In Puerto Rico

³ See Monthly Labor Review for May 1937 (p. 1202).

(No. 17) employees are guaranteed the benefits of the additional compensation fixed by law in case of discharge without previous notice or justified cause.

Three States legislated on the payment of wages in scrip. In Texas (H. B. 19) employers who pay wages in scrip are required to redeem it in cash when presented on the regular pay day. In case of a refusal to redeem, the holder of the scrip may sue and the judgment will include a penalty of 25 percent of the amount due plus reasonable attorneys' fees. The Florida law was amended (ch. 18004) so as to provide that the face value of scrip must be paid in cash within 30 days, instead of 90 days as formerly. A Maryland law (ch. 340) now prohibits a bank or trust company from paying less than the full face value of any check issued in payment of wages.

Wages on public works.—New or amendatory legislation requiring the payment of minimum wages on public works was enacted by Arkansas (No. 74), Hawaii (Ser. A-3), Massachusetts (ch. 346), Pennsylvania (Nos. 26, 373), and West Virginia (ch. 132). In the following States laws were passed relating to the payment of the prevailing rate of wages on public works: Connecticut (p. 269), Nevada (ch. 139), New Mexico (ch. 179), New York (chs. 85, 918), Ohio (S. B. 54), and Oregon (ch. 200).

Garnishment and assignment of wages.—The California law relative to garnishment of wages was amended by providing that in cases where the debt is due to the purchase of necessities or for wages, exemption of all of the wages from garnishment will not be allowed (ch. 578). A new law passed in Connecticut (p. 481) prohibits wage assignments and the attachment or garnishment of wages. In Rhode Island (ch. 2532) the salary or wage of a debtor is exempt from attachment for a period of 1 year after he has been on relief.

Legislation relating to the assignment of wages was considered by several States. In Illinois, the wage-assignment law was amended (p. 570) by requiring that an assignment must be a separate instrument complete in itself, and not a part of any conditional sales contract. New Jersey passed a new law (ch. 171) regulating the assignment of wages. In North Carolina the wage-assignment law was amended (ch. 90) so as to make it applicable to four additional counties. An employee in Minnesota may now authorize his employer to make deductions from his wages for certain specified purposes (ch. 95). In West Virginia (ch. 131) only one-fourth of an employee's wages may be assigned.

New or amendatory laws regulating the business of making small loans were enacted by Arkansas (Act 135), Connecticut (pp. 405, 423), Hawaii (Ser. D-151), Rhode Island (ch. 2496), Vermont (No. 184), and Washington (ch. 213).

Miscellaneous.—For the protection of employees engaged in mining, Arkansas (Act 116) and Oklahoma (p. 393) enacted laws requiring employers having more than three employees to give a bond to assure payment of wages when due and also to pay wages semimonthly. In New York the labor law was amended by chapter 500, which empowers the industrial commissioner to investigate and attempt to adjust controversies between employers and employees in respect to wage claims. The commissioner is also authorized to take assignment of wage claims and to sue to collect such claims.

Legislation was enacted in Massachusetts (ch. 342) requiring the posting of a notice stating the portion of tips certain employees are permitted to retain. In New Hampshire hereafter every employer must inform a new employee of the amount of wages he is to receive (ch. 94). Under a new California law (ch. 357) an employer cannot collect or receive from an employee any part of the wages previously paid. In this State it is now unlawful for the employer secretly to pay a lower wage, where any statute or contract requires an employer to maintain a designated wage scale. In Maine (ch. 188) the installation of "pick clocks" on looms is required in textile factories, and notices must be posted specifying the character of the work to be done and the rate of compensation.

Health and Safety

A number of States considered the health and safety of workers by the enactment of appropriate legislation.

Inspection of boilers.—A Texas law (H. B. 352) provided for the inspection of boilers, and hereafter permits will be required for operating them. Amendatory legislation was adopted in Arkansas (Act 127), North Carolina (ch. 125), and Pennsylvania (Nos. 244, 347).

Inspection of mines.—A number of States changed their laws or enacted new ones for the safety of workers in mines. The Alaska law was amended (ch. 53) to regulate underground boring or drilling. In Arkansas (Act 233) and Colorado (ch. 196) the law was considerably changed and more stringent requirements were adopted as to the inspection of mines. Indiana, by the adoption of chapter 238, made the law applicable to all mines where men are employed instead of to mines where 10 or more work. Similar legislation was enacted in Maryland (ch. 188). In Iowa (ch. 96) a license must be procured from the State mine inspector before a mine may be opened, while in Wyoming (ch. 95) such a license must be obtained before either opening or closing a mine.

The Legislatures of Iowa (ch. 97), New York (ch. 537), Montana (ch. 146), and Wyoming (chs. 111, 120) also provided legislation seeking better health and safety laws for persons employed in mines. A new law was passed in Nevada (ch. 19) requiring an employer to furnish carbide lamps or candles in all underground mines. The Ohio

Legislature authorized district inspectors to close down mines that do not comply with the State workmen's compensation act (S. B. 113). The Pennsylvania law providing for safety of miners was amended (No. 464), and an act (No. 135) was passed which prohibits the employment of miners in bituminous-coal mines unless they have received certificates of competency from a miners' examining board.

Safety of railroad employees.—California (ch. 701) and Wisconsin (ch. 206) passed amendatory legislation concerning railroad train crews, while Indiana (ch. 58) and Pennsylvania (No. 287) enacted new laws. The qualifications of railroad conductors and flagmen were the subject of legislation in Wisconsin (ch. 138). Proper safety equipment of railroad trains was considered in Illinois (p. 1008), Nevada (ch. 94), Oregon (ch. 323), South Dakota (ch. 205), Washington (ch. 152), and Wisconsin (ch. 54).

Sanitary conditions and health certificates.—In Connecticut (p. 490) tobacco plantations employing 25 or more persons are required to provide adequate toilet facilities. Certain Illinois employers must provide wash rooms for their employees (pp. 570, 599). Massachusetts (ch. 362) and Vermont (No. 134) enacted laws governing sanitary conditions in bakeries, while in Washington (ch. 137) persons employed in bakeries are required to obtain health certificates, renewable every 6 months. In Texas (H. B. 646) persons employed in hotels, cafes, or other public eating places, bakeries, or meat markets must undergo a medical examination every 6 months. In North Carolina (ch. 337) medical examinations are required for domestic employees.

Miscellaneous.—In Arkansas (Act 323) certain establishments employing more than three women are now required to adopt measures for securing and maintaining a reasonable temperature and ventilation. The Illinois health and safety laws were amended (p. 555), and several Pennsylvania laws were passed seeking to improve the health, etc., of workers (Nos. 174, 281). Caisson workers are protected by new legislation in the State of Washington (ch. 131). West Virginia (ch. 89) has required that employers must provide safe employment.

Laws were also passed in Michigan (Act 82) and Ohio (H. B. 61) regulating the operation of elevators, and amendatory blower-inspection laws were the subject of consideration in Arkansas (Act 127) and Illinois (p. 596).

Labor Departments, etc.

Under a State government reorganization plan, departments of labor were established in Arkansas (Act 161), Georgia (p. 230), and Tennessee (ch. 33). In Indiana (ch. 34), a division of labor was established in the department of commerce and industry. The Industrial Commission of Florida was authorized to administer Federal

acts passed for the benefit of employers and employees (ch. 18413). The commission was also directed to make studies of safety, employment conditions, and accident prevention, and to recommend the best preventive measures. The act also requires employers to furnish safe employment, and general rule-making power as to safety and health has been given to the commission, including authority to prescribe safety devices and other means of protection against accidents and occupational diseases. The Illinois Civil Administrative Code was amended (p. 1127) by providing for a board of review, a board of unemployment compensation, and free employment office advisers (composed of nine persons) in the department of labor.

The Michigan Legislature greatly increased the power and authority of the commissioner of labor in regard to inspection of workplaces (Act 128). Another amendment (Act 159) provided that the commission of the department of labor and industry shall be composed of six members, instead of four, and specified that three of the members must be attorneys. The New York labor law was amended (ch. 819) to provide for the transfer of the powers and duties of the industrial board, except those relating to the workmen's compensation law, to the board of standards and appeals in the department of labor. The duties of the inspectors of the South Carolina Labor Department were increased and the commissioner of labor or his agents were authorized to inspect buildings and other structures (No. 313).

Employment Agencies

Three States passed legislation regulating private employment agencies. The Arizona law was amended by providing, among other things, that any person desiring a license must make a cash deposit of \$500, instead of furnishing a surety bond (ch. 33). Employment agents in Maryland securing positions for teachers may charge a registration fee of \$2 (ch. 58). In Pennsylvania (No. 240) applicants under 21 years of age must furnish to the employment agent the names and addresses of parents.

All of the States now have accepted the provisions of the Wagner-Peyser Act, which established a Federal system of public employment offices.⁴ Many of the States that accepted the provisions of this act prior to the enactment of unemployment-compensation laws have now incorporated such provisions in the unemployment-compensation statutes. The following States accepted the act for the first time in 1937: Alaska (ch. 4), Hawaii (Ser. D-167), Kansas (ch. 255), and Montana (ch. 137).

⁴ See U. S. Bureau of Labor Statistics, Bull. No. 630: *Laws Relating to Employment Agencies in the United States*.

Prison Labor

Several States passed legislation regulating the sale of prison-made goods. New laws were enacted by the legislatures in Arkansas (Act 98), Connecticut (p. 489), Georgia (p. 484), Indiana (ch. 9), Kentucky (ch. 16, 4th Spec. Sess.), Oklahoma (p. 114), Pennsylvania (No. 373), and Tennessee (ch. 67). In some of these States, however, certain exceptions have been made. In Arkansas and Oklahoma the law does not apply to certain farm products produced by prison labor. The Connecticut act is not applicable to goods manufactured in county jails until June 30, 1939. The Tennessee law does not become effective until February 19, 1938, and by the provisions of two other acts (chs. 66, 104) of that State, coal produced by prisoners may not be sold after March 3, 1939. Amendatory legislation was adopted in Maryland (chs. 17, 213), Michigan (Act 95), Oregon (ch. 391), Vermont (No. 165), and West Virginia (ch. 79). In Maryland certain farm products are not covered by the act, while in Michigan the act does not apply to animals and livestock. Minnesota passed a law (ch. 444) which prohibits the barter, trading, or exchange of prison-made goods. In Colorado it is provided (ch. 131) that institutions and departments of the State government must purchase prison-made goods. In Nebraska (ch. 201) the board of control is empowered to exchange prison-made goods for those of other States. In Maryland (ch. 505) and West Virginia (ch. 78) prison labor may be used in the construction of roads, while in Oregon (ch. 417) prisoners may be employed in the performance of useful work upon land owned by the State, provided such labor does not interfere with free labor.

Legal Holidays and Sunday Labor

Arkansas hereafter will observe May 30 as a holiday (Act 257). New Hampshire (ch. 63) has declared June 21, 1938, a legal holiday in commemoration of the ratification of the United States Constitution. North Dakota (ch. 141) designated Good Friday as a holiday. Tennessee (chs. 164, 169) added to the list of legal holidays March 15 (Andrew Jackson Day) and May 30 (Memorial Day). Wyoming (ch. 6) established Columbus Day as a legal holiday. Oregon (ch. 95) and Pennsylvania (Nos. 155, 239) also acted in respect to certain holidays.

Several States passed legislation relative to Sunday labor. The Connecticut law was amended (p. 490) so as to permit certain emergency repairs on Sunday, while Delaware (ch. 184) now requires barber shops to be closed. In Hawaii (Ser. C-121) stores may remain open on Sunday only when the United States Navy is in Hawaiian waters. Massachusetts (ch. 124) amended the Sunday-labor law relative to

procuring licenses for certain establishments to remain open. The Puerto Rican law was amended (No. 110) to permit the operation of race tracks on Sunday. South Carolina (No. 326) legislated to forbid regular employees of certain manufacturing establishments to work on Sunday. The Utah law was changed (ch. 136) so as to permit a number of businesses to remain open on Sunday.

In Illinois (p. 564) the law providing 1 day of rest in 7 has been extended so as to include a number of additional establishments. The Massachusetts law was enlarged to include restaurants (ch. 221). Amendments to the law, increasing the number of establishments covered, were adopted in New Hampshire (ch. 129) and New York (chs. 282, 722). In Pennsylvania the law now applies to persons employed in or about a motion-picture theater (No. 42). The Wisconsin law was amended by providing that during the required rest period of 24 consecutive hours, the employer must not permit an employee to work except in cases of emergency (ch. 21).

Social Security

During 1937 a great deal of social-security legislation was enacted. At the present time all States have laws providing for unemployment compensation, and every State except Virginia provides old-age assistance. Practically all of the States also have laws providing aid to dependent children and the blind.

Social-security legislation (in general).—Thirteen States and Hawaii passed new or amendatory legislation covering all phases of social-security legislation, including assistance to the aged, dependent children, and the blind. Such legislation was enacted in Arkansas (Acts 41, 248), Florida (ch. 18285), Hawaii (Series D-164), Idaho (ch. 216), Indiana (chs. 41, 47), Kansas (ch. 327), Missouri (p. 467), Montana (ch. 82), New Mexico (ch. 18), North Carolina (ch. 288), Pennsylvania (No. 399), South Carolina (No. 319), Texas (H. B. 7), Utah (ch. 90), and Wyoming (ch. 88).

Old-age assistance.—New laws providing for old-age assistance were enacted in Georgia (p. 311), and Tennessee (ch. 49), while amendatory legislation was enacted in 26 other States. The following States amended or reenacted old-age assistance laws: Alabama (Nos. 143, 144, Spec. Sess.), Alaska (chs. 2, 8, Spec. Sess.), Arizona (ch. 2, 3d Spec. Sess., and ch. 70), California (chs. 4, 375, 392, 405), Colorado (ch. 201), Connecticut (pp. 202-207), Delaware (ch. 124), Illinois (p. 265), Iowa (chs. 137, 139), Maine (ch. 242), Maryland (ch. 12, Spec. Sess.), Massachusetts (chs. 165, 440), Michigan (Act 261), Minnesota (chs. 26, 100, 103, 482, 484, 489), Montana (ch. 27), Nebraska (ch. 186), Nevada (ch. 67), New Hampshire (ch. 202), New York (ch. 645), North Dakota (chs. 211, 212), Ohio (H. B. 449), Oregon (chs. 216, 309), South Dakota (ch. 220), Tennessee (chs. 72,

273), Vermont (No. 65), and Washington (ch. 156). In Nevada a constitutional amendment directing counties to assist the aged and infirm was approved by the people on March 17, 1937 (ch. 8). In Missouri a resolution was adopted (p. 606) proposing an amendment to the State constitution which will be voted on in November 1938. Pennsylvania also adopted an amendment to its constitution, authorizing old-age assistance. In Virginia (S. J. Res. 3), a commission was appointed to study the subject of old-age assistance.

Unemployment compensation.—New unemployment-compensation acts were adopted by the following States and Territories: Alaska (ch. 4, Spec. Sess.), Arkansas (Act 155), Delaware (ch. 258), Florida (ch. 18402), Georgia (p. 806), Hawaii (Ser. D-167), Illinois (p. 571), Kansas (ch. 255), Kentucky (ch. 7, 4th Spec. Sess.), Michigan (Act 1, 1st Spec. Sess. 1936), Minnesota (ch. 2, 1936 Spec. Sess., as amended 1937, chs. 43, 306, 401, 452), Missouri (p. 574), Montana (ch. 137), Nebraska (ch. 108), Nevada (ch. 129), New Jersey (ch. 270, 1st Spec. Sess., 1936), New Mexico (ch. 1, 1936 Spec. Sess., as amended 1937, ch. 129), North Carolina (ch. 1, 1936 Spec. Sess., as amended 1937, chs. 363, 448, 150), North Dakota (ch. 232), Oklahoma (ch. 52, 1st Spec. Sess. 1936), South Dakota (ch. 3, 1936 Spec. Sess., as amended 1937, chs. 223, 224), Tennessee (ch. 1, 1936 Spec. Sess., as amended 1937, ch. 128), Virginia (ch. 1, Spec. Sess.), Washington (ch. 162), and Wyoming (ch. 113).

The unemployment-compensation acts of the following States were amended or reenacted: Alabama (chs. 83, 184, Spec. Sess.), Arizona (ch. 13, 1st Spec. Sess. 1936, as amended 1937, ch. 68), California (chs. 739-752, 119), Colorado (ch. 260), Connecticut (pp. 444-468), Idaho (ch. 12, 3d Spec. Sess. 1936, as amended 1937, chs. 9, 183, 187, 188), Indiana (ch. 125), Iowa (ch. 4, 1936 Spec. Sess., as amended 1937, chs. 102, 103), Maine (ch. 192, Spec. Sess. 1936, as amended 1937, ch. 228), Maryland (chs. 14, 311, 314, 527, and ch. 2, Spec. Sess.), Massachusetts (ch. 421), New Hampshire (ch. 178), New York (chs. 142, 727, 797), Ohio (H. B. 608, 1st Spec. Sess., 1936, as amended 1937, H. B. 103, S. B. 26, S. B. 169), Oregon (chs. 364, 398), Pennsylvania (No. 175), Rhode Island (ch. 2556), Texas (H. B. 586), Utah (ch. 43), Vermont (Nos. 170, 171), West Virginia (ch. 100), and Wisconsin (chs. 95, 343).

Aid to dependent children.—Sixteen States legislated on the subject of aid to dependent children. New or reenacted laws were passed in Arizona (ch. 72), Georgia (p. 630), Maine (ch. 177), New York, (ch. 15), South Dakota (ch. 221), Tennessee (ch. 50), and Washington (ch. 114), while amendatory legislation was passed in California (ch. 390), Delaware (ch. 98), Illinois (p. 270), Maryland (ch. 39, and ch. 3, Spec. Sess.), Michigan (Act 443), Nebraska (chs. 96, 202), North Carolina (ch. 405), Ohio (H. B. 544), and Tennessee (ch. 274).

In Pennsylvania and Texas (H. J. Res. 26a) amendments to the constitution authorizing aid to dependent children were approved by the electorate.

Aid to the blind.—Ten States passed new laws providing for aid to the blind, while six States amended or reenacted the laws on this subject. New or amendatory laws were enacted by Alabama (No. 87, Spec. Sess.), Arizona (ch. 71), California (chs. 84, 376, 394, 406), Colorado (chs. 108, 109), Georgia (p. 568), Iowa (ch. 144), Maine (ch. 210), Maryland (ch. 4, Spec. Sess.), Minnesota (ch. 324), Nebraska (ch. 187), North Carolina (ch. 124), North Dakota (ch. 210), South Dakota (ch. 222), Tennessee (chs. 51, 275), Washington (ch. 132), and West Virginia (ch. 75). In Pennsylvania and Texas (H. J. Res. 26) constitutional amendments were adopted authorizing assistance to the needy blind.

Administrative agencies.—A number of States by separate laws provided for departments to administer social-security laws. Departments of public welfare were established in Alaska (ch. 3, Spec. Sess.), Georgia (p. 355), and Michigan (Act 258). In Utah (ch. 88), the law relating to the State department of public welfare was amended and a division of old-age assistance established (ch. 89). Similar departments were established in Arizona (ch. 69), Iowa (ch. 151), Michigan (Act 257), Nevada (ch. 127), Tennessee (ch. 48), and Washington (chs. 111, 180), while in California the law relating to the social welfare board was amended (ch. 397).

Employment, etc., Preferences

Legislation requiring that preference be given to veterans on public works was considered by Idaho (ch. 152), Minnesota (ch. 121), Montana (ch. 66), and South Dakota (ch. 227), while Massachusetts (ch. 223) authorized the granting of preferences to blind persons in certain cases. Laws requiring preference for domestic products were enacted by Colorado (ch. 250), Illinois (p. 1207), Iowa (ch. 93), Missouri (p. 368), and New Mexico (ch. 168). In North Dakota (ch. 100) labor and materialmen were given a preference in the payment of bills and claims.

Discriminations

Kansas enacted a law (ch. 257) which prohibits discrimination and intimidation on account of race or color in employment on public works. Massachusetts (ch. 367) amended its law defining discrimination as "dismissal from employment of, or refusal to employ, any person between the ages of 45 and 65 because of his age"; that State also prohibited the making of contracts with such age limits. A resolution of the New York Assembly (No. 8) was adopted creating a joint legislative committee to investigate economic conditions or statutory

provisions which tend to produce discrimination against employees who are 40 years of age or over.

Miscellaneous

Apprentices.—Several laws concerning the employment of apprentices were enacted this year. In Arkansas (Act 289) a system of voluntary apprenticeship was established, and the commissioner of labor has been directed to appoint an apprenticeship council. In Colorado (ch. 87) the employment of apprentices has been regulated and standards of vocational training prescribed. In California a law (ch. 872) was passed regulating the employment of apprentices on public works, and in Wisconsin the law regulating apprentice contracts has been amended (ch. 274).

Death by wrongful act.—In Colorado (ch. 136) injured employees of common carriers, and their dependents in cases of death, are entitled to recover damages and contributory negligence is no longer a bar to recovery. The employee is not held to have assumed the risks of his employment, and no contract may be made to exempt the carrier from the law. The Indiana law (ch. 292) provides that in cases where the deceased leaves no dependents, persons furnishing hospitalization, medical services, and the cost of administration, may recover damages for death by wrongful act. An Oregon law (ch. 32) has provided that a cause of action arising out of injury to, or death of, a person caused by the wrongful act or negligence of another will not abate upon the death of the wrongdoer. A law was enacted in Nevada (ch. 213) which abrogates the defense of assumption of risk in the case of an injury to an employee of a common carrier. However, contributory negligence does not bar recovery, but damages are proportionately diminished. Amendments to the laws of Minnesota (ch. 211) and Pennsylvania (No. 48) relating to liability for wrongful death were also enacted.

Industrial home work.—Legislation regulating industrial home work was considered in five States during 1937. In Connecticut the law was amended (p. 284), authorizing the commissioner of labor and factory inspection to grant certificates to reputable employers permitting them to distribute approved materials to be processed by home workers. In Illinois (p. 552) and Massachusetts (ch. 429) certain types of industrial home work have been prohibited. Pennsylvania (No. 176) and Texas (H. B. 424) enacted new laws regulating industrial home work. In both States home work may be prohibited when it is found to be injurious to the health and welfare of home workers or the general public.

Removal of railroad terminals.—In Wisconsin no railroad may permanently close or abandon its shops or terminals without first securing the permission of the public service commission (ch. 83).

Credit unions.—Amendments to laws authorizing the formation and operation of credit unions were adopted by Maryland (ch. 178), Massachusetts (ch. 228), Minnesota (chs. 213, 276), North Dakota (chs. 113, 114), Pennsylvania (Nos. 88, 182), Tennessee (ch. 264), and Wisconsin (ch. 41).

Vocational education.—Six jurisdictions accepted the provisions of the Federal Vocational Education Act: Colorado (ch. 264), Kansas (ch. 305), Pennsylvania (No. 274), Puerto Rico (J. Res. 34), Utah (ch. 83), and Vermont (ch. 106). Kansas and Vermont also provided for the vocational rehabilitation and placement of physically handicapped persons.

Legislation authorizing the establishment of vocational-education schools was enacted by Oregon (ch. 413), Pennsylvania (Nos. 315, 477, 489), and Wyoming (ch. 107). The Ohio Legislature adopted a resolution (H. J. Res. 50) authorizing the appointment of a commission to make a study and survey the possibilities for the rehabilitation of the physically handicapped.

WORKMEN'S COMPENSATION LEGISLATION

Amendments to the basic workmen's compensation acts or supplementary legislation were adopted by the legislatures of 38 States, as also by those of Alaska, Hawaii, and Puerto Rico.

Occupational Diseases

Considerable progress was made in the field of occupational-disease legislation during 1937.⁵ At the beginning of the year, there were 16 States having such legislation, and as a result of action taken this year, workmen suffering from occupational diseases are now protected in 21 States.⁶ In addition the laws of the District of Columbia, Hawaii, the Philippines, Puerto Rico, the United States Employees' Compensation Act, and the Federal Longshoremen's and Harbor Workers' Act cover such diseases.

New occupational-disease laws were adopted in Delaware (ch. 241), Indiana (ch. 69), Michigan (ch. 61), Pennsylvania (No. 552), and Washington (ch. 212), while amendatory acts were passed in Nebraska (ch. 107), Ohio (H. B. 71), and Wisconsin (ch. 180). The Delaware law provides compensation for 12 different occupational diseases, not including dust diseases, while the Michigan act authorizes compensation for 31 diseases. The Pennsylvania and Washington laws also provide compensation for enumerated diseases. The Indiana act, on the other hand, covers any occupational disease arising out of the employment.

⁵ See U. S. Bureau of Labor Statistics Bull. No. 652: Occupational Disease Legislation.

⁶ California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, and Wisconsin.

In Nebraska (ch. 107) the coverage of the law was extended to include occupational diseases contracted in the battery-manufacturing industry, and Ohio (H. B. 71) amended the law by adding silicosis to the list of compensable occupational diseases.

By the Wisconsin amendment (ch. 180) an employee discharged because of a nondisabling silicosis may now be compensated in an amount not to exceed \$3,500. Arkansas is one of the States with no workmen's compensation law; the legislature, however, (H. Con. Res. 4) authorized a survey of occupational diseases in industry. Idaho (ch. 239) empowered the department of public works to study the subject. In Maine (ch. 132) a recess committee was appointed to investigate the desirability of enacting such legislation. In Massachusetts (Resolve, ch. 46) the legislature directed the department of public health and the department of labor and industries to make a similar investigation. In Montana (S. J. Res. 6) a commission is to make a study of occupational diseases, particularly silicosis. The New Hampshire Legislature (S. J. Res. 4) authorized a commission composed of three physicians, three representatives of labor, and three representatives of industry to study the subject. In Oregon (S. J. Res. 4) a committee of five members appointed by the Governor will make a study of occupational diseases and report its findings and recommendations to the next legislature.

Benefits

A number of States broadened their workmen's compensation acts by increasing the benefits payable for disability and death, etc. The maximum weekly payment allowed for both disability and death was increased in many States, and in several the minimum was raised, while in some States the period for which compensation is payable was lengthened.

In Pennsylvania the law was almost entirely reenacted (No. 323). In this State, after compensation is paid for 500 weeks, the injured workman may receive a payment of \$30 a month for life. The weekly disability compensation was increased, the minimum from \$7 to \$12 and the maximum from \$15 to \$18. In South Carolina (Act 667) the rate of compensation for total or partial disability or death was increased from 50 to 60 percent of the average weekly wages and the total compensation payable was raised from \$5,500 to \$6,000. In Utah (ch. 41) compensation for total and partial disability was increased by 5 percent for each minor child, with a maximum increase of 25 percent. The maximum total compensation paid in case of five minor dependent children was limited to \$6,250 instead of \$5,000, as heretofore. In death cases, the compensation was increased by 10 percent for each dependent child, with a maximum of 50 per-

cent and maximum total payments of \$7,500 instead of \$5,000. In Vermont (No. 173) the weekly minimum compensation for total disability was increased from \$6 to \$7 a week. Vermont (Act No. 172) also provided for increases in compensation payable in case of death, raising the amount where there are dependents. In West Virginia an amending act (ch. 104) provided that if a claimant receiving an award of less than 85 percent for a specific permanent partial disability dies from sickness or noncompensable injury, the unpaid balance is to be paid to his dependents. In Wyoming (ch. 128) the maximum compensation allowed for permanent total disability will hereafter be \$5,000, instead of \$4,000, and the maximum monthly payment was increased from \$60 to \$70, in case of an employee with a wife at the time of the injury. The maximum monthly payment for death cases was raised from \$45 to \$50 where there is a widow or invalid widower and the maximum amount payable in such cases was increased from \$2,000 to \$3,000. The maximum annual lump-sum award for each child was raised from \$120 to \$180.

In Connecticut, the minimum weekly payment was increased from \$5 to \$7 by a legislative enactment (p. 442). Maryland (ch. 329) increased the compensation for permanent total disability from \$5,000 to \$6,000. New Hampshire increased the maximum weekly payment from \$15 to \$17 (ch. 135), and New Mexico (ch. 92) increased the percent of weekly earnings from 55 to 60, and the maximum weekly payments from \$15 to \$18, with the minimum raised from \$8 to \$10. Under H. B. 80, enacted in Ohio, the minimum weekly payments were increased from \$5 to \$8, and in case of a temporary total disability, compensation for the first 12 weeks will hereafter be based on the full-time weekly wage at the time of the injury. In other claims, the average weekly wages for the year preceding the injury will be used as a basis of computation, with any period of unemployment eliminated. An amendment in Idaho (ch. 173) provided that in the case of an employee with dependent minor children the minimum compensation shall be \$8 a week instead of \$6. In Oregon (ch. 202) the commission was authorized to commute a permanent partial disability award to a lump sum, provided the disability does not exceed 24 degrees.

In Wisconsin (ch. 180) compensation hereafter will be payable for life instead of for a maximum period ranging from 280 to 1,000 weeks in cases of permanent total disability. If disability involves both a major and minor permanent partial disability, the number of weeks to be paid under each must be computed separately and added together. To this total must be added 20 percent of the number of weeks to be paid under the schedule for minor permanent disability, and indemnity must be paid for the healing period in addition to permanent disability payments. The Wyoming Legislature amended

the workmen's compensation act by chapter 128 and provided for the payment of awards for permanent partial disability ranging from \$200 to \$2,500.

In Colorado (ch. 276) in cases of permanent total disability, the employer or insurer may pay the award in a lump sum subject to the approval of the industrial commission. Connecticut (p. 442) provided that dependents may receive compensation for a maximum period of 312 weeks less the period for which payments have been made to the deceased employee if death results from the accident or occupational disease after 2 years from the date of the injury or first manifestation of the disease. Florida (ch. 18413) raised the weekly minimum from \$4 to \$6, and the maximum rate of payment was increased from 50 to 60 percent of the average weekly wages, with increases of 5 or 10 percent in cases of dependent children. Georgia (p. 528) increased the total maximum amount payable from \$5,000 to \$7,000 and raised the maximum weekly payment from \$15 to \$20. Payments for burial expenses were increased in Indiana (ch. 214) from \$100 to \$150 and the approval of the insurance carrier will be required before a lump-sum settlement is made. The allowance for burial expenses was increased in Kentucky (4th Spec. Sess., ch. 25) from \$75 to \$150, and in New Mexico (ch. 92) from \$125 to \$150. In New Mexico, the maximum payment to widows or widowers, without children, was increased from \$14 to \$16 and the maximum weekly payment in other cases from \$15 to \$18. The minimum was raised from \$8 to \$10. The amended act also provides that upon the death or remarriage of a spouse the children are to receive compensation at the same rate as in cases where there is no surviving spouse.

In Massachusetts, the payment of death benefits to children of deceased employees may continue until they become 18 years old (ch. 325). It was also provided in that State that death by suicide is compensable if the injury impaired the employee's mentality to such an extent as to make him not responsible for his act (ch. 370). The payment of reasonable funeral expenses is required when death results from silicosis or other dust diseases in New York (ch. 271). In Ohio (H. B. 69) the minimum total payment to natural parents with whom the employee was living at the time of his death is now \$1,000, and the commission may determine his prospective dependents and make total payments not exceeding \$1,000 to them. The aggregate maximum payment allowed is \$6,500.

In a number of States the subject of medical aid was considered and legislation was enacted allowing larger sums to be paid for such services. In some States the employee is now entitled to dental aid, in addition to the ordinary medical and hospital services required to be furnished. The original law of Florida allowed an employee to select a physician at the expense of the employer if the latter had neglected

to do so, but hereafter the permission of the commissioner must be obtained first. The 1937 law also provides that artificial members shall be furnished with other medical services and supplies necessary for recovery, and the insurance company may not coerce an employee in selecting a physician (ch. 18413). The amending law of Georgia (p. 528) increased from 30 days to 10 weeks the time for which medical, surgical, and hospital aid must be furnished, and for such additional time as will tend to lessen the period of disability. The maximum amount payable for these services is increased from \$100 to \$500 and reasonable artificial members must be furnished. By an amendment to the Indiana law (ch. 214) medical and surgical treatment must be furnished for 90 days, instead of 30 as heretofore, and in Iowa (ch. 98) employers are required to furnish reasonable medical, surgical, osteopathic, chiropractic, and hospital services. In exceptional cases, the industrial commission may fix the amount to be spent, not to exceed \$600. The law of Kentucky now requires the employer to expend up to \$200 for first aid, and upon authorization of the board the amount may be increased to \$400 (ch. 25, 4th Spec. Sess.).

The Maryland act was amended by chapter 430, requiring an employer to repair or replace any artificial limb, eye, tooth, or other part accidentally damaged during employment, and a delay of more than 3 days necessitates the payment of compensation for lost time after a 3-day waiting period. In Rhode Island (ch. 2545) an employer is required to furnish dental services when needed, including services rendered in making, repairing, and replacing artificial teeth. Certain required statements must be filed with the State compensation commissioner before payments for medical or surgical treatment may be made in West Virginia (ch. 104). It is also provided that the claimant and the employer may each have a physician present at any examination ordered by the commissioner. Dental and nursing services, hospital treatment, and artificial appliances have been added to the medical and surgical services to be supplied by the employer in Pennsylvania (ch. 323). The maximum cost of the services has been increased from \$100 to \$200 and the employer is required to pay the cost of transportation to and from the place where the services are rendered. The employee need not submit to surgical treatment which in the opinion of two qualified physicians might jeopardize his life.

In Wisconsin (ch. 180) medical services must hereafter be supplied as long as necessary, provided the period does not exceed that for which compensation is payable. The Wyoming Legislature authorized the court to pay an additional amount for medical and hospital treatment, not to exceed \$300, where death results from the injury (ch. 128). The amount allowed for artificial members, in this State, was increased from \$150 to \$200.

Coverage

In several States the coverage of the act was broadened. The Delaware law was extended to employees of the board of public works of the township of Lewes (ch. 244), and both that State (ch. 242) and Idaho (ch. 71) made the law applicable to officers and enlisted men of the State National Guard. The Legislature of Florida (ch. 18413) excluded several employments from the coverage of the law, such as professional athletes, domestic servants in private homes, persons engaged in turpentine labor, logging, production and distribution by the producer of dairy products, and the production and handling of agricultural and horticultural products. Persons who receive a commission on the business or work done are no longer excluded from the act nor are those persons engaged in preparing or shipping raw sea foods or fish.

The Massachusetts act now provides (ch. 370) that an injury is conclusively presumed to have arisen out of the employment if the employee receives an injury resulting from frostbite or sunstroke without voluntarily having assumed the increased hazard not contemplated by his contract of employment or if he is injured as a result of the physical activities of fellow employees in which he has not participated. Police officers of the town of Laurel and Prince Georges County, in Maryland, were covered by the workmen's compensation act by supplemental enactments (chs. 288, 315).

Employers of domestic servants and farm laborers may come under the act in Minnesota by the provisions of chapter 64. New Hampshire (ch. 159) extended its act to cover any industry or business where there are five or more persons employed, except farm and domestic laborers and casual employees, instead of limiting it to manual or mechanical labor in certain employments, as formerly. The Legislature of New Mexico by chapter 92 made the definition of "engineering work" include the maintenance of a bridge, jetty, dike, dam, reservoir, underground conduit, sewer, oil and gas well, oil tank, gas tank, and water tank or tower. New York added the use of baling and pressing machines to the list of hazardous employments (ch. 563). North Dakota, by chapter 178, placed volunteer firemen under the law. In Ohio, house bill No. 45 defined the word "injury" so as to include any injury received in the course of and arising out of the employment.

The South Carolina law was amended (Acts 208 and 667) so as to exclude railway express companies and State and county fair associations. The act, however, now applies to planing mills. The Texas act will cover an employee performing services outside the usual course of employment at the direction of his employer, and also one engaged in the construction or repair of the premises used by the employer (S. B. 66). Texas by a new act (H. B. 420) extended

compensation protection to employees of the State highway department. In Washington (ch. 147) the benefits of the act are now made applicable to property belonging to the United States within the State of Washington. Another amendment added truck driving, employment in restaurants, and other occupations to the enumerated extrahazardous occupations (ch. 211).

In West Virginia (ch. 104) members of rescue squads assisting in mine accidents with the consent of the owners are deemed employees under the act. It is now compulsory as to the State and all governmental agencies, but appointive public officials are no longer covered. Casual employers have been defined as persons employing less than 10 employees or who have not been in business for more than 60 days prior to an accident. In Wisconsin (ch. 162) persons selling or distributing newspapers or magazines are now covered by the act, while in Wyoming (ch. 128) power farming and building service were added to the list of extrahazardous occupations.

In Delaware (ch. 243) employers of less than five may be covered by the act if the employer and the employees file a joint notice of election with the board. The acceptance of the law is made compulsory in Minnesota by the repeal of the provisions concerning election (ch. 64). New Hampshire (ch. 147) provided that any county, town, city, school district, etc., may give written acceptance of the act through designated officials and revocation of the acceptance may be made in the same way. In New Mexico an employer may withdraw from the coverage of the act by giving the required notice. Every employee is conclusively presumed to have accepted the act if his employer is subject to it, and has complied with the law, unless such employee has given the required written notice to the contrary (ch. 92). Election by a corporation in New York to be excluded from the act may not be revoked until 30 days after written notice has been filed with the industrial commissioner and insurance carrier (ch. 106). Oregon, by chapter 356, provided that if the workman fails to make an election within 20 days after notice to do so, election is presumed, unless subsequent to such election an action is instituted within the time allowed.

Waiting Time

The waiting period in Alaska was reduced from 1 week to 1 day (ch. 74). The Florida workmen's compensation law was amended to require a waiting time of 4 days instead of 14 (ch. 18413). In Kentucky (ch. 25, 4th Spec. Sess.) and Pennsylvania (ch. 323) if the disability continues for more than 4 weeks, compensation is payable from the date of the injury. Massachusetts made compensation payable from the date of the injury when the incapacity lasts 2 weeks or more (ch. 382). In South Carolina (Act 667) the waiting period

was reduced from 1 week to 3 days, and compensation will be payable from the date of disability when the incapacity lasts more than 14 days.

Average Weekly Wage

In New Mexico the average weekly wage must be calculated upon the monthly, weekly, daily, hourly, or other basis of payment and wages must include the reasonable value of board, rent, housing, lodging, or other similar advantage (ch. 92). New York, by chapter 86, provided that the compensation combined with the decreased earnings may not exceed the wages earned at the time of the injury, whereas chapter 925 provided that average annual earnings must be not less than 200 times the average daily wage. Michigan, by Act 204, provided that volunteer firemen will be deemed to receive not less than \$27 per week for the purpose of determining average weekly wage. In Utah (ch. 41) the minimum period per year to be used in determining the average weekly wage is set at 240 days. In Vermont (Act 174) the method of computing the average weekly wage was changed, and now the average weekly wage of a volunteer fireman will be the average weekly wage in his regular employment, but not less than \$15 nor more than \$30. In Wisconsin (ch. 180) the average weekly earnings are to be determined by multiplying the daily earnings by the number of days worked per week at the time of the injury, but not less than 30 times the normal hourly earnings.

Extraterritoriality

The Florida law now provides compensation for an employee injured outside the State, if the contract of hire was made in Florida and the employer's place of business or the residence of the employee is in the State (ch. 18413). The amendatory law in New Hampshire provides that the act is not applicable to workmen outside the State, but is applicable to employees within the State regardless of the place of the contract of hire (ch. 159).

Second Injuries

By amendments adopted in Florida (ch. 18413) and Hawaii (Ser. D-154) the sum of \$500 must be paid into a special second-injury fund in the event of death without dependents. In Massachusetts (ch. 394) the amount to be paid to the State treasurer in such cases was increased from \$500 to \$1,000. In Pennsylvania (No. 323) a second-injury reserve account was set up for the payment of compensation when an employee receives an injury which, combined with a previous major permanent injury, causes permanent injury or death. The West Virginia law was amended by chapter 104 to provide that in case of an injury resulting in permanent total disability, following a specified dis-

ability in a different employment, the commissioner must charge to the last employer an amount equal to the partial permanent disability attributable to the last injury.

Third-Party Liability

Act 744 (p. 528) enacted in Georgia provided that where payment of damages is made by some person other than the employer, the amount of damages shall be deducted from the amount of compensation which he would otherwise receive. Chapter 684 in New York provided that a claimant may recover not only damages from the third party, but also workmen's compensation, provided action for damages is commenced within 6 months after the award of compensation or within 1 year after accrual of the action; failure to do this operates as an assignment to the employer or insurer. Oregon, by chapter 357, provided that action against the third party responsible for the injury is barred only when the third party was an employer subject to the act, and was at the time of the injury on the premises over which he had joint supervision with the employer. Another Oregon amendment (ch. 356) omitted the provision that the commission may compromise an action against a third party, and provided that any compromise made by the employee must be approved by the commission. Notice of election to sue the third party must be given to the commission and the commission also has a lien against the cause of action, in the amount of compensation paid, including medical and hospital service. An amendment in California (ch. 506) provided for the enforcement of the employer's lien on the judgment of an employee against a third party for damages.

Nonresident Aliens

In West Virginia (ch. 104) the compensation payable to nonresident aliens was fixed at the rate of 50 percent of the benefits payable to resident beneficiaries. Such compensation may be commuted to a lump-sum settlement in certain cases.

New York (ch. 110) provided that compensation to nonresident alien dependents shall be computed as of the date of death, and as of the date of nonresidence in case of resident aliens about to become nonresidents.

Notice of Injury, Claims

A few changes were made in the requirements covering time of notice and claims for compensation. A new provision in Alaska (ch. 74) requires that a report of the employee's injury be made to his employer immediately, and no compensation will be paid prior to the day of the report. In Connecticut notice may be given to the employer or the commissioner (p. 442). A new provision was added

to the law of Hawaii (Ser. D-155) declaring that no claims for compensation may be made more than 5 years after the date of the injury. In Indiana (ch. 214) an employer neglecting to file a report of injury or proof of insurance is now subject to a fine of \$50 to \$500, instead of \$25. The Maryland Legislature, by chapter 329, extended the time within which an injury causing hernia must be reported from 48 hours to 10 days. By chapter 332 it provided that an accident causing disability for more than 3 days must be reported by the employer within 10 days; this replaces the former provision that required the employer to report all accidents immediately. New Mexico employers are now required (ch. 92) to report all compensable injuries to the labor commission, and they must also give notice of the date on which the initial payment of any claim for compensation has been made. The failure of an employee to give notice of injury, file claim, or bring suit within the time limit, however, will not deprive him of the right to compensation where such failure was caused by the employer or insurer. The Ohio law now provides (H. B. 618) that application for compensation for death from an occupational disease must be filed within 6 months.

In Oregon (ch. 436) if an injured workman, receiving compensation for temporary total disability, dies after 1 year from the date of the injury, the commission may permit a claim to be filed within 60 days from the date of death. In Wyoming (ch. 128) the employee must report the accident within 24 hours, but failure to give notice does not bar recovery, if the employer had actual notice.

Administration and Settlement of Claims

The Connecticut Legislature authorized (p. 433) the commissioners to hold hearings in certain towns in each district. In Florida (ch. 18413) the legislature changed the method of collecting the award in case of default. Georgia vested the deputies of the department of industrial relations with the same power and authority as a director (p. 528), and by the same act limited the time in which the department may review an award or settlement to 2 years from the date the department is notified of final payment. Act No. 333 (p. 230) created within the department of labor an industrial board which will enforce the workmen's compensation law.

An amendment to the Kentucky law (ch. 25, 4th Spec. Sess.) requires that an award must be made within 30 days after the final submission of the application for a hearing, but this time may be extended to 90 days if the records are complicated or the questions of law are unusual.

The Department of Labor and Industry of Michigan is to consist of six members (instead of the former limit of four), three of whom must be attorneys (Act 267). In Montana, by chapter 61, the board is

authorized to rescind, alter, or amend an award within 4 years, instead of within the former 2-year limit. The time within which a claim may be filed in the district court for the enforcement of an award was fixed at 1 year in New Mexico, instead of 6 months (ch. 92). In Ohio (H. B. 79) the commission must pass definitely upon each issue raised in a claim, and the order of the commission must state the grounds on which the claim is denied. House bill 235 established four boards of claims, composed of three members each, to be located throughout the State. These boards will have the powers of the commission with reference to hearings, investigations, and awards, with certain exceptions.

Any employee of the State of South Carolina or any political subdivision, department, county, or municipal corporation may bring suit to recover the benefits to which he is entitled under the act (Act 667). The provisions of the act with regard to the attendance of witnesses and the production of records was also changed.

The powers of the commissioner or examiner in Wisconsin were enlarged by authorizing him to review, set aside, modify, or confirm compromises of claims (ch. 180). Wyoming (ch. 128) authorized the State treasurer to appear in the district court and defend claims.

Insurance

In a supplementary law (ch. 63) Alaska provided that in proceedings under the workmen's compensation act, the insurer may be made a party defendant. In Colorado (ch. 277) the premium on the bond furnished by the State treasurer as custodian of the State insurance fund must now be paid from the fund instead of from the State treasury.

The Illinois Legislature provided for insurance of employers who have been rejected by an insurance carrier (p. 689). When an application for insurance has been rejected by three carriers, the industrial commission may designate a carrier who is required to issue insurance. The losses thus incurred will be equitably distributed among all the carriers. In Wyoming (ch. 128) every employer engaged in an extra-hazardous business is required to pay a monthly sum equal to 6 percent of his pay roll for the first year, to be deposited to the credit of the industrial accident board, and thereafter the monthly payments will be 2 percent of his pay roll, but not less than \$3,000.

The Maryland Industrial Accident Commission was authorized to fix the minimum premium to be paid by the employer insuring in the State accident fund (ch. 426). In Maine, chapter 130 created a recess committee to study the subject of a State fund for workmen's compensation. In New Jersey notice of cancelation of insurance must be given by registered mail (ch. 134). That State also provided that any

insurance policy issued contrary to the provisions of the act will be construed as containing such provision (ch. 165). In Oklahoma (p. 487) a board of managers of the State insurance fund which will have charge of the administration of the fund was established; while house resolution No. 8 provided for the appointment of a committee to investigate this fund. In Puerto Rico (No. 39) changes were made in the provision of the law relating to the actuary to be employed by the manager of the State Fund. This official must consult and cooperate with the manager in the annual review and assessment of premium rates and submit periodic reports to the Governor and the legislature. In Ohio, house bill 617 made amendments to the workmen's compensation law concerning pay-roll records and the requirement of audits, and authorized the commission to permit the issuance of certificates of coverage for periods of less than 8 months. New York enacted several chapters relating to the insurance features of the act (chs. 87, 106, 108, 559, 574, 684). California also made several changes in the insurance features of the act, by chapters 90, 218, 494, 724, and 893.

The Oregon commission (ch. 344) was authorized to readjust the rates of contribution of all employers annually, based upon the hazard of each classification of industry. By the terms of chapter 317 in Massachusetts, the insurers are required to pay the cost of appointing guardians, conservators, etc. The rate of tax on insurance premiums and on uninsured employers was increased in South Carolina (Act 667). Tennessee employers who carry no insurance must pay a tax under the provisions of chapter 108. In Washington (ch. 89) several changes were made in the provisions governing insurance and it is provided, among other things, that the director of labor and industry may make corrections in classifications or changes in rates. In Wisconsin (ch. 180) if an insurance company attempts to influence an employer to refuse employment or to discharge employees the license of such insurer may be revoked, while several other changes in the provisions of the law relating to insurance were made by chapters 219 and 329.

Accident Prevention

In Florida employers are required to furnish safety devices and safeguards (ch. 18413). Compensation is increased 50 percent in New Mexico (ch. 92) when an injury is caused by the failure of the employer to provide safety devices required by law. The additional amount is recoverable from the employer only.

Appeals

The procedure governing appeals was changed slightly in Florida, by chapter 18413. Idaho (ch. 175) now requires that appeals be taken

to the supreme court instead of to the district court. In Wyoming (ch. 128) the time within which a disputed award may be appealed has been extended from 1 to 2 years, and the injured workman may select his own attorney in appeals to the supreme court. In Texas (S. B. 64), in the trial of a case appealed from the board, certain legal papers are presumed to be true as pleaded and properly filed unless denied by verified pleadings.

Miscellaneous

Illegally employed minors.—Under the Florida law double compensation must be paid in case of injuries to an illegally employed minor (ch. 18413); the employer in such cases is liable for the increased benefit. The Pennsylvania law (No. 323) provides that a minor is not barred from compensation because the employment was obtained by misrepresentation of his age, nor because he was violating the child-labor law or a rule of industry or an order of his employer. A minor receiving an injury while employed by his parents may file a claim for compensation against them.

Chapter 565 of the New York law changed from 16 to 18 years the age at which a minor may apply to the superintendent of schools, or other certificating officer, for an age certificate.

Dependency.—Illegitimate children were covered by chapter 64 in Minnesota, and Montana (ch. 53) provided that orphans will be entitled to compensation until the age of 21. In Wyoming (ch. 128) awards to parents may be made only to parents who are dependent.

Suits for damages.—For failure to insure or self-insure, an injured employee or his dependents may elect to take compensation or sue for damages, with the common-law defenses abrogated, under chapter 64 of the 1937 law of Minnesota.

By chapter 92, New Mexico repealed a former provision and declared that in an action to recover damages for personal injury sustained by an employee on the ground of want of ordinary care of the employer, the defenses of assumption of risk, fellow servant's fault, or contributory negligence, unless willful, may not be used. However, an employer who has made an election and has complied with the provisions of the act is not subject to any other liability, except as provided for in the act.

In West Virginia (ch. 104) a change was made in the provisions of the law authorizing suits for damages in cases where the employer did not elect to come under the act. Casual employers under this amendment are liable only for injuries caused by their wrongful acts.

Attorney's fees.—Chapter 162 of Montana authorized the industrial accident board to employ an extra attorney and pay the necessary traveling expenses of its employees in the investigation and defense of cases under plan 3 of the act. By the same chapter the power of

the board to fix fees is limited to those of the claimant's attorney. The New Mexico Legislature has increased fees for attorneys from 5 to 10 percent of the award. The court, however, may increase this amount. In fixing attorney's fees in Texas (S. B. 64) the court must take into consideration the benefits received by the claimant as a result of the services of the attorney. In West Virginia, by chapter 104, attorney's fees have been limited to specified amounts and hereafter not more than \$600, or 25 percent, of the total award may be paid. In Georgia (p. 528) it was provided that a person prosecuting or defending a claim without reasonable grounds may be assessed the attorney's fees of the opposing party.

Medical fees, etc.—The Georgia Legislature (p. 528) provided that physicians may not collect their fees until certain required reports have been made, and persons soliciting employment concerning claims or accepting unauthorized fees are liable to fine or imprisonment.

Other legislation.—In addition to the appointment of committees in several States to investigate occupational diseases, Oklahoma (H. Res. No. 42) authorized a committee to revise the workmen's compensation act. In that State, also, the office of medical adviser to the State industrial commission was created (p. 487).