



Monthly Labor Review

U.S. Department of Labor
Bureau of Labor Statistics
January 1991

In this issue:

Bargaining calendar for 1991
Collective bargaining in 1990
Articles on State labor law, Workers' Compensation,
and Unemployment Insurance in 1990





U.S. Department of Labor

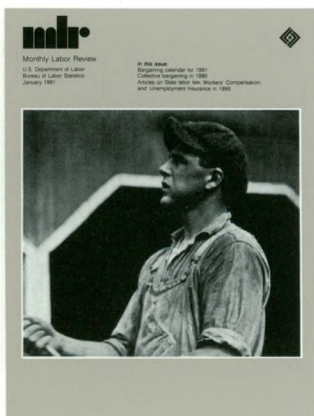
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Janet L. Norwood, *Commissioner*

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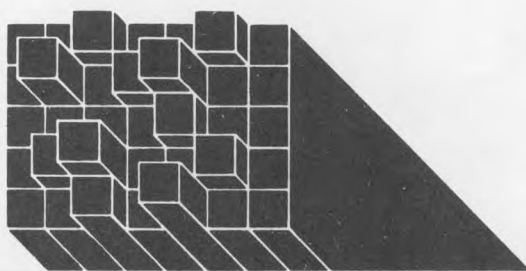
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Labor month in review



EMPLOYMENT SITUATION. The Nation's first economic indicator each month is the report on the Employment Situation, issued by the Bureau of Labor Statistics. Usually within an hour after BLS releases the report, Commissioner of Labor Statistics Janet L. Norwood discusses the data at a public hearing of the Congressional Joint Economic Committee. At the committee's January 4 hearing, Commissioner Norwood testified about December 1990 data:

The Nation's job market continued to weaken in December, as the unemployment rate rose and payroll employment declined. The civilian unemployment rate increased two-tenths of a percentage point to 6.1 percent, the second month in a row with an increase of that magnitude. The jobless rate has risen eight-tenths of a percentage point in the 6 months since June.

Payroll employment, as measured in our business survey, fell by about 75,000, following 2 months of very large job losses. Since September, we have lost half a million payroll jobs. The December job losses were again widespread. The BLS diffusion index of employment has remained under 50 percent since August, showing that more industries lost jobs than gained them.

Construction employment continued to slide, with a loss of about 30,000 jobs beyond what we might get for purely seasonal reasons. The cutbacks since spring are now approaching 300,000, more than 5 percent of the industry's employment. Reflecting this trend, the number of unemployed construction workers continued to rise. Nearly 900,000 of these workers are now unemployed, representing 14 percent of the construction work force. That jobless rate is up from 9.6 percent a year ago.

Employment in the Nation's factories fell by 35,000 in December. We lost 200,000 factory jobs in November and a combined 180,000 jobs in the prior 3 months. Although automobile manufacturing employment was up 20,000 over the month,

the change reflected the reopening of temporarily closed plants rather than new hiring of workers. The December recalls recouped less than half of the prior month's losses, however, and auto employment was still down 55,000 from last June.

In the service-producing sector, health services again continues to be the most dependable job creator. This industry added another 55,000 jobs in December. I might note that, despite the overall economic weakness in much of 1990, a few industries affected by the changing age structure of the population have continued to expand at a brisk pace. Health services has added 600,000 jobs over the year; education, nearly 300,000; and assisted-living facilities and child-care facilities about 50,000 each.

By contrast, business services is clearly feeling the effects of widespread economic weakness; it lost 17,000 jobs in December, and its employment level has dropped by 40,000 over the last 3 months. The holiday hiring in retail trade continued to reflect shaky conditions with a seasonally adjusted decline of nearly 50,000 jobs in December.

A puzzling development in December was the increase in the average workweek—two-tenths of an hour overall and three-tenths in manufacturing. In view of the widespread job losses and the hours declines of recent months, it is difficult to interpret these changes. The aggregate hours series—which are more comprehensive in that they reflect both employment and the workweek—while up in December, remain below their September levels.

The employment count from the household survey was up slightly, after a large loss in November, but, at 117.6 million, civilian employment was still 300,000 below September's level.

As I mentioned at the outset of my comments, the two-tenths of a percentage point rise in unemployment in December left the jobless rate eight-tenths of a point higher than the revised June figure. (In accordance

with our usual custom, we have revised all seasonally adjusted household survey data released this morning to take account of the experience of the full year.) The impact of higher unemployment has been remarkably even. Virtually every major demographic group—whether defined by age, gender, or race—has seen a rise in joblessness over the June-to-December period.

For example, the jobless rate for adult men (5.6 percent in December) has risen by nine-tenths of a percentage point since June, and the rate for women (5.3 percent) was up by seven-tenths of a point. The unemployment rate for teenagers has risen by about two percentage points during the same time span, to 16.6 percent. The data suggest that teenagers have become less likely to take part in the labor force at all, an option not often possible for adult workers. The participation rate for teenagers has been declining since early spring; this may be the result of a softening in demand in retail trade and in other industries that employ young workers.

Two other labor market measures tend to move in tandem with unemployment—discouraged workers and part time for economic reasons. Both have risen in recent months. The number of discouraged workers (those who say they want a job but are not looking for one because they believe their search would be in vain) is now 940,000, the highest in 2 years. The number of persons working part time for economic reasons (those who say that they would prefer full-time work) has now reached 5.6 million; this group has increased 560,000 since June.

In summary, the job market continued to deteriorate in December. Unemployment rose another two-tenths of a point. Seventy-five thousand payroll jobs were lost, following 2 months of even larger losses. The employment weakness was broad-based, affecting most sectors of the economy. □

Collective bargaining during 1991

Negotiations are slated for one-third of workers covered by major agreements; those scheduled for bargaining are almost evenly split between State and local government and private industry

Fehmida Sleemi,
Joan D. Borum, and
Edward J.
Wasilewski, Jr.

About 2.8 million workers in private industry and State and local government are covered by major collective bargaining agreements scheduled to expire or reopen in 1991. Such agreements, covering 1,000 or more workers, account for one-third of the 8.5 million such workers under all major agreements. Workers whose contracts are on the 1991 bargaining calendar are almost evenly split between private industry and government. This is the first year, since data on government contracts were added to the major collective bargaining agreement series in 1985, that State and local government has accounted for more than 36 percent of the workers covered by major agreements scheduled for negotiation. The larger proportion of government workers in 1991 reflects a bargaining schedule involving more government workers (1,349,000) and fewer private industry workers (1,470,000) than at any time since the series' inception. (See tables 1 and 2.)

In State and local government, bargaining in 1991 will involve about 52 percent of the 2.6 million workers under major agreements, the largest proportion since 1985. The 738,000 State government workers covered by contracts slated for negotiation are mostly in New York, California, Florida, and Pennsylvania. Bargaining activity in local government involves 612,000 workers who are geographically dispersed, with the largest group (87,000) located in Los Angeles County.

In private industry, bargaining will cover about 25 percent of the 5.9 million workers, the smallest proportion in at least a decade. Three-fifths (901,000) of the workers whose contracts

are scheduled for renegotiation in 1991 are in nonmanufacturing industries. The largest numbers are in construction (250,000 workers), wholesale and retail trade (195,000 workers), trucking (187,000 workers), and mining (65,000 workers). In manufacturing, 570,000 workers are under contracts up for renegotiation. The largest numbers are in apparel (138,000 workers) and electronic and electrical equipment (121,000 workers).

Information on the 1991 bargaining calendar is based on data available to the Bureau of Labor Statistics as of September 30, 1990. Any contracts reached during the fourth quarter of 1990 that expire or reopen during 1991 could affect the proportion of workers whose contracts are scheduled for negotiation in 1991. There are 1.5 million workers under contracts that had expired in 1990 or earlier but were not renegotiated by the end of September 1990, and an additional 285,000 workers are covered by contracts slated for negotiations in October–December 1990. The bargaining agenda will include any of these negotiations that carry over into 1991.

The bargaining environment

As 1991 approached, labor and management bargainers were formulating and planning their strategies in a period of concern about the economy. Following 8 years of growth, major economic indicators showed signs of a slowdown. The gross national product grew at an annual rate of 1.3 percent during the first 9 months of 1990, compared with 2.3 percent for the same period in 1989. The civilian unemployment rate

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edged up in the third quarter and stood at 5.7 percent in October after hovering around 5.3 percent for nearly 2 years. The Consumer Price Index for all Urban Consumers (CPI-U) rose at an annual rate of 6.7 percent during the first 10 months of 1990, compared with a 4.7-percent rise for the same period in 1989. The composite index of leading economic indicators, compiled by the U.S. Department of Commerce's Bureau of Economic Analysis to forecast movements in aggregate economic activity, was down for the second consecutive month in September 1990.

Confidence in the economy was further eroded by a slowdown in the real estate market and continuing problems in the savings and loan industry. Clouding the horizon still further was the crisis in the Persian Gulf, which brought on a sharp rise in oil prices, the dispatch of U.S. armed forces to the region, and fears of war.

Although 1990 was marked by several contentious collective bargaining situations, it was the eighth consecutive year of relative tranquility in labor-management relations, as measured by work stoppage activity. Through October, there were 43 major work stoppages (strikes and lock-outs involving 1,000 or more workers). There have been fewer than 100 major work stoppages in each year since 1982. By contrast, there were 145 in 1981, 187 in 1980, and between 200 and 470 each year between 1947 and 1979, with two exceptions.

Major collective bargaining settlements in private industry negotiated in the first 9 months of 1990 provided larger wage rate adjustments than those specified in the contracts they replaced. (Lump-sum payments and cost-of-living adjustments (COLA's) are not included in this measure.) The 1990 settlements provided wage rate adjustments averaging 3.3 percent annually over the life of the contract. The last time parties to these settlements negotiated, usually in 1987 or 1988, wage rate adjustments were smaller, averaging 2.1 percent annually over the contract term.

If the current trend continues in the fourth quarter, 1990 will be the second consecutive year, since the comparison was introduced in 1981, in which settlements provided larger wage rate adjustments than the contracts they replaced. It will also be the second year in a row and the second year since 1983 that the annual wage rate adjustment over the contract term topped 3 percent. In contrast, between 1968, when the series began, and 1981, settlements provided wage rate adjustments averaging 5.1 to 8.9 percent a year over the contract term.

The comparatively moderate wage gains under major settlements in recent years are also reflected in another measure published by the Bu-

reau. The Employment Cost Index (ECI) showed that, as measured over four calendar quarters, wage gains for all union workers have been trailing behind those for nonunion workers since the four quarters ending March 1984. For the period ending September 1990, wages increased an average of 3.6 percent for union workers, compared with 4.4 percent for nonunion workers.

In addition to addressing wages, many negotiators will focus on the problem of escalating health insurance costs. Many efforts at cost containment have already been made, with limited success. These include requiring second opinions prior to surgery, requiring that employees get approval from the insurance carrier before elective hospital surgery or stays, and establishing incentives to reduce the length of hospital stays.

More recently, employers have tried to shift some of the costs directly to their employees, but unions have resisted these efforts, though not always successfully. Some negotiated plans have reduced benefits, while others have required workers to pay for a larger portion of the insurance premiums for themselves or their dependents. Some have established or raised deductibles or copayments (the portion of health costs the employee pays). Similar cost-cutting proposals are likely to be the focus of conflict between employers and unions in many of this year's negotiations.

The last decade witnessed the introduction of contract provisions designed to curb labor costs, particularly in firms facing financial difficulties. In some bargaining situations, they lasted for only one contract, but in others they survived multiple bargaining rounds, although often in altered form. Among the most common provisions were those that called for multitier wage or wage and benefit plans, "backloaded" wage adjustments, and lump-sum payments in place of wage increases or to offset wage decreases.

Multitier compensation systems were popular in the mid-1980's, but have since fallen out of favor. Although they varied widely, all of these plans called for new employees to receive lower pay or benefits than incumbents. The resulting morale and turnover problems have led negotiators to narrow the gap or drop the differential in later contracts.

"Backloaded" contracts, rarely negotiated prior to 1983, provide lower wage adjustments in the first contract year than in subsequent years, thus reducing the total cost of the contract. In 1983, one-third of the workers covered by settlements were under these contracts. The proportion peaked at almost half in 1986 and stood at about one-fifth in the first 9 months of 1990.

Lump-sum payments are generally made in lieu of wage increases or to offset wage de-

Table 1. Major collective bargaining agreements scheduled to expire or with wage reopenings, by year and industry

[Workers in thousands]

Industry	Total ¹		Year of expiration or scheduled wage reopening, or both							
	Number of agreements	Workers covered	1991		1992		1993 and later		Unknown or in negotiation ²	
			Number of agreements	Workers covered	Number of agreements	Workers covered	Number of agreements	Workers covered	Number of agreements	Workers covered
All industries ³	1,922	8,483	687	2,820	569	2,375	381	1,836	374	1,823
All private industries	1,238	5,907	351	1,470	389	1,734	336	1,669	189	1,154
Manufacturing	427	1,945	124	570	125	374	122	634	63	385
Food and kindred products	52	134	16	64	13	24	15	26	8	20
Tobacco products	3	13	1	1	2	12	—	—	—	—
Textile mill products	7	22	2	7	1	1	—	—	6	19
Apparel and other textile products	27	197	19	138	3	5	2	5	3	49
Lumber and wood products, except furniture	11	24	2	4	8	19	1	1	—	—
Furniture and fixtures	4	4	2	2	1	1	1	1	—	—
Paper and allied products	35	47	5	7	12	16	13	19	6	7
Printing and publishing	18	28	4	7	5	8	4	6	5	8
Chemicals and allied products	26	50	9	14	7	15	4	10	6	11
Petroleum and coal products	11	33	1	1	—	—	10	32	—	—
Rubber and miscellaneous plastics products	12	44	8	35	2	3	—	—	3	13
Leather and leather products	3	14	1	3	—	—	2	11	—	—
Stone, clay, and glass products	14	36	3	4	4	5	7	27	—	—
Primary metal industries	39	160	3	25	12	33	22	87	4	18
Fabricated metal products	20	39	3	5	7	10	5	11	5	14
Industrial machinery and equipment	25	89	7	39	6	15	10	26	2	9
Electronic and other electric equipment	43	234	14	121	18	75	8	14	4	26
Transportation equipment	66	755	19	80	19	125	18	359	10	191
Instruments and related products	6	15	2	7	4	8	—	—	—	—
Miscellaneous manufacturing industries	5	8	3	5	1	2	—	—	1	1
Nonmanufacturing	811	3,961	227	901	264	1,359	214	1,035	126	769
Mining	6	74	1	65	2	4	3	69	1	1
Construction	354	1,020	109	250	125	382	116	377	19	40
Transportation, except railroads and trucking	47	259	4	18	8	51	12	66	24	129
Railroad transportation	27	354	—	—	—	—	1	2	26	352
Trucking and warehousing	11	338	8	187	1	2	2	150	—	—
Communications	37	517	6	11	21	472	6	21	4	13
Electric, gas, and sanitary services	75	225	26	68	25	73	13	33	13	54
Wholesale trade	10	38	1	25	3	4	3	5	3	4
Retail trade, except eating and drinking places	119	578	44	169	37	184	29	193	9	32
Eating and drinking places	6	23	1	3	3	12	2	8	—	—
Finance, insurance, and real estate services, except hotels and health services	24	131	6	53	3	37	9	27	6	15
Hotels and other lodging places	38	150	4	15	13	29	9	22	12	84
Health services	13	99	2	5	4	17	6	53	1	25
Health services	44	155	15	33	19	93	3	11	8	20
State and local government	684	2,576	336	1,349	180	642	45	167	185	669
State government	186	1,065	110	738	58	311	11	51	19	81
Local government	498	1,512	226	612	122	331	34	116	166	589

¹ Totals may be less than the sum of the data for individual years because 89 agreements covering 371,000 workers have both reopenings and expirations in the reference period.

² Includes agreements that were due to expire between October 1 and December 31, 1990; agreements that expired prior to October 1, 1990, but for which new agreements were not reached by then; agreements that expired

prior to October 1, 1990, but for which necessary information had not been fully gathered; and agreements that have no fixed expiration or reopening date.

³ Includes all private nonagricultural industries and State and local governments.

NOTE: Because of rounding, sums of individual items may not equal totals. Dashes indicate no agreements or workers covered.

Collective Bargaining, 1991

creases. They are not incorporated into the wage rate and, therefore, frequently are not considered when calculating benefits based on wage rates, such as pensions or life insurance. Contracts that have these provisions typically provide smaller wage rate adjustments than those that do not. For example, in the first 9 months of 1990, settlements with lump-sum payments called for wage rate adjustments averaging 2.3 percent annually

over the contract term, compared to 3.9 percent in those without lump-sum provisions.

Lump sums are currently provided by major agreements covering about 2,473,000 workers in private industry, or 42 percent of all those under major agreements. This is about the same proportion as in each of the last 4 years for which data are available. (See table 3.)

Trends in COLA coverage. Cost-of-living adjustment clauses covered about 39 percent (2.3 million out of 5.9 million) of private industry workers under major agreements as of October 1, 1990. (See tables 4 and 5.) The proportion under COLA's has been between 38 percent and 40 percent for the past 5 years, following a drop from the peak of 61 percent in 1977. The proportion declined gradually from 1977 through 1984, mainly because of employment losses in industries in which COLA clauses were common. During the early 1980's, COLA clauses were generally maintained, but a variety of constraints were imposed which limited the size of payments. Because of these limits on COLA's and moderate increases in prices, some COLA clauses yielded little or no COLA pay increases. As a result, many labor negotiators were willing to trade COLA clauses for other benefit improvements, and thus, during negotiations in 1985 and 1986, COLA clauses were dropped from several contracts.

Deferred wage changes in 1991. Of the 8.5 million workers covered by major collective bargaining agreements, 3.7 million (43 percent) are scheduled to receive specified wage increases in 1991, averaging 3.8 percent. (See tables 6 and 7.) This year, 2.8 million private industry workers (47 percent of the total) are slated to receive deferred wage increases averaging 3.6 percent, under contracts negotiated earlier. About 963,000 State and local government workers (37 percent of the total) will receive deferred wage increases averaging 4.5 percent. There are no wage decreases scheduled this year in either private industry or government.

Expiring and reopening agreements

In addition to considering the general economy and trends in collective bargaining, negotiators will take into account what their expiring or reopening agreements have yielded.

Private industry. The following tabulation shows, for agreements expiring or reopening in 1991, total average percent annual wage adjustments—specified adjustments plus changes from COLA clauses—through September 1990. It also shows average percent annual specified

Table 2. Calendar of major collective bargaining activity

[Workers in thousands]

Year and month	Agreement expirations and/or scheduled wage reopenings ¹		Principal industries
	Number	Workers covered	
All years ²	1,922	8,483	.....
Total 1991 ³	687	2,820	.....
January	15	42	None
February	19	140	Bituminous coal, food stores, primary metals manufacturing
March	51	475	Trucking, State government construction
April	50	187	Construction, local government
May	78	271	Construction, apparel and other textile products
June	268	1,080	State and local government, electrical products, food stores
July	37	91	Local government
August	54	174	Local government, apparel and other textile products, electrical products
September	45	161	Local government, industrial machinery and equipment
October	18	53	Food stores
November	14	42	Food stores, electrical products
December	40	110	Local government
Total 1992	569	2,375	.....
January	17	40	None
February	17	88	Food stores
March	37	82	Construction
April	62	178	Construction, airlines
May	69	334	Communications, construction, electrical products
June	187	742	State and local government, construction, health services
July	21	47	Construction
August	53	417	Communications, local government
September	38	135	Food stores, State and local government
October	19	113	Aircraft manufacturing
November	16	40	None
December	33	159	State and local government, real estate operations
Total 1993 and later	381	1,836	.....
Year unknown or in negotiation ⁴ ..	374	1,823	.....

¹ Includes all private nonagricultural industries and State and local governments.

² See note 1, table 1.

³ Includes two agreements covering 6,000 workers which have both a wage reopening and an expiration scheduled in 1991.

⁴ See note 2, table 1.

NOTE: Because of rounding, sums of individual items may not equal totals.

wage adjustments only (excluding adjustments from COLA clauses).

	Total	Specified only
Private industry	3.0	2.6
Contracts with COLA's	3.2	2.0
Contracts without COLA's	2.9	2.9

Contracts expiring or reopening in 1991 had specified wage adjustments averaging 2.6 percent a year. When COLA's through September 1990 were added to them, total adjustments averaged 3.0 percent. Comparable figures for contracts expiring or reopening in 1990 were 2.1 percent, a record low for this measure, and 3.0 percent. Adjustments for contracts with COLA's and for all contracts combined may change as a result of potential COLA adjustments that occur between October 1, 1990, and the dates of the contracts' reopening or expiration.

State and local government. Total wage adjustments under State and local government contracts expiring or reopening in 1991 averaged 5.1 percent annually. The effect of COLA's on the adjustments is insignificant because few State and local government workers have COLA protection.

1991 issues

The remainder of this article describes the issues that will face bargainiers in industries with large concentrations of workers in 1991.

State and local government. Approximately 1,350,000 workers are covered by 336 major State and local government contracts that will expire or reopen in 1991. They include 738,000 workers under 110 State contracts and 612,000 workers under 226 local government contracts. Expiring contracts account for about 52 percent of the 2.6 million workers under all major State and local government agreements, compared with 35 percent in 1990 and 39 percent in 1989.

In State government, 70 percent of the workers under contracts scheduled for negotiation in 1991 are in four States: New York (202,000 workers), California (137,000 workers), Florida (104,000 workers), and Pennsylvania (76,000 workers). In contrast to this concentrated bargaining in State government, bargaining activity for local government workers is scattered throughout the country. The largest group is in Los Angeles County, where contracts covering 87,000 county employees expire or reopen in 1991.

Unions representing government workers include the American Federation of State, County and Municipal Employees,¹ which represents a

variety of government workers; the National Education Association (Ind.) and the American Federation of Teachers, which chiefly represent workers in public education; the Fraternal Order of Police (Ind.) and the International Association of Fire Fighters, which represent many public protective service workers; and the Amalgamated Transit Union, which bargains for workers in public transit systems.

In State government, workers in general government administration account for 64 percent of the employees under agreements that are scheduled to expire or reopen in 1991. (These workers are employed in a variety of occupations, including secretary, administrator, accountant, craftsperson, and appraiser.) The remaining workers under State agreements slated to expire or reopen in 1991 are in health services (13 percent of the total), higher education (11 percent), protective services (11 percent), and transportation (1 percent).

In local government, primary and secondary education accounts for 63 percent of workers under expiring contracts; the majority are teachers. (Other school employees include teacher aides, bus drivers, clerical workers, custodial workers, and food service workers.) General administration accounts for an additional 20 percent and protective services 6 percent. The remaining workers are in a variety of government functions, including hospitals, social services, and recreation.

Negotiators will review what their expiring contracts yielded. State and local government contracts subject to renegotiation in 1991 provided average wage adjustments of 5.1 percent annually over their term. Average annual adjustments were 5.6 percent in local governments and 4.8 percent in State governments. As shown in table 8, expiring agreements for workers in primary and secondary education provided larger annual adjustments over the contract life than did those for all other groups.

Following are brief accounts of the largest 1991 bargaining situations in State and local government:

(1) New York State. About 202,000 New York State workers are under contracts scheduled to expire on March 31, 1991. The New York Civil Service Employees Association (part of the American Federation of State, County and Municipal Employees) represents 102,000 operational, institutional, and administrative services employees; the Public Employee Federation (Ind.) bargains for 56,000 professional and technical employees; the Association of University Professors (Ind.) represents 20,000 faculty members and other professional employees at State colleges and universities; the Amer-

ican Federation of State, County and Municipal Employees bargains for 17,700 security services employees; and the Police Benevolent Association (Ind.) bargains for 2,400 State troopers.

The New York State Court Association (Ind.), which represented 3,600 court employees and court officers in the 1988 bargaining round, folded in 1989 and was replaced by three organi-

Table 3. Incidence of lump-sum payment provisions in major collective bargaining agreements, October 1990

[Workers in thousands]

1988 SIC Code ¹	Industry ²	All agreements			Agreements with lump-sum provisions	
		Number	Workers covered	Percent of workers covered by lump-sum provisions	Number	Workers covered
	Total	1,922	8,483	30	364	2,572
	Private nonagricultural industries	1,238	5,907	42	331	2,473
10	Metal mining	3	6	100	3	6
12	Bituminous coal and lignite mining	3	68	3	1	2
15	Building construction general contractors	115	439	0	—	—
16	Construction other than building construction	101	287	0	—	—
17	Construction—special trade contractors	138	293	0	—	—
20	Food and kindred products	52	134	36	20	48
21	Tobacco manufacturing	3	13	100	3	13
22	Textile mill products	7	22	0	—	—
23	Apparel and other finished products	27	197	1	1	2
24	Lumber and wood products, except furniture	11	24	76	9	18
25	Furniture and fixtures	4	4	0	—	—
26	Paper and allied products	35	47	76	26	35
27	Printing, publishing, and allied industries	18	28	10	2	3
28	Chemicals and allied products	26	50	17	5	8
29	Petroleum refining and related industries	11	33	5	1	2
30	Rubber and miscellaneous plastics	12	44	14	3	6
31	Leather and leather products	3	14	23	1	3
32	Stone, clay, glass, and concrete products	14	36	27	6	10
33	Primary metals industries	39	160	76	23	122
34	Fabricated metal products	20	39	47	8	19
35	Machinery, except electrical	25	89	79	17	70
36	Electrical machinery equipment and supplies	43	234	80	23	187
37	Transportation equipment	66	755	93	48	698
38	Instruments and related products	6	15	26	1	4
39	Miscellaneous manufacturing industries	5	8	0	—	—
40	Railroad transportation	27	354	99	25	350
41	Local and urban transit	4	11	0	—	—
42	Motor freight transportation	11	338	44	2	150
44	Water transportation	14	52	0	—	—
45	Transportation by air	29	196	35	9	68
48	Communications	37	517	52	21	271
49	Electric, gas, and sanitary services	75	225	12	8	26
50	Wholesale trade—durables	3	6	0	—	—
51	Wholesale trade—nondurables	7	32	79	1	25
53	Retail trade—general merchandise	14	60	38	2	23
54	Food stores	94	491	34	41	167
55	Automotive dealers and service stations	4	7	0	—	—
56	Apparel and accessory stores	2	6	0	—	—
58	Eating and drinking places	6	23	0	—	—
59	Miscellaneous retail stores	5	14	0	—	—
60-65	Finance, insurance, and real estate	24	131	28	3	36
70-89	Services	95	404	24	18	98
	State and local government	684	2,576	4	33	98

¹ There are no major collective bargaining agreements in SIC's 13, 14, 46, 47, 52, 57, or 67.

² Includes all private nonagricultural industries and State and local government.

NOTE: Because of rounding, sums of individual items may not equal total and percentages may not equal numerical worker ratios. Dashes indicate absence of lump-sum coverage.

zations: the New York Court Association (Ind.), representing 1,100 court officers; the New York State Supreme Court Officers Association, affiliated with the International Longshoremen's Association, representing 1,100 senior court officers; and the New York State Court Clerks Association (Ind.), representing 1,350 senior court clerks.

The first settlement in the last bargaining round for New York State workers was reached in April 1988 by the State, County and Municipal Employees union, which bargained for 17,700 security services employees. Among the terms provided for in their 3-year agreement were average general wage increases of 4 percent on April 27, 1988, 1 percent on December 1, 1988, 5 percent on April 1, 1989, and 5.5 percent on April 1, 1990; and lump-sum payments of \$52 in both 1988 and 1989 for employees in grade 9 and below. Under the health insurance plan, the parties agreed to establish a copayment for doctors' visits and increase the drug copayment.

Subsequent 3-year accords were negotiated by the five other labor organizations between May 1988 and January 1989. These contracts all provided for a 5-percent wage increase effective on or retroactive to June 6, 1988, another 5-percent increase on April 1, 1989, and a 5.5-percent raise on April 1, 1990. Under the Civil Service Employees Association's contracts, which covered 102,000 workers, other terms included establishing employee copayments for health care under the HMO—10 percent for individual coverage and 25 percent for family coverage; establishing a \$5 fee per individual for office visits, outpatient surgery, and laboratory charges by participating providers; increasing the waiting period for new employees to enroll in a health insurance program from 28 to 42 days; and raising the out-of-pocket (catastrophic) maximum payment for each individual family from \$500 to \$625.

Collective bargaining talks in 1991 for New York State workers will be affected by the State's budget deficit. In an effort to reduce the deficit, Governor Mario M. Cuomo proposed, in November 1990, to lay off 10,000 State employees by April 1992 and announced plans to furlough State employees for 5 days without pay during the remainder of the 1990-91 fiscal year (which ends on March 30, 1991).

(2) California. Approximately 137,000 California State employees are covered by contracts expiring or reopening on June 30, 1991. The California State Employees Association, affiliated with the Service Employees International Union, bargains for 61,000 clerical, office, administrative, custodial, engineering and techni-

cal, school, and health care employees; the California Faculty Association (Ind.) negotiates for 19,000 university and college faculty members; the State, County and Municipal Employees bargains for 3,000 professional and health and social service employees; and 10 other unions negotiate for the remaining 54,000 employees (employed in health care, legal, scientific, blue-collar, and protective service positions).

The California State Employees Association and the State concluded their previous bargaining round in May 1989. The 3-year contract provided wage adjustments of 6 percent on June 1, 1989, and 4 percent on January 1, 1990. It also introduced a clause that called for a January 1, 1991, wage increase between 3 and 5 percent, with the actual rate depending on the increase in the Consumer Price Index for Urban Consumers, and provided a wage and benefit reopener on June 1, 1991. First- and second-shift differentials were increased to 40 cents an hour from 25 cents and to 50 cents an hour from 35 cents, respectively. (Similar terms were negotiated for the 54,000 employees represented by various independent unions and 3,000 employees represented by the State, County and Municipal Employees union.)

For the remaining 19,000 employees represented by the California Faculty Association (Ind.), a separate 4-year agreement was negotiated with the California State University. The contract provided a 6.9-percent wage increase on July 1, 1987. Salary increases for subsequent years, which the contract set to those officially adopted by the California Post-Secondary Education Commission, were 4.7 percent on January 1, 1988, 4.8 percent on January 1, 1989, and 4.9 percent on January 1, 1990.

Union representatives will be dealing with a new State administration under Governor Pete Wilson. When this article went to press, the newly elected Governor had not announced a position on this year's negotiations.

(3) Pennsylvania. About 76,000 Pennsylvania State employees are under contracts also set to expire on June 30, 1991. Seventy-five percent of these workers are represented by the American Federation of State, County and Municipal Employees, 14 percent by the Service Employees International Union, and the remaining workers by the Pennsylvania Nurses Association, the United Food and Commercial Workers, and the International Brotherhood of Teamsters.

The contract with the American Federation of State, County and Municipal Employees was negotiated on July 28, 1988. The agreement called for wage increases of 5 percent on July 1 of 1989 and 1990 and 1 percent on January 1, 1991, for all

employees; an additional 5 percent on July 1, 1988, and 1 percent on January 1, 1989, for employees hired prior to June 30, 1988; modification of the longevity pay scheme to provide 35 steps, set at 1-year intervals with a 1.25-percent pay increment at each step (previously, there were 7 steps at 5-year intervals with a 4.25-percent increment at each step); extension of parental leave to fathers and adoptive parents; a 13-cent-an-hour increase over the term (to 40 cents an hour per employee) in the State payment to the health and welfare fund; a \$935 increase over the term (to \$2,585 per employee) in the annual State payment towards health insurance; and the establishment of a joint committee to review leave policy.

The contract with the Service Employees International Union, agreed to on July 21, 1988, after a 19-day work stoppage, provided terms generally similar to those of the State, County and Municipal Employees' contract. The 3-year contract called for wage increases of 4.1 percent on July 18, 1988, and 5 percent on July 1 of 1989 and 1990 for all employees; and additional increases on January 1 of 1989, 1990, and 1991 of 1 percent, 1.25 percent, and 1.25 percent, respectively, for employees hired prior to January 1, 1988. In addition, the parties agreed to an 11-cent-an-hour increase over the term (to 40 cents an hour per employee) in the State's payment to the health and welfare fund and a \$935 increase over the term (to \$2,585 per employee annually) in the State's payment to the hospital medical surgical trust fund.

The Pennsylvania Nurses Association's settlement, covering 3,200 workers, was reached on August 14, 1988. It differed from the State, County and Municipal Employees' agreement in that it provided an additional 1-percent general wage increase on January 1, 1990; a 15-cent-an-hour increase over the term (formerly 60 cents) in second- and third-shift differentials; \$275 increases over the term in annual tuition reimbursement for general courses (to \$800) and for specialized courses (to \$900); and a 13-cent-an-hour increase (to 40 cents an hour) in the State's payment to the health insurance fund. It also established a \$350 professional certification payment on July 1, 1988, increasing to \$500 over the term.

On September 23, 1988, the United Food and Commercial Workers, representing 2,900 liquor store clerks, signed a 3-year contract that provided for six semiannual \$500 lump-sum payments for cashiers, beginning on July 1, 1988, and \$500 lump-sum payments for employees who earn at least \$11 an hour (employees at the top of the wage progression) on July 1, 1990, and January 1, 1991. Other terms included anniversary step increases for all eligible employees dur-

ing the term of the agreement; a \$30.85 increase over the term (to \$75) in the State's monthly payment to the health and welfare fund for full-time employees and a \$26.35 increase over the term (to \$55) for part-time employees; and a reduction in life insurance benefits for active employees, to 65 percent of standard benefits at age 70 and 50 percent at age 75.

The International Brotherhood of Teamsters, representing 1,500 Pennsylvania Turnpike Authority employees, negotiated a separate 3-year agreement in November 1988. The contract called for wage increases of 4 percent on October 1 of 1989 and 1990 and a \$1 increase (to \$6) in the daily meal allowance.

Although neither side has announced a position for this year's bargaining, fiscal and job security concerns are likely to color negotiations.

(4) Florida. About 104,000 Florida State government workers are covered by 10 contracts scheduled to be reopened in June 1991. The American Federation of State, County and Municipal Employees represents 72 percent of the workers, and two independent organizations—the Police Benevolent Association (16 percent) and the National Education Association (12 percent)—represent the remaining employees.

All State, County and Municipal Employees' contracts, except the State university agreement, were negotiated in August 1990, with reopenings in June 1991. They provided for a 3-percent general wage increase on January 1, 1991. The agreement for 11,000 employees in the State university system was negotiated in September 1989, with a reopener in June 1991. It provided for a 4-percent general wage increase on January 1, 1990.

Florida's new administration, under recently elected Governor Lawton Chiles, had not taken a public position on this year's bargaining when this article was written.

(5) Los Angeles County. About 87,000 Los Angeles County employees are under 15 contracts scheduled to expire or reopen in 1991. Of the 15 agreements, 4 cover school personnel and expire or reopen on June 30. The other 11 agreements—all involving functions other than education—expire on September 30. Labor organizations representing these employees are the Service Employees International Union (49,000 workers); the Unified Teachers-Los Angeles, affiliated with both the National Education Association (Ind.) and the American Federation of Teachers (30,000 workers); the California State Employees Association (6,000 workers); and the State, County and Municipal Employees (2,000 workers).

Table 4. Incidence of cost-of-living adjustment (COLA) clauses in major collective bargaining agreements, October 1990

[Workers in thousands]

1988 SIC Code ¹	Industry ²	All agreements			Agreements with COLA clauses	
		Number	Workers covered	Percent of workers covered by COLA clauses	Number	Workers covered
	Total	1,922	8,483	30	309	2,524
	Private nonagricultural industries	1,238	5,907	39	249	2,284
10	Metal mining	3	6	0	—	—
12	Bituminous coal and lignite mining	3	68	0	—	—
15	Building construction general contractors ..	115	439	(³)	1	2
16	Construction other than building construction.	101	287	0	—	—
17	Construction—special trade contractors	138	293	1	2	4
20	Food and kindred products	52	134	7	4	9
21	Tobacco manufacturing	3	13	100	3	13
22	Textile mill products	7	22	16	1	4
23	Apparel and other finished products	27	197	49	17	96
24	Lumber and wood products, except furniture	11	24	6	1	1
25	Furniture and fixtures	4	4	0	—	—
26	Paper and allied products	35	47	0	—	—
27	Printing, publishing, and allied industries	18	28	37	7	11
28	Chemicals and allied products	26	50	11	3	6
29	Petroleum refining and related industries	11	33	0	—	—
30	Rubber and miscellaneous plastics	12	44	86	9	38
31	Leather and leather products	3	14	0	—	—
32	Stone, clay, glass, and concrete products ..	14	36	42	9	15
33	Primary metals industries	39	160	20	9	32
34	Fabricated metal products	20	39	65	12	25
35	Machinery, except electrical	25	89	78	16	70
36	Electrical machinery equipment and supplies	43	234	58	20	135
37	Transportation equipment	66	755	91	49	689
38	Instruments and related products	6	15	26	1	4
39	Miscellaneous manufacturing industries	5	8	27	1	2
40	Railroad transportation	27	354	99	25	350
41	Local and urban transit	4	11	12	1	1
42	Motor freight transportation	11	338	99	8	334
44	Water transportation	14	52	31	4	16
45	Transportation by air	29	196	3	2	7
48	Communications	37	517	46	13	237
49	Electric, gas, and sanitary services	75	225	12	10	26
50	Wholesale trade—durables	3	6	0	—	—
51	Wholesale trade—nondurables	7	32	79	1	25
53	Retail trade—general merchandise	14	60	40	2	24
54	Food stores	94	491	0	—	—
55	Automotive dealers and service stations	4	7	0	—	—
56	Apparel and accessory stores	2	6	0	—	—
58	Eating and drinking places	6	23	0	—	—
59	Miscellaneous retail stores	5	14	15	1	2
60–65	Finance, insurance, and real estate	24	131	51	6	67
70–89	Services	95	404	9	11	38
	State and local government	684	2,576	9	60	240

¹ There are no major collective bargaining agreements in SIC's 13, 14, 46, 47, 52, 57, or 67.

² Includes all private nonagricultural industries and State and local government.

³ Less than 0.5 percent.

NOTE: Because of rounding, sums of individual items may not equal totals and percentages may not equal numerical worker ratios. Dashes indicate absence of cost-of-living adjustment coverage.

The Unified Teachers-Los Angeles concluded its last round of bargaining on June 19, 1988, after a 9-day work stoppage. The 3-year contract, covering 30,000 teachers and other school employees, provided for wage increases of 8 percent

retroactive to July 1, 1988, and 8 percent on July 1 of 1989 and 1990.

The two school board agreements with the Service Employees International Union, which cover 16,000 teachers and related school employ-

ees, were last negotiated in January and February 1990. Besides calling for a wage reopening on July 1, 1991, the 2-year pacts provided for wage increases of 8 percent retroactive to July 1, 1989, and 8 percent on July 1 of 1990. The nine other agreements with this union were also 2-year accords reached between January and February 1990. The agreements, covering 33,000 administrative, blue-collar, health service, and clerical and office employees, called for wage increases of 3 percent retroactive to November 1, 1989, 3 percent on October 1, 1990, and 2.75 percent on July 1, 1991. The clerical and office employees' agreement also provided for a 10-cent-an-hour increase over the term (to 50 cents) in the shift differential.

It is not unusual for bargaining for State and local government workers to extend well beyond the expiration date of the preceding contract. In part, this reflects the time-consuming bargaining process in the public sector. After an agreement is negotiated by the executive branch, it is frequently sent to the legislature or a special agency for appropriation of funds. There are about 669,000 State and local government workers under 185 agreements that expired or reopened in 1990 or earlier but for whom new contracts had not been concluded by September 30, 1990. Thus, the 1991 bargaining scene in State and local government will include both contracts scheduled for talks during the year and some that expired earlier. If previous years' experience holds true, some contracts expiring or reopening in 1991 will not be resolved before the end of the year.

Private industry. Major contracts scheduled to expire or be reopened in private industry are in the construction, trucking, wholesale and retail trade, apparel, electronic and electrical equipment, and coal mining industries.

(1) Construction. Approximately 250,000 construction workers are covered by the 109 major contracts scheduled to expire or be reopened in 1991. As usual, the bargaining lineup is heaviest in the spring, with contracts expiring or reopening in March, April, and May accounting for 77 percent of the workers. The Northeast and East North Central regions (especially New York, Illinois, and Pennsylvania), with 63 percent of the workers under terminating or reopening contracts, will have the busiest schedules.

Individual construction firms are generally represented in bargaining by local or regional branches of national employer associations, such as the Associated General Contractors or the National Electrical Contractors Association. Union workers are generally organized by craft—plumbers, carpenters, cement workers, and so

forth. Although separate agreements may be reached with each union, settlements within a region tend to have similar economic terms, regardless of craft, reflecting local economic conditions.

According to Bureau of the Census data, the value of new nonresidential construction, in which most union workers are employed, rose to \$103.4 billion in 1989 from \$97.1 billion in 1988. For the first 9 months of 1990, it continued to increase to \$77.1 billion, compared to \$76.3 billion for the same period in 1989. However, the economic state of the construction industry has shown signs of weakening since August. The value of new nonresidential construction fell at a seasonally adjusted annual rate of 4.3 percent from July to August 1990 and dropped an additional 2.3 percent in September, compared to an increase of 2.7 percent from July to September 1989. Seasonally adjusted employment in the industry in October 1990 was down 2.6 percent from October 1989. The seasonally adjusted unemployment rate for construction workers was 13.2 percent in October 1990, up from 9.3 percent a year earlier.

Negotiators in 1991 will take into consideration the terms of their expiring contracts. Construction settlements expiring or reopening in 1991 yielded an average annual negotiated wage rate adjustment of 3.1 percent over their term. Adjustments (in percent) varied by region, as shown in the following tabulation:

All agreements	3.1
Northeast	4.2
New England	3.8
Mid-Atlantic	4.4
Midwest	3.4
East North Central	3.5
West North Central	2.8
South . . . . .	.9
South Atlantic	1.7
South Central . . . . .	.0
West	1.8
Mountain . . . . .	.1
Pacific	2.5
Agreements covering workers in more than one region	2.2

Adjustments also varied by type of construction. Over their term, expiring contracts yielded average annual wage adjustments of 3.2 percent in general building, 2.9 percent in heavy construction other than building, and 3.1 percent in special trades.

Construction settlements reached in the first 9 months of 1990 provided wage rate adjustments averaging 4.3 percent annually over the life of the contract, the highest since the 6.3 percent recorded in 1982. Following an all-time low of 1.0 percent in 1984, annual wage rate adjustments over the life of the contract had fluctuated be-

tween 2.1 percent and 3.1 percent from 1985 to 1989. While settlements in the first 9 months of 1990 suggest an upswing in the size of negotiated wage and benefit changes, virtually all were reached in the spring and early summer, before the slowdown in construction activity.

The late 1990 drop in construction activity reflected a general economic slowdown exacerbated by the savings and loan crisis and general concern about interest rates. According to a survey released in September 1990 by Manpower Inc., the construction industry is facing its first negative yearend hiring forecast since 1982, when its rate of unemployment was at a peak for the decade.

As always, the 1991 bargaining results are expected to reflect local economic conditions. The northeast corridor, which has been the region hardest hit by the latest construction downturn, is also the geographic area with the heaviest 1991 bargaining agenda.

(2) *Trucking.* Nearly 187,000 workers are under major collective bargaining agreements in the trucking industry scheduled to expire in 1991. They account for 61 percent of all workers covered by major contracts in the industry. Bargaining will be dominated by the March 1991 expiration of the Master Freight Agreement for 150,000 workers. This will be the 10th Master Freight Agreement (the first was negotiated in 1969) between the International Brotherhood of Teamsters and three employers groups—Trucking Management Inc., the Motor Carrier Labor Advisory Council, and Regional Carriers, Inc. Two other major Teamster contracts expire in 1991: the National Auto Transporters Agreement for 20,000 workers, in May, and the Chicago Joint Area Cartage Agreement for 10,000 workers, in March. The remaining 7,000 workers are covered by four contracts with four different unions.

The National Master Freight Agreement specifies wage changes, employer contributions to benefit plans, and most other economic terms. Supplemental agreements cover actual wage rates, the allocation of funds to health and welfare plans, and most work rules. Local exceptions to some national economic terms and work rules are set in various addenda.

The 1988 Master Freight Agreement was controversial. The settlement terms were strongly criticized by some segments of the union, particularly the Teamsters for a Democratic Union, a dissident group. Criticism intensified when Teamster leaders announced ratification of the contract, although 64 percent of the employees had voted to reject it. The union's general execu-

Table 5. Workers under cost-of-living adjustment (COLA) clauses in major collective bargaining agreements in private industry, 1971-91

[Numbers in millions]

Year ¹	Total workers	With COLA coverage	
	Number	Number	Percent ²
1971	10.8	3.0	28
1972	10.6	4.3	41
1973	10.4	4.1	39
1974	10.2	4.0	39
1975	10.3	5.3	51
1976	10.1	6.0	59
1977	9.8	6.0	61
1978	9.6	5.8	60
1979	9.5	5.6	59
1980	9.3	5.4	58
1981	9.1	5.3	58
1982	8.8	5.0	57
1983	8.3	5.0	60
1984	7.7	4.4	57
1985	7.3	4.1	56
1986	7.0	3.4	48
1987	6.5	2.6	40
1988	6.3	2.4	38
1989	6.1	2.4	40
1990	6.0	2.4	39
1991 (preliminary) ³	5.9	2.3	39

¹ Data relate to December 31 of preceding year.

² Percent coverage was computed on actual rather than rounded employment numbers.

³ Data relate to information available as of Oct. 1, 1990.

utive board declared that it was invoking the "two-thirds" rule, written into the union constitution in 1961, requiring that 66 percent vote against a contract for it to be rejected. Some union members challenged the acceptance of the contract in the courts. The issue was resolved when the Teamsters' executive board agreed that future contracts would require a simple majority vote for ratification.

The pact reached in May 1988 provided a 35-cent-an-hour wage increase retroactive to April. It restored the COLA clause that was suspended in 1985. (The 1985 agreement provided "guaranteed COLA's"—specified amounts independent of changes in the CPI.) The 1988 COLA formula provided 1 cent for each 0.3-point change in the BLS CPI-W (1967 = 100), capped at 35 cents each year. In April 1989 and 1990, it yielded the maximum allowed 35 cents. The agreement also called for increases in the employer contribution to pensions and health and welfare funds of 35 cents per hour the first year and 20 cents an hour in both the second and third year of the contract.

The accord introduced two provisions that had generated dissatisfaction among many workers.

The first stated that if 75 percent of the employees of non-profitable trucking companies agreed, the workers could take a 15-percent pay cut in exchange for a promised share of any future profits. Under the second provision, drivers would be required to pay for the loss of freight or truck damage if proven grossly negligent by the company.

Job security has been a continuing concern since the industry was deregulated. The Motor Carrier Act of 1980 made it easier for new companies to enter the industry. The act also relaxed rate regulations. The subsequent intensified competition and rate discounting led to a rise in motor-carrier failures. Union negotiators will try to protect workers displaced by these business failures, while seeking improvements in pension and health and welfare benefits.

The 1991 contract talks will be held during a period of major political change within the Teamsters organization. The rank and file are scheduled to have their first direct election of a union president in December 1991. The election will be conducted under government supervision. Although the candidates and their views are not all known at this time, there will be a change in

leadership. William McCarthy, the current union president, announced on October 10, 1990, that he will not seek reelection. The influence of the pending election on the negotiations and the subsequent ratification process is unknown.

(3) Wholesale and retail trade. About 197,000 workers in the wholesale and retail trade industry are covered by 46 contracts that are scheduled to expire or have provisions for reopening this year. Approximately 123,000 workers are employed in food stores. The balance of the employees work in wholesale trade, department stores, clothing stores, automotive dealers, eating and drinking places, and drug stores.

Seventy-seven percent of the workers under agreements in trade expiring in 1991 are represented by the United Food and Commercial Workers. The remainder are represented by the International Brotherhood of Teamsters; the Service Employees International Union; the International Association of Machinists; the Retail, Wholesale and Department Store Workers; and the International Ladies' Garment Workers Union.

The last time the parties negotiated, the contracts provided overall wage adjustments averag-

Table 6. Scheduled deferred wage changes under major collective bargaining agreements in 1990, by industry

Selected industry	Number of agreements	Number of workers (thousands)	Mean change ¹							
			Total		With COLA's		Without COLA's		Median change	
			Cents	Percent	Cents	Percent	Cents	Percent	Cents	Percent
Total ²	902	3,748	59.3	3.8	42.6	3.1	63.9	4.0	50.0	3.6
All private nonagricultural industries	649	2,785	56.0	3.6	40.7	3.0	60.6	3.8	46.8	3.4
Manufacturing ³	202	669	42.9	3.3	39.6	2.7	44.6	3.6	40.0	3.0
Food and kindred products	24	46	38.7	3.2	38.3	3.0	38.7	3.2	40.0	3.0
Apparel and other textile products	6	52	17.3	2.6	-	-	17.3	2.6	15.0	2.3
Metalworking	86	380	45.6	3.4	39.5	2.7	51.7	4.0	44.0	3.0
Nonmanufacturing ⁴	447	2,116	60.2	3.7	41.3	3.1	64.7	3.8	50.0	3.6
Construction	224	710	84.7	4.0	100.0	4.1	84.6	4.0	75.0	3.7
Transportation and public utilities	78	740	44.0	2.9	38.7	2.9	48.8	2.8	38.2	2.6
Wholesale and retail trade	75	372	39.8	3.7	50.0	4.9	39.8	3.7	40.0	3.5
Finance, insurance, and real estate	12	62	50.7	4.3	58.6	4.8	41.1	3.9	58.7	4.8
Services	54	224	73.4	5.0	51.8	4.6	74.4	5.1	65.6	5.0
State and local government	253	963	68.6	4.5	49.5	3.4	72.9	4.8	52.7	4.3

¹ Changes in cents per work hour and percent of straight-time average hourly earnings.

² Includes all private nonagricultural industries and State and local government.

³ Includes workers in the following industry groups for which data are not shown separately: tobacco (12,000); lumber (20,000); furniture (2,000); paper (30,000); printing (14,000); chemicals (25,000); petroleum (33,000); rubber (1,000); leather (14,000); stone, clay, and glass products (32,000); instruments

and related products (8,000); and miscellaneous manufacturing (2,000).

⁴ Includes 8,000 workers in the mining industry for which data are not shown separately to ensure confidentiality of data.

NOTE: Workers are distributed according to the average adjustment for all workers in each bargaining situation considered. Deferred wage increases include guaranteed minimum adjustments under cost-of-living adjustment clauses. Because of rounding, sums of individual items may not equal totals. Dashes indicate no workers.

ing 2.9 percent a year over their term. Settlements varied by type of business and region; there were no industrywide patterns.

In food stores, wage adjustments averaged 2.8 percent annually over the term of contracts expiring in 1991, but varied substantially, ranging from cuts of 6.9 percent to increases of 5.4 percent. Contracts for 34 percent of the workers provided lump-sum payments and yielded annual wage rate adjustments averaging 1.4 percent, compared with 3.5 percent for those without lump-sum provisions.

Bargainers will likely examine recent developments in settlements in the industry—most notably, the trading of lump-sum payments for wage rate increases in some contracts. In the first 9 months of 1990, five contracts, covering 51 percent (89,000) of the 175,000 workers under food store settlements, eliminated lump-sum provisions. These included one agreement for 73,000 workers between the United Food and Commercial Workers and the Food Employers Council of Southern California in which lump sums were traded for larger wage increases. Specifically, the expiring 3-year contract had provided lump-sum payments ranging from \$300 to \$1,500 and wage rate increases between 32.5 cents to 50 cents per hour over the contract life. The 1990 accord does not call for a lump-sum payment but raises wage rates by \$1.65 an hour over the life of the 38-month agreement. Six settlements, for 13,000 workers, maintained a lump-sum payment clause, while one, covering 1,600 workers, introduced such a clause. Among all workers covered by agreements in food stores, the proportion with lump-sum provisions dropped from 52 percent as of December 31, 1989, to 34 percent as of September 30, 1990.

The United Food and Commercial Workers will represent nearly 27,000 clerks and meatcutters in New England, in negotiations for eight contracts with five major food store chains—Stop & Shop, A&P, Foodmart, First National, and Star Markets. These contracts account for the largest number of food store workers under contracts slated for negotiation in 1991. The expiring 3-year contracts provided wage increases ranging from \$85 to \$105 a week for full-time employees and from 90 cents to \$1.10 an hour for part-time workers.

Almost 60 percent of the workers covered by major agreements in department stores are scheduled to bargain in 1991. Talks are slated for Bloomingdale's in New York with the Retail, Wholesale and Department Store Union and for Meijer in Michigan, Bradlee's in New England and New Jersey, and Filene's in New England with the United Food and Commercial Workers. The expiring contracts, covering 36,000 workers,

provided wage increases averaging 4.0 percent over their term.

Job security is certain to be an issue because of the poor financial condition of several chains stemming from the huge debts incurred by the leveraged buyouts of the 1980's. (In a leveraged buyout, some of the assets of the purchased company, notably real estate, may be sold to help finance the buyout.) Increasing losses have prompted closing of all Gimbel's and Garfinkel's stores and of branches of other chains such as Ames and Bradlee's. Others, including Bloomingdale's, are facing financial difficulties. In addition, recent lackluster sales, stemming from declining consumer confidence and the fear of a recession, have heightened concerns about job security.

(4) Apparel. Approximately 138,000 workers in the apparel manufacturing industry are cov-

Table 7. **Deferred wage increases scheduled in 1991 in major collective bargaining agreements, by month**

[Workers in thousands]

Effective month	Workers covered ¹	Principal industries
January–December	23,748	
January	621	State and local government, steel, manufacturing, construction
February . . .	135	Petroleum refining
March	233	Apparel and other textile products, local government
April	186	Food stores, construction
May	470	Communications, construction, electrical products, food stores
June	348	Construction, electric and gas utilities
July	785	State and local government, construction, health services
August	527	Communications, parcel delivery, food stores
September . .	249	Communications, local government
October	292	Aircraft manufacturing, food stores, State and local government
November . .	59	(3)
December . .	82	(3)

¹ Includes 963,000 workers under State and local government agreements.

² This total is smaller than the sum of individual items because 232,000 workers are scheduled to receive two increases and 2,500 are scheduled to receive three or more increases in 1991. It is based on data available as of October 1, 1990, and thus may understate the number of workers scheduled to receive deferred increases for the entire year.

³ No single industry accounts for a substantial proportion of workers.

ered by contracts that expire in 1991. These include 96,000 workers in the women's apparel industry whose agreements expire in the spring and 42,000 workers in the men's apparel industry whose agreements expire in August. These contracts account for 70 percent of all workers under major agreements in the apparel industry.

Workers in the women's apparel industry will be represented by the International Ladies' Garment Workers Union in bargaining with several associations of manufacturers, including the New York Coat and Suit Association, United Better Dress Association, Atlantic Apparel Contractors, and Greater Blouse, Skirt and Undergarment Association. The Amalgamated Clothing and Textile Workers Union will represent workers under the Cotton Garment Agreement, which includes men's apparel manufacturers such as Arrow, Hathaway, Manhattan, Jay-Mar Ruby, and Cotler.

The negotiators will represent different unions and employer groups, but will face similar economic conditions. Employment in the apparel industry has been declining steadily, from a peak of 1.4 million workers in 1973 to 1.1 million in 1989, dropping to 1.0 million in October 1990. The seasonally adjusted unemployment rate in October 1990 was 10.0 percent, compared to 7.1 percent a year earlier. Over the last decade, the domestic apparel manufacturing industry has faced growing competition from lower priced imports. The Department of Commerce estimates that imports have increased from 2,884.2 million square yard equivalents² in 1980 to 6,728.9 million square yard equivalents in 1989.

In the last round of bargaining, in June 1988, the Ladies' Garment Workers Union reached settlements with the New York Coat and Suit Association and the Infants', Children's and Girls' Sportswear and Coat Association that set the pattern for other agreements negotiated by the union. These contracts provided wage increases of 4 percent in each of the 3 contract years. The accords also increased employer financing of pension and health and welfare funds, holiday pay, and the duration of paid funeral leave. The COLA clause was maintained, although no COLA payments had been made under the terms of the three prior contracts because the CPI had not increased sufficiently to generate any payments. (For the same reason, no COLA payments have been made under the terms of the 1988 accord.) In addition, the contract provides up to 6 months of unpaid parental leave, permitting male or female employees time off for the birth or adoption of a child, with a guarantee that the employee can return to a comparable job with the same employer.

The Cotton Garment Agreement, negotiated in March of 1990, provided for wage increases of 35 cents an hour over the 18-month contract term, improved health insurance, and increased employer payments to the health benefit fund and to the pension fund. It continued a 6-week parental leave provision that had been agreed to earlier.

Labor and management's continuing efforts to address problems associated with declines in employment and cutbacks in production will provide the backdrop for negotiations in both segments of the industry. Specific contract demands are expected to be formulated at the beginning of the year.

Table 8. **Average annual wage rate adjustments over the life of State and local government contracts subject to renegotiation in 1991**

[Percent]

Category	Average adjustment
All State and local government	5.1
State government	4.8
Local government	5.6
Education	5.6
Colleges and universities	3.9
Primary and secondary schools	6.0
General government and administration ..	4.8
Protective services	5.1
Health care	5.2
Transportation	5.1
Other	4.3
State and local government, excluding education	4.9
State government, excluding education ..	4.9
Local government, excluding education ..	4.9

(5) Electronic and electrical equipment. Contracts covering approximately 121,000 workers in the electronic and electrical equipment manufacturing industry are scheduled to expire or are subject to reopening in 1991. Contracts between General Electric Co. and 13 unions,³ covering 57 percent (69,000) of these workers, expire in June. The unions make up the Coordinated Bargaining Committee of General Electric and Westinghouse Unions, which, since its formation in 1965, has served as a vehicle for exchanging information and ideas among the unions and developing common sets of proposals for each round of negotiations.

Contracts for 14,000 Westinghouse Electric Corp. workers, represented by six unions⁴ that are members of the committee, expire in August. Other major contracts slated for 1991 negotiations are Raytheon Co. with the International Brotherhood of Electrical Workers, for 10,500 workers in August, and Hughes Aircraft Co. and the United Brotherhood of Carpenters and Joiners

of America, for 10,000 workers in November. The remaining 17,000 workers are at various other companies with contracts expiring throughout the year.

The last round of talks in 1988 marked a break in tradition. The settlements reached between General Electric and the coalition of unions did not become the pattern for a settlement at Westinghouse because of major differences between the two companies in product lines and markets.

The 3-year agreement negotiated in July 1988 at General Electric included an immediate 2.5-percent general wage increase and 1.5-percent increases in June 1989 and 1990. Employees also received lump-sum payments of \$165 in July 1988 and \$900 in July 1989. The Westinghouse accords, reached in September 1988, provided wage increases of 3 percent in August 1989 and 1990 and lump-sum payments in September 1988 and 1989 equal to 6 percent and 3 percent, respectively, of the employee's hourly pay rate multiplied by 2,080. The contracts also differed in the improvements to the pension formulas, job and income security provisions, and life insurance benefits. However, both settlements continued their COLA clauses, which called for five semiannual reviews and adjustments of 1 cent an hour for each 0.15-percent increase in the BLS CPI-W.

All bargainers will be concerned with the yield of their expiring contracts. Overall, agreements expiring or reopening in the electronic and electrical equipment industry in 1991 specified wage-rate adjustments averaging 2.3 percent annually over the contract term. When the wage increases generated by COLA clauses through the third quarter of 1990 are added to specified changes, the total yield was 3.3 percent.

The decade of the 1980's was a period of change for many U.S. manufacturers, including major companies in the electronics and electrical products industry. Some, such as General Electric and Westinghouse, underwent substantial restructuring, diversifying and streamlining their operations to better meet the challenge of foreign competition and a changing U.S. economy. But employment in the industry has been dropping—to 1,678,000 in September 1990, compared with a 1980's high of 1,869,000 in 1984—as foreign companies have made steady gains in market share. The housing market slump, which began in the first quarter of 1990, has had an adverse effect on manufacturers of major appliances, and any Federal defense budget cutbacks relating to the budget deficit or the end of the Cold War could adversely affect manufacturers of military equipment and supplies.

Company and union representatives indicated that negotiations at General Electric tentatively

are scheduled to begin the end of May to replace contracts expiring on June 30, 1991. Union goals for 1991 negotiations have not formally been established, but the Coordinated Bargaining Committee most likely will seek wage changes in each year of the contract, continuation of the COLA clause, and improved health insurance, retirement, and job security provisions.

(6) Coal mining. The 5-year contract negotiated by the United Mine Workers of America and the Bituminous Coal Operators Association in February 1988 states, "For the sole purpose of renegotiating changes in the hourly wage rates and pension benefits, the Union, at its exclusive option, may reopen this Agreement prior to the third anniversary of the effective date of this Agreement, by giving written notice to the Employers hereto no earlier than November 1, 1990, and no later than December 1, 1990." The union can call for another reopening in the same manner the following year.

If the contract is reopened, bargaining will take place following a decade of increasing demand, production, and productivity, but declining employment. In 1990, domestic coal production is expected to reach 1 billion tons, marking the fourth consecutive year of growth. During the past decade, the demand for coal rose at 2.5 percent per year. Nonetheless, employment in bituminous coal mining dropped from 250,000 to 135,000 in the last 10 years as productivity increased 8 percent a year, outpacing the increase in demand. Several factors contributed to the growth in productivity, including the use of an improved extraction technique, known as long wall mining, the closing of inefficient mines, and an older, better educated, and more experienced work force utilizing more technical and complex equipment.

Against this same backdrop of declining employment, the 1988 agreement provided for improved job security. Laid-off employees have the right to the first 3 of every 5 jobs available at any nonunion operations of companies that have operations covered by the contract; the right to all jobs in operations that their employer leases out to other companies; and the right to use recall rights at all of their employer's operations. (Recall rights entitle laid-off workers to jobs before new hires are considered.) The previous contract had limited recall to the Mine Workers union's district in which the lost job was located or in a contiguous district. The 1988 contract also called for new employer-financed training and education programs. In addition, hourly wages were increased 25 cents on February 1, 1988, 35 cents on February 1, 1989, and 45 cents on February 1, 1990.

In addition to covering the members of the Bituminous Coal Operators Association, the 1988 contract applied to 200 companies that had signed earlier interim agreements binding them to the terms of the Coal Operators/Mine Workers accord in return for a no-strike pledge. Some coal mining companies, which were not members of the association, were not signatories to the interim agreement. One of these was the Pittston Coal Co., which left the association in 1986 and negotiated independently to replace the contract expiring in 1988.

The major issue in negotiations between Pittston and the United Mine Workers centered on the company's withdrawal from the industry health and welfare plans. Unable to reach an agreement after several months of negotiations, Pittston employees went on strike in April 1988. Six months later, Secretary of Labor Elizabeth Dole brought in former secretary William J. Usery, Jr., to mediate the dispute. An agreement, ending a 9-month strike, was finally reached in January 1990 following marathon bargaining sessions. As a byproduct of the negotiations, Secretary Dole appointed a commission to examine the financial status of the industry health and retirement funds.⁵

The commission, headed by Usery, made

some recommendations aimed at eliminating the deficit in the health benefit trust funds, but was unable to reach a consensus on who should pay for the benefits of retirees whose companies have gone out of business or are no longer members of the Bituminous Coal Operators Association. The issue of funding the health and welfare plans of current and retired mine workers continues to be a major stumbling block for future negotiations in the industry.

THE LAST 8 YEARS have seen general economic prosperity, but union workers have gained less, by and large, than other workers. This difference stems, in large measure, from efforts by negotiators to check increases in labor costs to help counter competition from abroad and from nonunion firms at home and thereby preserve jobs. Many contracts negotiated during the last 2 years, however, have restored wage cuts made earlier or provided larger wage increases than had been generated by the expired agreement. Such improvements usually reflected better business conditions for employers. As management and worker representatives prepared to move to the 1991 bargaining table, however, they faced the daunting task of dealing with conditions in their firms in a general economic environment clouded by pessimism and doubt. □

Footnotes

¹ In this article, whenever a union name is not followed by "(Ind.)," the union is affiliated with the American Federation of Labor-Congress of Industrial Organizations.

² The Department of Commerce, Office of Textiles and Apparel, determines the square yard equivalent measure by applying a conversion factor to each incoming garment to measure change in apparel and textile imports between periods.

³ The 12 unions affiliated with the American Federation of Labor-Congress of Industrial Organizations are the International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; International Brotherhood of Electrical Workers; International Union of Allied Industrial Workers of America; United Brotherhood of Carpenters and Joiners of America; International Brotherhood of Firemen and Oilers; American Flint Glass Workers Union of North America; International Association of Machinists and Aerospace Workers; United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the

United States and Canada; Sheet Metal Workers International Association; International Union of Automobile, Aerospace and Agricultural Implement Workers of America; United Steelworkers of America; and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. The one independent union is the United Electrical, Radio and Machine Workers of America.

⁴ The International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; International Brotherhood of Electrical Workers; United Electrical, Radio and Machine Workers of America; International Association of Machinists and Aerospace Workers; United Steelworkers of America; and United Brotherhood of Carpenters and Joiners of America.

⁵ For a more detailed description of bargaining at Pittston, the creation of the commission, and its final report, see Michael Cimini, "Collective bargaining in 1990: search for solutions continue," p. 19.

Collective bargaining in 1990: search for solutions continues

Finding solutions to industrial relations problems continued to challenge employers and unions as their interests collided in areas such as health care, wages, pensions, and job and income security

Michael Cimini

The institution of collective bargaining was severely tested in 1990, as several industries that have been buffeted in recent years by foreign competition, deregulation, technological changes, or intense interindustry or intraindustry competition, experienced significant bargaining activity. Several of these industries also were adversely affected by a sluggish economy, and some experienced significant job losses during the year. Bargaining talks in two of these industries required the intervention of the top echelon of the Federal Government: the President established an emergency board for the national railroad negotiations, and the Secretary of Labor appointed a supermediator (and a special commission) for the Pittston Coal Co.—United Mine Workers work stoppage.

Several other bargaining situations also outstretched the ability of negotiators to reach peaceful settlements without disruptions. In the Eastern Airlines—Machinists work stoppage, the Congress passed legislation establishing a special commission to investigate the labor dispute, but its effort was rejected by a presidential veto. In addition, two other contract talks led to protracted labor disputes—the baseball strike during the spring and the Greyhound bus strike for much of the year.

In two bargaining situations where negotiations were expected to be acrimonious, settlements were reached without a serious threat of a work stoppage. In the first, the United Parcel Service—Teamsters master contract negotiations, the rank-and-file broke with their union leadership and approved a tentative contract that the union leaders had recommended be rejected. In the second case, the United Automobile Workers con-

tract talks with the “Big Three” automakers, the parties quickly and successfully resolved the thorny problems of job and income security in a way that may indicate the dawn of more mature and cooperative labor-management relationships in the industry.

Health care costs, as in past years, were the most contentious bargaining issue in 1990. In many negotiations, unions traded off higher wage increases to avoid health care benefit cuts or the shifting of health care insurance costs to their members. Other major bargaining issues were wages, job security, pensions, and safety and health matters. Although of increasing importance in the last few years, family issues, such as child care, parental care, and flexible work schedules, were not usually the major issues in dispute in 1990.

One indicator of the state of labor-management relations is the number of major work stoppages (strikes and lockouts involving 1,000 workers or more). After an upsurge in 1989, work stoppage activity dropped in 1990. By the end of October, there were 43 work stoppages that involved 195,000 workers and 6.1 million days of idleness (amounting to about 3 of every 10,000 available work days during the 10-month period). Comparable figures for the same period a year earlier were 45 stoppages, 441,000 workers, and 14.8 million days of idleness (6 out of every 10,000 available work days).

Another indicator of the relations between labor and management was the size of wage adjustments in major collective bargaining settlements reached in private industry during the first 9 months of the year. Wage rate adjustments av-

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eraged 3.3 percent annually over the life of the contracts, compared with 2.1 percent the last time the same parties settled, typically in 1987 or 1988. If the same pattern holds through the fourth quarter, 1990 would be the second consecutive year since 1981 (when the measure was introduced) in which specified over-the-term wage adjustments were larger in new contracts than in the contracts they replaced.

Other characteristics of labor-management relations in 1990 are less easily measured in statistical terms, but are evident in the following discussions of developments in individual industries and firms.

Automobiles

Many labor relations pundits looked to the negotiations between the United Automobile Workers (UAW) and the "Big Three" U.S. automakers (Ford Motor Co., General Motors [GM], and Chrysler Corp.) as potentially setting the tone for bargaining in the United States for the next few years. The outlook was not good, these experts said. They believed the relationship between the union and the automakers was, at best, strained.

GM was chosen as this round's "strike target" (the company the UAW focuses on in negotiations) because of its size, large parts operations, and its history of plant closings and layoffs since the 1987 contract was signed.

Prior to the mid-July negotiations, GM had sustained a 6-day UAW job action at its Flint, MI, plant that ended only after it agreed to invest \$20 million in new manufacturing technology, to accept strict local limits on "outsourcing" (buying auto parts from outside suppliers), and to guarantee jobs to the 2,800 employees at the Flint plant through 1996. The job action was seen by many industry observers as the UAW's signal to GM of their determination to gain improved job security during national auto negotiations.

As it usually does, the UAW broke off contract talks with the other automakers to concentrate on signing an agreement with GM before the 1987 bargaining agreement expired. The relationship between the parties was described as more harmonious than usual, particularly after a "generous" first contract offer from GM. Negotiators failed to reach an agreement by the contract's expiration date, but the union extended the strike deadline on a daily basis (an unusual, but expected move) until an accord was reached. The ease with which the pact was reached and its strong support among the rank-and-file may indicate that collective bargaining in the industry is moving to a more cooperative and mature level.

The new 3-year agreement provides an unprecedented level of income and job security for GM's 300,000 employees represented by the UAW. In exchange, GM receives more flexibility in assigning work and eliminating expensive job classifications and work rules, and is allowed to reduce the work force through attrition and "buyouts" of older workers.

The new contract provides for:

- a new income and job security program requiring GM to spend about \$4 billion to guarantee income to senior employees;
- up to 36 weeks of supplemental unemployment benefits for laid-off workers equal to 95 percent of their take-home pay during the term of the contract, increasing to 100 percent after 36 weeks.
- an increase in maximum monthly pension benefit for early retirement (with 30 years of service, under age 62) of \$300 (to \$1,800) over the term of the contract;
- an increase in the amount of outside income an employee is permitted to earn before sacrificing benefits, from \$3,000 to \$15,000;
- "pre-retirement" leave that permits older employees to leave their jobs and receive 85 percent of their full-time pay until they are eligible for retirement (their positions will be filled by laid-off GM workers);
- a reduced minimum retirement age, from 55 to 50;
- an increase (from \$3,000 to \$7,000) in payments under the Voluntary Employment Termination Program, under which employees are given a lump-sum payment to quit, with a maximum "buyout" of \$72,000 (was \$65,000) and 6 months of free basic health care insurance coverage for employees with at least 25 years of service;
- a restriction on "outsourcing" (use of subcontractors) and excess overtime, and encouragement of "insourcing" (GM employees performing new work and previously subcontracted work);
- retaining the "one-for-two" attrition formula that requires GM to hire one worker for every two who retire, die, or quit, as well as contract language substantially barring permanent plant closures;
- improved benefits for currently laid-off workers;
- 3-percent wage increase in the first year and lump-sum payments in the second and third years equal to 3 percent of an employee's gross earnings in the preceding 12 months;

- increased pension benefits for future and current retirees;
- improvements in the profit-sharing plan;
- \$600 Christmas bonuses in 1991 and 1992 (in exchange for eliminating the \$600 perfect attendance bonuses);
- increases in life insurance, sickness and accident insurance, and extended disability and survivor income benefits.

Once the GM agreement was ratified, the UAW turned its attention to Ford. After 5 days of talks, negotiators for Ford and the union signed a 3-year agreement, covering some 100,000 workers nationwide, that closely parallels the GM contract. Unlike at GM, the job security and subcontracting provisions at Ford are not expected to be high cost items because over the term of the last contract Ford did not decrease its work force much because of "outsourcing," nor is the company expected to conduct large layoffs during the term of this contract.

Ford, however, may find the penalty for excess overtime (overtime hours worked in excess of 5 percent of straight-time hours worked) costly. Under the previous contract, the company met increased demand for its cars and trucks by using overtime instead of hiring more employees. Under the new contract, the penalty for excess overtime increases from \$1.25 an hour for all excess overtime hours to as much as \$5 an hour, with the actual rate depending on the amount of excess overtime hours.

At the end of October, the UAW and Chrysler signed a 3-year agreement, covering some 63,000 workers nationwide, that, with relatively few modifications, mirrors the contracts at GM and Ford. The ease with which the contract was negotiated was surprising, because Chrysler had said it could not afford as costly an agreement as was negotiated at GM and Ford, particularly the pension improvements and health insurance.

The major difference between the Chrysler accord and the two other automakers' contracts is the establishment of a third shift at Chrysler's minivan plant in St. Louis, MO. Other differences include slight variations in language dealing with outsourcing decisions and attendance policies. In addition, the Chrysler contract reportedly provides the company with "accounting breaks" in the pension area.

In a related development, less than 2 months after negotiating a new contract with the UAW, GM announced it would permanently close at least seven assembly plants in the next 2-3 years in a \$2.1 billion write-off that is "a major element in GM's long-term strategic plan to improve the

competitiveness and profitability of its North American operations." The closings are expected to affect some 20,000 GM workers.

Aerospace

The lead-off settlement in the 1989-90 bargaining round in the aerospace industry came in November 1989, when The Boeing Co. and the Machinists agreed on a 3-year contract after a 49-day work stoppage. Reflecting the troubled times in the industry, the accord was the industry's first lead-off settlement in 50 years that did not set a pattern for subsequent contracts.¹

In the first major negotiations after the Boeing-Machinists settlement, members of the Seattle Professional Engineering Employees Association, in November 1989, rejected a tentative accord with Boeing covering about 15,000 engineers. (This was the first time in the parties' bargaining history that a tentative agreement was rejected.) The Association however, did accept a contract for 12,000 technicians in Seattle, WA. Like subsequent settlements in the industry, the technicians' contract provided a smaller economic package than did the Boeing-Machinists settlement.

Terms of the technicians' accord included general wage increases of 3 percent retroactive to December 2, 1989, and 2 percent in December of 1990 and 1991; an immediate lump-sum payment equal to 10 percent of an employee's gross earnings during the preceding 12 months, followed by similar payments of 5 percent in December 1990 and 4 percent in December 1991; selective adjustments (increases based on an employee's performance) of 2 percent in June of each year; and various improvements in health insurance and pension benefits.

Later, in February 1990, the Association accepted a "sweetened" 3-year contract with Boeing, covering about 15,000 engineers. The new contract provided for a 3-percent general wage increase retroactive to December 2, 1989; a lump-sum payment equal to 10 percent of an employee's gross earnings in the preceding 12 months, payable upon ratification, followed by similar payments of 5 percent in December 1991 and 4 percent in December 1992; six semi-annual "selective" 2-percent wage increases (adjustments that are distributed to only some employees); enhanced pension benefits; and a reduction in mandatory overtime, from 200 hours in a quarter to 144 hours and from four consecutive weekends to two.

In December 1989, McDonnell Douglas and the Machinists settled for 8,000 workers at six of the company's facilities. The 3-year pact differed significantly from the Boeing-Machinists settlement. Terms included wage increases of 5.5 percent in the first year and 3 percent in the second and

third years; annual lump-sum payments equal to 4 percent of an employee's gross earnings in the preceding 12 months; and improvements in pension, life insurance, disability, and health insurance.

In February, negotiators for Lockheed Aeronautical Systems and the Machinists union reached new 3-year agreements covering 18,000 workers at four facilities in Marietta, GA, and southern California. The contracts provided wage increases and lump-sum payments for some workers and only lump-sum payments for others.

Employees in higher labor grades received general wage increases of 4 percent retroactive to October 1, 1989, and 3 percent on October 1 of 1990 and 1991, plus lump-sum payments on October 1 of 1990 and 1991 equal to 4 percent of the employee's gross earnings in the preceding 12 months, and a similar 2-percent payment on October 1, 1992. Employees in lower labor grades received a lump-sum payment retroactive to October 1, 1989, equal to 4 percent of their gross earnings in the preceding 12 months, similar payments of 7 percent on October 1 of 1990 and 1991, and 2 percent on October 1, 1992. Other terms included a two-tier wage system, with lower salaries for certain new hires; and the establishment of employee payments for dependent health insurance coverage—\$4 a week in the first year and \$6 a week in the second year.

In May, a new 3-year agreement was signed between McDonnell Douglas Corp. and the Machinists, representing some 12,000 employees at the company's military aircraft and missile building plants in St. Louis, MO. The pact called for a 5.5-percent wage increase in May 1990 and 3-percent increases in May of 1991 and 1992; lump-sum payments in each year of the contract equal to 4 percent of an employee's gross earnings in the preceding 12 months; and improvements in pensions, health benefits, and sickness, disability, and life insurance benefits.

In July, Rockwell International Corp. and the Automobile Workers signed 3-year agreements, covering some 9,000 workers at nine facilities across the country. The pacts called for wage increases of 4 percent immediately, 3 percent in July 1991, a lump-sum payment in December 1990 equal to 2 percent of an employee's gross earnings in the preceding 12 months, and a similar 6-percent lump-sum payment in August 1992. Other terms included enhanced pension benefits; and a decrease (from 100 percent to 84 percent) in the level of reimbursement under the preferred provider health insurance program.

In November, the last of the major negotiations in the industry were concluded when General Dynamics Corp. and the Machinists union

reached a new 3-year agreement, covering some 10,000 workers at the company's aircraft plant in Fort Worth, TX. The contract provided for wage increases of 5.5 percent immediately and 3 percent in November of 1991 and 1992; a \$1,000 ratification bonus; and the continuation of the cost-of-living adjustment provision, which provides for quarterly allowances equal to 1 cent for each 0.3-point increase in the Consumer Price Index for Wage Earners and Clerical Workers. Other terms included various health insurance cost containment measures; enhanced pension and dental benefits; increased company matching of an employee's investment in the savings plan; and the establishment of 14 new job classifications and upgrading of 44 additional jobs.

Railroads

A bargaining stalemate that for 2 years stymied railroad labor negotiators involved in national bargaining was temporarily ended May 7, 1990, when President George Bush appointed an emergency board to "forestall the possibility of a crippling nationwide rail strike." The dispute involved 11 railway unions, representing some 230,000 workers, and the Nation's railroads.

Contract negotiations in the railroad industry are conducted under the Railway Labor Act which provides a step-by-step process, including mediation and voluntary (but binding) arbitration to resolve labor disputes.

The railway unions presented initial contract proposals in April and May of 1988. Delays were encountered when some rail carriers were undecided about whether to participate in national negotiations, when the National Railway Labor Conference (the bargaining agent for the large rail carriers) adopted a new procedure allowing their members to withdraw from and rejoin the bargaining coalition at any time prior to the start of national bargaining, and when the parties could not agree upon the scope of bargaining: the carriers wanted to negotiate first on health and welfare before holding contract talks on other issues, while the unions wanted bargaining to be conducted concurrently on all issues.

After a deadlock was reached in bargaining in May 1989, the unions invoked the services of the National Mediation Board, the agency that administers the Railway Labor Act. After mediation sessions bogged down, the Board, on April 2, proffered arbitration, which was rejected by the unions. After a 30-day cooling off period, President Bush established Emergency Board No. 219 to hear the issues and make recommendations to resolve the dispute.

Emergency board meetings were held intermittently, with the parties presenting numerous

exhibits, charts, and supporting data. The unions' position was that there be no cost shifting or reduction in current health benefits; and that a managed health insurance program, if established, be added to the current health insurance program. The carriers proposed that all employees be required to participate in a managed health care program; that employees pay half the cost of future increases in health care (over and above the costs in 1989) plus \$20 a month for dependent coverage; and that there be penalties for patients not following the procedures and/or the medical advice of an outside medical review company.

In July, the emergency board issued guidelines for settling some of the health care issues, side-stepped the cost-sharing question, reserving the right to "issue specific recommendations" at a later date. (The board was expected to issue a full report on December 23.)

With the issuance of the guidelines, the parties began negotiations on the wage and work rules part of the dispute. The carriers' early proposals included work-crew reductions, more flexibility in assigning work, and the right to subcontract out more work. The unions were seeking semiannual 5-percent wage increases, elimination of some subcontracting, and job protection in "short-line" sales.

To date, a settlement has not been reached in this dispute.

Petroleum refining

The structure of bargaining in the oil refining industry is different from that in most other industries. Although the Oil, Chemical and Atomic Workers (which represents almost 110,000 workers in the petroleum, chemical, atomic, and related industries in the United States) bargains at the local level, bargaining objectives for certain issues, such as wages and health benefits, are determined at the national level through the union's National Oil Bargaining Policy Committee.

The Oil, Chemical, and Atomic Workers negotiated 300-350 contracts, covering about 40,000 workers, with 40 companies in the oil industry. Negotiations at the various oil companies began at the end of 1989. The first settlement in the industry was at Amoco in February, 1 day after the prior contract had expired. The Amoco accord, the first 3-year agreement in the parties' bargaining history, set the pattern for settlements at other major companies in the industry.

The new contracts provide for wage increases of 80 cents an hour in the first year, 5 percent in the second year, and 4.5 percent in the third year. The companies will increase their monthly contribution to health insurance by \$55 in the first year (formerly, \$200.50), \$45 in the second year, and

\$50 in the third year for family coverage, and by \$21 (formerly, \$78.11), \$19, and \$20, respectively, for single coverage. Other terms include a \$250,000 death benefit for survivors of an employee killed on the job; company paid training of marketing and transportation employees who must take the Department of Transportation's driving license tests; and up to 26 weeks of leave at full pay and an additional 26 weeks at half pay for an absence due to an occupational illness or injury.

The union and companies were, however, unable to agree on environmental monitoring and safety and health issues. In particular, the union was unable to establish the new job classification of "operator/monitor."

Bituminous coal

Although 1990 was a light bargaining year in the coal industry, it was not uneventful, as the industry experienced one of its most bitter labor disputes in years. The genesis of this dispute was the 1988 national negotiations between the Bituminous Coal Operators Association (hereafter, "Association"), the bargaining representative for numerous coal companies, and the United Mine Workers.

During the 1988 negotiations, some 200 coal companies signed interim agreements requiring them to accept an eventual national agreement in exchange for an exemption from any work stoppage. Although a 5-year national agreement between the Association and the Mine Workers subsequently was reached in 1988, some coal mining companies were not signatories. Among them was the Pittston Coal Co., which had withdrawn from the Association-Mine Workers national negotiations in 1986, and negotiated independently with the union when its 1986-88 contract was about to expire.

Negotiations between Pittston and the Mine Workers began in November 1987. Pittston's early proposals included demands for workers to share health insurance costs previously fully paid by the company, more flexible work rules and job classifications, mandatory overtime, and liberalized subcontracting rules. The union's primary demands involved fully paid health insurance and enhanced job opportunity and job security.

The major issue in the Pittston-Mine Workers dispute was the company's participation in the two industrywide health and welfare benefit trust funds. (One provides benefits for miners who retired before 1976; the second provides benefits for retired, disabled, and laid-off miners whose last employer is no longer in business.) When Pittston broke from the Association, the company stopped paying into the industrywide health and welfare funds, cutting off health benefits to Mine Workers retirees, their widows, and disabled min-

ers. (By withdrawing from industrywide funding, Pittston threatened the continuation of industry bargaining.) Pittston insisted that it would pay its share of benefits, but did not want its method of payment set by other companies in the industry.

After several months of unsuccessful negotiations, the 1,700 miners at Pittston walked off their jobs (on April 5, 1989). The work stoppage lasted 9 months and involved all the ingredients of a modern day labor saga (for example, millions of dollars in court levied fines for violations of picket line rules and court injunctions; alleged violence and destruction of property; charges and countercharges of unfair labor practices; wildcat strikes; a strong display of solidarity and support for the miners by organized labor; and intervention by the Secretary of Labor).

A settlement was reached on New Year's Day 1990 after marathon bargaining sessions conducted by former Secretary of Labor William J. Usery, Jr., who had been appointed by Labor Secretary Elizabeth Dole 3 months earlier to mediate the dispute. The 54-month agreement provided for three annual wage increases of 40 cents per hour, and an amount in the fourth year equal to any initial wage increase in a successor national coal agreement. Active miners and retirees under age 65 became eligible for semiannual payments of \$500 to cover a maximum \$1,000 deductible for health insurance, a new cost-sharing provision in the health plan. In addition, Pittston agreed to provide active miners and retirees fully paid health care coverage identical to that in the 1988 national coal agreement.

The contract included other concessions made by both parties. In return for being allowed to buy out of the 1950 benefit fund (which provides medical benefits for miners who retired before 1976) with a lump-sum payment of \$10 million, Pittston agreed to continue to participate in the 1974 pension and benefit fund, with contributions capped at the levels set in the 1988 national coal agreement (8 cents per hour worked for each employee). In addition, laid-off miners received limited rights to fill four of five vacant jobs at Pittston's nonunion facilities and, if production at the company's coal lands is subcontracted, 19 of 20 job openings at the subcontractor's facilities. In exchange for Pittston's pledge not to expand nonunion operations, the company was allowed to contract out repair and maintenance work, as well as the transportation of coal. The union also agreed to continuous operations of the mines and to flexible work schedules, including a 28-day shift rotation, four 10-hour work days, and work on Sundays.

Other terms included the arbitration of disputes involving the firing of miners for strike-related activity; an agreement to cooperate to settle

court cases related to the strike; increases in sickness and accident benefits, life insurance benefits, death benefits, and clothing allowances identical to those in the 1988 national coal agreement; and pension benefits and vacation days identical to those in the 1988 national coal agreement.

As an outgrowth of the settlement, Labor Secretary Elizabeth Dole appointed a commission to study pension and health care issues in the coal industry and, within 6 months, to make "legislative" recommendations to ensure the long-term security of health and welfare benefits for coal miners covered by the so-called 1950 and 1974 trust funds. The 11-member Coal Commission was chaired by William J. Usery, Jr. (who mediated the dispute between Pittston and the Mine Workers) and included five representatives from the United Mine Workers and five from the Bituminous Coal Operators Association and other coal operators. The Commission's report, released in November recommended:

- Funding should be borne by companies that were signatories to National Bituminous Coal Wage Agreements.
- A long-term solution should be found for the funding and delivery of health benefits.
- The surplus in the UMW pension fund should be transferred to the health benefit trust funds.
- The health care plan should include managed care and cost containment features.
- Financing of the health benefit funds should extend beyond 1993 (the year in which the national coal agreement expires).
- Liability for withdrawing from the trust funds should be imposed prospectively.
- Nonsignatory companies' funding obligations should be set "at the lowest practicable level."
- Beneficiaries of the funds be re-enrolled and re-certified.
- The structure of the health benefit trust funds should be examined for potential changes.

Although the Commission members agreed to the above recommendations, they could not reach consensus on who should finance benefits for "orphan" retirees (pensioners whose employers went out of business or no longer pay into the trust funds). Some members said that funding should be an industrywide obligation, while other members argued it should be borne only by past and current signatory companies.

Trucking

Although the Teamsters-National Master Freight Agreement with the trucking industry

was not up for bargaining in 1990, the year was significant for the trucking industry because the master contract for United Parcel Service of America (UPS) was renegotiated. The UPS accord, which covers some 140,000 workers, was seen by some industry analysts as potentially setting the pattern and the tone for the 1991 Teamsters-national master freight negotiations. (UPS is the largest package-shipping company in the United States.)

When a tentative agreement was reached at UPS, Teamsters union leaders recommended that the proposal be voted down by the rank-and-file because of "inadequate" wage increases and the company's insistence on both the use of additional part-time workers in its air delivery service and the adherence to strict production standards. Against the recommendations of their leaders and amid predictions of rejection by dissidents within the union, rank-and-file Teamsters members ratified the tentative agreement.

The 3-year contract boosted hourly wages for full-time workers 50 cents each year, from about \$16.10 an hour to \$17.60 an hour over the term of the contract. Part-timers, who currently start at \$8-\$9 an hour, received a \$1.50 an hour increase over term. Full-time workers received a \$1,000 ratification bonus; and part-timers, a \$500 bonus. The company's contribution rate for health benefits and pensions was increased each year by 35 cents an hour for each full-time employee (from \$8,330 to \$10,500 annually, on average, over the term of the contract).

Other terms include annual cost-of-living allowances in the second and third years of the contract, equal to 1 cent per hour (capped at 20 cents annually) for each 0.3-point increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers; a sixth week of vacation after 25 years of service; establishment of labor-management committees to study safety, health, and equipment issues, including the handling of hazardous materials; maintenance of strict production standards; improved drug testing rules and procedures; a change in contract language to stipulate that an employee would not be charged for loss or damage unless "clear proof of negligence" is shown; and the right of management to use additional part-time employees.

Postal Service

In mid-summer, the U.S. Postal Service and its four largest labor unions, representing some 584,000 workers, began talks to replace labor agreements expiring November 20. The Mail Handlers and the Rural Letter Carriers exchanged bargaining demands with the Postal Service on August 24, while the Letter Carriers and the Postal Workers, bargaining jointly as they have done

since 1971, exchanged contract proposals with the Postal Service on August 28. According to the Postal Service's chief labor negotiator, this bargaining round was "without a doubt. . . [the] most significant negotiations we've ever had."

The labor negotiators are facing an economic environment fraught with conflict. Bargaining is occurring while the Postal Service is being transformed from a labor-intensive operation to a more automated operation and is also trying to reduce its work force and contract out more work. At the same time, The Postal Service is losing ground to competitors in the financially profitable areas of parcel post, overnight delivery, and some international delivery, and it is experiencing a slight drop in business (mail volume) after steady growth during the 1980's.

The major issues in negotiations are wages, cost-of-living adjustment allowances, health insurance costs, safety and health, subcontracting, and automation. The unions are seeking a 22-percent wage increase over 3 years, full cost-of-living protection, enhanced health insurance coverage, restrictions on the use of additional part-time and temporary employees (and other job security issues), improved retraining and relocation of workers displaced by automation, and the use of postal employees for encoding (keying) in the remote bar coding system.

The Postal Service reportedly is proposing lump-sum payments of \$950 over 2 years, performance-based bonuses of up to \$1,100 annually, health care cost containment measures, an increased work force flexibility (by adding part-time and temporary workers), and subcontracting of the encoding work.

This dispute apparently was resolved on November 21, when the unions and the Postal Service, having reached a stalemate, agreed to have an arbitrator resolve all outstanding issues. Although postal employees do not have the right to strike, some postal union officials previously had talked about "slow downs" and "working-to-the-rules," which could have adversely affected postal operations during the holiday season.

Steel

Bargaining in the steel industry in 1990 for the most part followed the lines established a year earlier. In 1989, reflecting the general recovery of the domestic steel industry, major pay and benefit cuts agreed to in the early 1980's were restored in Steelworkers' contracts with Bethlehem Steel Corp., National Steel Corp., Inland Steel Industries, and Armco Steel Co. The agreements also called for additional wage and benefit increases, and the establishment of profit-sharing plans. Broadly similar contracts were reached in 1990 between the Steelworkers

and Allegheny Ludlum Steel Corp., LTV Steel Co., and Wheeling-Pittsburgh Steel Corp.

In *Allegheny-Ludlum's* 4-year agreement, the 3,500 employees received 50-cent-per-hour general wage increases on April 1 of each year, and two new monetary items, a profit-sharing plan and an "inflationary recognition program," both of which are linked to the company's economic performance. The profit-sharing plan kicks in when Allegheny-Ludlum's pretax income rises more than 4-percent a year, and payments under the inflationary recognition program are contingent upon a 4-percent rise in both the company's pretax income and the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W). Under the program, employees will receive quarterly payments equal to 1 percent of their base pay if the CPI-W rises 4 percent a year, and additional 1-percent payments for each full 1-percent rise in the CPI-W of more than 4 percent.

Several changes were made in the pension area, including a \$4 increase in the minimum monthly pension rates per year of credited service (to \$21.50-\$24.50); the roll-in of \$2.36 an hour in previously earned cost-of-living adjustment payments to employees' earnings for pension calculations; and the elimination of workers' compensation benefits as an offset from pension benefits.

Other terms include an immediate \$1,200 signing bonus; enhanced life insurance benefits for retirees; a new optional tax-deferred savings plan; a new longevity incentive plan for employees with at least 30 years of service; and improvements in health insurance for both active employees and pensioners.

The LTV contract was negotiated under a wage reopener contained in the parties' 1987 agreement. Terms of the reopened agreement provide for the restoration of pay concessions (averaging about \$1.59 an hour) on April 15, 1990, plus additional wage increases of \$1.50 over the term of the contract. The agreement also calls for an immediate \$1,000 lump-sum payment, of which \$500 is an advance from a revised profit-sharing plan that would generate payments to employees equal to 10 percent of profits.

Other terms include the restoration of three holidays and 1 week's vacation; company payment of one-half of the cost of optional major medical insurance coverage for pensioners; elimination of employees' monthly payment for health insurance; the establishment of a new optional managed health care system; a joint labor-management program to improve product quality and customer service; and an agreement to confer on pension changes after the Supreme Court rules on litigation between LTV and the Pension Benefit Guaranty Corporation over the company's liabil-

ity for three steel industry pension funds that LTV stopped paying into in 1987. (Subsequently, the Supreme Court ruled against LTV, and held that the Pension Benefit Guaranty Corporation may require the company to assume the \$2 billion liability.)

At *Wheeling-Pittsburgh Steel Corp.*, the Steelworkers signed a collective bargaining agreement that reportedly allows employees to approach pay and benefit comparability with workers at other major domestic steelmakers. The contract also is expected to help Wheeling-Pittsburgh to emerge from the Chapter 11 bankruptcy protection it has been under since April 1985.

The new contract will become effective upon approval of the company's reorganization plan by the bankruptcy court, and will remain in effect until March 1, 1994. Terms provide for an immediate \$1.50 an hour average wage increase (which effectively restores pay cuts agreed to under the 1982 and 1985 agreements), plus an additional \$1.50 over the term of the contract; a \$3,500 signing bonus; restoration of 1 week of vacation, vacation bonuses, five holidays, time and a half for working on Sundays, and incentive rates; the exchange of common stock for the \$26.8 million the workers had in an employee investment program; language "severely restricting" contracting out of work; a successorship clause; a career development program; improved severance pay and supplemental unemployment benefits; and enhanced health insurance coverage for retirees.

USX Corp. and the Steelworkers agreed to begin bargaining early on their contract, which expires February 1, 1991. The contract covers some 18,000 workers in the company's steel and mining operations. An early contract signing would assist the USX Corp. in its current effort to sell all or part of its steel operations.

Bethlehem Steel Corp., under a reopening clause, asked the Steelworkers to renegotiate the 50-month contract they signed in 1989 in exchange for the investment of more than \$100 million in modernizing the three plants in its troubled bar, rod, and wire division, which employs about 2,700 workers at facilities in Johnstown, PA; Lackawanna, NY; and Sparrows Point, MD.

Rubber

Major bargaining in the rubber industry in 1990 stemmed from reopeners in contracts reached during the 1988 round of negotiations. Reflecting the difficult economic times in the industry, the only change in the "Big Three" (Goodyear, Firestone, and Uniroyal Goodrich) contracts with the Rubber Workers in the 1990 reopeners occurred in April when Uniroyal Goodrich and the union, representing about 6,400 workers in

four plants, reached an accord on their contract reopener. The agreement brought the Uniroyal Goodrich employees to wage and benefit comparability with 15,000 Rubber Workers members at Goodyear Tire and Rubber Co. and 4,700 Rubber Workers members at Firestone Tire and Rubber Co. (Similar contract talks at Firestone and Goodyear, which were limited to wages only, led to no change.)

Terms at Uniroyal Goodrich called for an immediate 25-cent advance on future cost-of-living adjustment allowances for workers at three of the four tire plants (employees at the fourth plant did not receive the advance because they were covered by a special local agreement); a \$1.50 increase (to \$23.50) in the monthly pension rate for all years of credited service; a \$25 increase (to \$250) in weekly sickness and accident benefits; a \$13 increase (to \$150) per employee in employer contributions to the supplemental unemployment benefits contingency reserve; and enhanced medical benefits.

Longshore

On the west coast waterfront, labor and management concluded another round of peaceful bargaining in 1990. Negotiators for the Pacific Maritime Association (representing about 100 West Coast waterfront employers) and the International Longshoremen's and Warehousemen's Union signed a 3-year agreement covering some 9,000 longshore workers and clerks at ports in California, Oregon, and Washington.

The accord provided for a \$2.15 increase in the basic straight time hourly longshore pay rate over the term of the contract, bringing the rate to \$22.48. In addition, the contract maintains the level of health and welfare benefits, which, according to the union, currently cost employers \$70 million annually. In return, the health care deductible for employees was increased from \$50 to \$100 a year for each covered person.

In the area of job preservation, the contract provides protection for Oregon- and Washington-based Longshoremen's and Warehousemen's members whose jobs are threatened by downturns in the logging industry. In addition, the contract calls for "adequate" funding of the Pay Guarantee Plan under which registered longshoremen are guaranteed up to 38 hours of pay a week.

Other terms included the resolution of some long-time problems dealing with registration of longshoremen and dock preference; the establishment of a "one door" policy governing transfers from longshore positions to clerk positions; work rule changes that employers sought to improve productivity; a letter of understanding concerning Longshoremen's and Warehousemen's jurisdic-

tion at near-dock intermodal yards (facilities connected with dock work where goods are moved by more than one type of transportation, for example, railroad and trucking) opened by Pacific Maritime Association member companies; enhanced pension, health, and life insurance benefits; and the establishment of a 401(k) plan.

In contrast to events on the west coast, on the Atlantic and Gulf coasts, the major problems facing the International Longshoremen's Association (ILA) and the shipping companies were those that had been left unresolved after the 1989 negotiations. During the previous round of bargaining, the union and shipping companies agreed to extend their existing contract by 14 months, to November 1990, to give the union more time to convince its members that they must accept cuts in compensation and changes in work rules to preserve jobs and the financial health of the employers. The problems facing the longshore employers and employees at that time included adapting to changes in cargo handling, growing competition from nonunion operators, and shifts in cargo destination among covered ports and to the west coast.

Initial bargaining talks were held in January. (The representatives were the New York Shipping Association, Boston Shipping Association, Southeast Florida Employers Port Association, Council of North Atlantic Shipping Association, and Carrier Container Council.) The master contract governs bargaining issues such as wages, hours of work, manning (as related to container work), employer contributions to the health and welfare and the pension funds, duration of the agreement, and jurisdiction. (Local negotiations cover benefit levels and local work rules and practices.)

Intermittent bargaining sessions were held between January and mid-September, then were recessed until October 26. At that time, the major issues in dispute were management's proposals to reduce the size of container work gangs by four workers and to introduce a shift system to decrease overtime payments.

A settlement came October 31 after management softened their position on some of their sweeping "give-back" proposals and sweetened the pot on wages, and the union made concessions on manning levels. The 46-month contract called for wage increases of \$1 an hour (previously, \$18 an hour) on December 1, 1990, and on October 1 of 1991, 1992, and 1993; a 90-cent increase over the contract term (previously, a minimum of \$7.15 for each hour worked) in employer contributions to the health and welfare and pension funds; a 2-person reduction, from 20 or more, in the minimum size of the work gang used

to load and unload containers; an agreement to establish a midnight shift and a wage differential for work performed between the hours of 6 a.m. and 8 a.m.; and establishment of a fund to protect local benefit funds that become depleted when shipping companies cease operations (contributions are 35 cents for each ton handled in the first 3 years of the contract and 75 cents in the fourth year).

Meanwhile, on October 25, waterfront employers and the union signed an agreement covering about 600 workers performing cargo container maintenance and repair work at the 36 Atlantic and Gulf Coast ports represented by the International Longshoremen's Association. This was the first time in the parties' bargaining history that maintenance and repair workers were included in the master contract. This expansion of the master contract's scope was seen as a means of enhancing job opportunities of members of the International Longshoremen's Association. The principal feature of the settlement was a wage increase of \$1 an hour over the term of the contract (previously, \$18 an hour).

In local negotiations, in January, the Steamship Trade Association and five International Longshoremen's Association local unions agreed on a new 10-month contract on local issues covering 2,300 dockworkers in the port of Baltimore. (Baltimore was the only port where a local contract was not signed in 1989, after the ILA ratified the 14-month extension of their master agreement with East and Gulf Coast shipping companies.) Major terms of the agreement included a restructuring of job duties and classifications; an increase in the size of container crews (from 20 to 23); loss of some clerk and checker jobs; and clarification of contract language dealing with the union's jurisdiction over dockworkers' jobs.

Elsewhere, in the port of New York and New Jersey, to decrease the number of registered dockworkers, special retirement benefits were offered to 2,500 of the port's workers who were age 55 or older with at least 25 years' service. The offer was accepted by 1,540 dockworkers under the local contract negotiated in 1989 between the New York Shipping Association and the International Longshoremen's Association.

Interurban transit

One of the most bitter, protracted labor disputes in the transit industry, or any other industry, in recent years occurred in 1990 at Greyhound, the only nationwide intercity bus company. Negotiators for the Greyhound Lines and the Amalgamated Council of Greyhound Local Unions (Amalgamated Transit Union), which represents some 6,300 drivers and 3,075 mechanics and clerical workers, began bargaining talks on No-

vember 2, 1989, to replace the contract that was to expire on March 2, 1990. Negotiations stalled when the company's final offer was rejected by the union's bargaining committee in February.

The company's proposal reportedly included a 3-year contract providing wage increases of 25 cents to \$1.75 an hour over the term of the contract to maintenance and clerical workers; wage increases for drivers through safety- and incentive-based bonus payments based on passenger load factors, with no increase in the base rate per mile; the right to subcontract drivers' work on all bus routes; and the introduction of a new profit-sharing plan. (The union was angry about the lack of guaranteed wage increases for drivers, particularly after having agreed to wage cuts in 1983 and 1987.)

The company said it had a tentative prestrike agreement with the union's chief negotiator that would have given drivers "fixed annual wage increases" instead of incentive payments and would have included revised wage rates for drivers hired after May 1, 1990, in exchange for the company's dropping its proposal to subcontract drivers' work. According to the company, the pre-strike compromise became unraveled when it could not be sold to the Council of 22 local union presidents who must approve any contract negotiated by the union bargaining team.

On March 2, union members walked off their jobs, citing wages and subcontracting as the major issues in dispute. The company insisted it was at a "legal" impasse in negotiations and vowed to stay in business by hiring strike replacements to supplement supervisors and employees who remained on the job.

The dispute became more bitter after Greyhound implemented its final contract offer and both sides took a hard line on the use of replacement workers. The company said that it would not agree to a contract that permitted striking drivers to use their seniority to take the jobs of strike-replacement drivers. The Amalgamated Council of Greyhound Local Unions refused to sign "any agreement that doesn't have a clause . . . for the seniority roster to stay intact."

The focus of the dispute soon shifted from the bargaining table to the legal and political arenas. On March 7, the union filed charges of unfair labor practices with the National Labor Relations Board, alleging that the company refused to "bargain in good faith." The Board, in May, issued a complaint against Greyhound stating that the strike was "caused and/or prolonged" by unfair labor practices committed by the company, including a "failure to bargain in good faith" (implementing its final offer without a "valid impasse in bargaining") and giving strike replacements seniority over striking drivers. The union subsequently

requested that the Board seek a temporary injunction under Section 10(j) of the National Labor Relations (Taft-Hartley) Act ordering Greyhound to immediately reinstate the strikers who, on May 22, had unconditionally offered to return to work pending the outcome of the unfair labor practices charges against the company. (Under the Taft-Hartley Act, when a strike involves employer unfair labor practices, striking workers cannot be permanently replaced and can claim their jobs and back pay upon an "unconditional" offer to return to work.)

In November, the Board authorized the filing of 16 additional complaints against Greyhound. The complaints alleged that the company illegally fired strikers for union activity, coerced employees, and refused to provide the union with information to which it was entitled.

Meanwhile, the union and the Board had reached a settlement on unfair labor practice charges filed against the union by Greyhound. The settlement provided for NLRB orders and court decrees prohibiting alleged acts of strike-connected violence, mass picketing, and picket-line misconduct.

With no breakthrough in sight, Greyhound and the Amalgamated Council seem to have laid plans for coping with a lengthy dispute.

Airlines

The airline industry went through another turbulent year. With declining traffic and skyrocketing fuel costs, the industry found itself in financial difficulties. As expected, labor-management relations at several air carriers were chaotic and bitter. Notwithstanding this, labor negotiations in the airline industry were overshadowed by other events at two major carriers, United Air Lines and Eastern Airlines.

United Air Lines, in October, reported that its parent company, UAL Corp., was pulling out of a tentative agreement to sell the airline to its three unions: the Air Line Pilots Association, the Machinists, and the Flight Attendants. The three unions had been trying to purchase the airline since April, when the UAL Corp.'s board of directors tentatively accepted their \$4.4 billion (\$200 a share) buyout bid, contingent on the unions obtaining financing by August 8. The deal had been put together by the unions and Coniston Partners, a New York investment group and UAL's largest stockholder. As part of the buyout, the unions agreed to 5-year concessionary contracts with 6-year no-strike pledges. In mid-July, United's 26,000 nonunionized employees accepted wage concessions to aid the buyout effort.

With the turmoil in the Middle East and resultant increases in oil prices last summer, the UAL

Corp. board of directors extended the buyout deadline to allow the unions more time to arrange financing. In September, after an unsuccessful effort by a consortium of banks to syndicate the financing, the unions reduced their offer to \$3.8 billion (\$175 a share), which was rejected by the UAL Corp. Three weeks later, the unions offered alternative proposals, which included a combination of cash, stock, and securities. The UAL Corp.'s board of directors rejected the latest offers because they came without a guarantee of financing and were lower (reportedly \$155 a share) than the one tentatively accepted by the board in April.

The UAL Corp. board of directors then directed United Airline's management to resume traditional labor talks with their unions. When this article went to press, no settlements had been reached.

At *Eastern Airlines*, the year's major events were as follows (in chronological order):

- February 2—Eastern and the Transportation Workers Union, which represents the carrier's flight attendants, sign a back-to-work agreement giving flight attendants the right to return to work in seniority order as jobs open.
- March 7—Congress fails to override President Bush's November 21, 1989, veto of a bill calling for the establishment of a bipartisan commission to investigate the 2-year Eastern-Machinists strike (the Machinists strike against Eastern began March 4, 1988).
- March 22—Eastern and the Air Line Pilots Association reach agreement on an interim labor contract that allows the carrier to cut the pay (by about 25 percent) of 900 pilots who did not join in their union's sympathy strike or who returned to work before the sympathy strike ended.
- April 19—A U.S. bankruptcy court removes control of Eastern from Frank Lorenzo and appoints Martin Shugrue as its trustee. (The carrier had been operating under bankruptcy protection since March 9, 1989.)
- June 6—Eastern and Air Line Pilots resume negotiations under the auspices of the National Mediation Board, the Federal agency that administers labor relations in the airline industry. (Mediation under the auspices of the Board had ended after the interim agreement was signed in the spring.)
- July 9—Eastern rejects arbitration which had been proffered by the National Mediation Board after an impasse was reached in negotiations with the Air Line Pilots. Because arbitration was declined, the carrier is free to

implement its final offer and the union, to strike after a 30-day cooling off period. Air Line Pilots leaders at Eastern decide to take a strike vote. (A strike was never called.)

- August 2—The U.S. District Court for southern Florida rules that Eastern can not permanently replace Air Line Pilots Association members with strike replacements who were in training when the union unconditionally ended its sympathy strike.
- August 14—A bankruptcy court judge approves Eastern's request to amend the pilots' contract and temporarily imposes 20-percent wage and benefit cuts to allow the beleaguered carrier to save \$7-\$9 million monthly.
- September 18—Eastern and the Pension Benefit Guaranty Corp. reach an agreement settling Eastern's pension liability for the company's seven pension plans when Eastern's parent company, Continental Holdings Inc., with Eastern's help, agreed to fully fund the plans.
- November 14—A bankruptcy court judge rejects Eastern's unsecured creditors' request to shut down the carrier, and says he will review the carrier's financial condition in a couple of weeks.

To date, no agreements have been reached by the Air Line Pilots Association or the Machinists.

Apparel

Conditions in the apparel industry in 1990 were basically unchanged from recent years. Apparel companies struggled to meet competition from lower cost foreign apparel manufacturers, unions fought to improve wages and benefits for their members, and both parties jointly sought legislative solutions to their common problems.

The Clothing and Textile Workers negotiated contracts, covering some 81,000 workers, with two large employer groups, the Cotton Garment Negotiating Group and the Clothing Manufacturers Association of the USA. (Contracts in the industry are negotiated industrywide by the national union.) In both sets of negotiations, labor talks focused on health insurance costs, safety and health, and wages.

In March, after 1 month of negotiations, the union and the Cotton Garment Negotiating Group reached an 18-month agreement, covering about 15,000 workers involved in the production, distribution, and retailing of men's shirts, trousers, and other cotton garments. (The Negotiating Group bargained for 30 companies in the cotton garment industry nationwide, including Arrow, Hathaway, Manhattan, Jay Mar-Ruby, and Cotler.) The settlement, which included wage and benefit im-

provements, was extended to other companies in the cotton garment industry employing an additional 27,000 workers. The key issue in contract talks was the companies' proposal to shift some health care costs to employees by requiring them to pay for a portion of health insurance premiums.

The contract provided for a 35-cent-per-hour wage increase over its term. (The average hourly wage under the previous contract was \$6 to \$6.15 per hour.) Besides continuing the health plan under the jointly administered health insurance fund on a fully-paid basis, the pact provided for improvements in health insurance. The companies also agreed to increase their contributions to the jointly administered health benefit fund to 14.1 percent of gross wages (was 13.6 percent). In addition, the settlement called for the creation of two new labor-management committees, one at each company to explore health and safety issues and one industrywide committee to lobby for a national health insurance program.

In September, negotiators for the Clothing Manufacturers Association (composed of manufacturers of men's and boys' clothing) and the Clothing and Textile Workers reached a 3-year agreement, covering some 39,000 workers nationwide. The contract provided for a 75-cent-an-hour wage increase over the term of the agreement. (The average hourly rate at the expiration of the prior contract reportedly was \$7.60.) Among other terms were improvements in the coverage provided by the company-paid health care plan; the establishment of a labor-management safety and health committee at each plant; a reduction from 30 to 15 minutes in the unpaid waiting time for piece rate workers because of machine failures; and an agreement to jointly lobby for a national health care system.

Baseball

The baseball labor talks resembled some of those of the past—a bruising fight, with a long delay in the start of the season. The owners eventually locked out the players, for the third time since 1976. The 32-day lockout was the longest in the parties' 20-year bargaining history. Salary arbitration eligibility, a sticking point in the last five negotiations, was a key factor in the dispute. The baseball players were represented by the Major League Baseball Players' Association (Ind.); and the 26 baseball club owners, by the Player Relations Committee.

The owners' original contract proposal included a revenue-sharing plan in which 48 percent of revenues from ticket sales and television and radio broadcasts would be divided among the clubs to pay for player salaries and benefits; a pay-for-performance plan, in which players with

fewer than 6 years of experience would get non-guaranteed, 1-year contracts with their salaries determined by a statistical formula, while players with 6 years or more of experience would be free agents (free to sign with their current team or with any other ball club); free agent restrictions, under which teams over preset aggregate salary levels would not be able to sign another team's free agents; continuation of the current salary arbitration eligibility; and a \$90,000 minimum salary for major league players.

The players' original demands included salary arbitration for 50 percent of the most senior players with between 2-3 years of experience; \$100,000-\$125,000 minimum salaries, plus cost-of-living increases; \$57 million annual contribution by the club owners to the pension and benefit plan; a 25-man major league roster; liberalized rules for free agents; continuation of the existing pension and benefit formula combining owners' contributions with revenues from television coverage of the All-Star Game, the playoffs, and the World Series; and automatic penalties for, and future protection from, collusion by the owners in the signing of free agents.

The 4-year settlement came after the baseball owners abandoned proposals on two thorny issues, revenue sharing and minimum salaries, and a compromise was reached on a third and even more intractable issue, salary arbitration. The contract provided for salary arbitration for the top (based on service time) 17 percent of the players in the league with between 2 and 3 years of service (approximately 15 players), provided they had been on their current team's roster for at least 86 days in the previous season. Minimum salaries were increased to \$100,000 (from \$68,000) for major league players, and to \$25,000 (from \$22,700) for minor league players. Under the pact, each of the 26 ball clubs has 24 roster positions (to be increased to 25 in 1991) for major league players and 16 for minor league players. Other terms included a \$55 million (was \$39 million) owners' annual payment to the pension and benefit fund; two new expansion teams for the National League; annual cost-of-living adjustment allowances in 1992 and 1993, based on the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the preceding 12 months; and automatic triple damages to players if intentional collusion is proven against at least five teams in the signing of free agent ballplayers. The agreement may be reopened on major issues after 3 years.²

Newspapers

Some observers have described recent collective bargaining in the newspaper industry as

verbal and economic sparring, with the fate of one—sometimes both—of the parties hanging in the balance. Labor-management talks at two of New York City's newspapers, *The Daily News* and *The New York Post*, epitomize this.

Against a backdrop of an economic slowdown in the New York City area, intense competition among New York City newspapers, and declining newspaper readership, contracts for 10 unions, representing almost 2,500 workers at *The Daily News*, the third largest metropolitan newspaper in the country, expired March 31. The unions were represented in bargaining by the Allied Printing Trades Council. The major issues in dispute included wages and benefits, job security, management rights, subcontracting, staffing levels, and grievance procedures.

At the start of negotiations in January 1990, the paper's publisher indicated the company's goal was "to regain management control of manufacturing and distributions operations," and cited the need to decrease payroll costs from about 50 percent of revenues to 25 percent to realize \$70 million in annual savings. To effect the savings, the newspaper proposed various "give-backs," including cuts in wages, staffing levels, vacations, and pension and welfare contributions; expansion of the management rights clause to enable the *News* to freely set hours and other working conditions; elimination of the job and union security language in the collective bargaining agreements; subcontracting outside delivery work; and modification of the grievance procedures.

After 9 months of bitter negotiations, according to the unions, tempers flared during the graveyard shift, sparking a spontaneous walkout by about 34 members of the truck drivers union employed at the newspaper's Brooklyn printing plant. However, the *News* said that 230 workers walked off their jobs immediately after the temper flareup, and then were joined by the 34 drivers.

About an hour later, management, claiming the union was conducting a deliberate strike, bused 14 replacement workers to the plant. The drivers' union denied that it was conducting a strike, claiming the incident was really part of a "premeditated strategy" to provoke a strike to break the unions.

The confrontation became a full-blown job action when the *News* management team told union leaders that 60 drivers had been permanently replaced and would not be allowed to return to work, and refused the unions' request to arbitrate the dispute. When the drivers reported to work, they were refused entry. The drivers' union then announced, "We are officially on strike for unfair labor practices." Eight of the newspaper's nine

other unions joined in the strike. (The ninth, the Typographers, have an agreement with a lifetime guarantee of jobs.). The *News*, in turn, dismissed its unionized employees, hired more strike replacements, and brought in newsroom workers from other newspapers owned by its parent company, *The Tribune Co.* "By hiring replacements who have been promised permanent employment," said the unions' principal advisor, "*The Daily News* has insured that this dispute can never be settled, because even if the unions suddenly decided to give management everything they've been asking for, there is now a new issue: the fact that the people replaced will not be able to go back to work."

At press time, there was no agreement in sight, nor did there seem to be a chance for a negotiated settlement as long as the newspaper and the unions held to their positions on striking employees and replacement workers.

In contrast, *The New York Post* successfully beat a settle-or-shutdown deadline with an agreement that they hoped would breathe new life into the newspaper. Contracts between the *Post* and its nine unions represented by the Allied Printing Trades Council expired September 15. (The *Post*, the oldest continuously published daily newspaper in the country, was the second of New York City's four largest daily newspapers to bargain last year.)

The newspaper reportedly proposed wage and benefit cuts of up to 46 percent for some employees (newsroom, advertising, and circulation employees) and cuts of 352 (out of 900) jobs at the paper. These actions, according to the newspaper, would generate almost \$20-\$25 million in annual savings needed to keep the paper going.

Unlike the bitter negotiations at the city's *Daily News*, the contract talks between the parties at the *Post* were described as cordial. According to Richard T. Nasti, the *Post's* general manager, "This is a case of rational people sitting down and doing what must be done to preserve jobs and keep the paper running." Deborah Freedman, a Council spokesperson, said, "We don't think they [the newspaper management] are fooling; they're in trouble." (The paper reportedly has lost \$80 million in the 2-1/2 years that it has been under the new management.)

Agreeing that keeping the newspaper in business was the number one priority, the unions dissolved their coalition and bargained separately with management, each free to decide whether to accept cuts in wages or jobs. By mid-September, negotiators for the newspaper and all the unions, except The Guild, had reached agreements that called for cost reductions. The eight unions, which represent some

500 *Post* employees, were said to have accepted job cuts of more than 100 positions along with other contract changes that reportedly would result in \$19 million in annual savings to the newspaper. Later, The Guild, which represents about 350 reporters, editors, photographers, and advertising and clerical workers, agreed to a 20-percent pay cut (a 4-day workweek at 4 days' pay) and the loss of 43 jobs that reportedly will save the newspaper another \$5 million. In addition, employees were given the option to resign immediately and receive 60 days' salary (termination pay) plus severance pay as if the paper had closed.

Union affairs

Conditions were little changed from preceding years for unions, as they sought to build or rebuild their strength in an effort to stem the long-term decline in union representation in the workplace. During 1990, unions improved their bargaining techniques, adjusted their goals, and made changes to better serve their membership and influence public opinion.

One of the new, innovative approaches adopted by the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the umbrella organization which represents most national unions in the United States, was the creation of a union-backed fund to help finance employee buyouts of their companies. The AFL-CIO also implemented two major organizational changes in 1990 to more effectively serve their membership: They established a Department of Transportation Trades to represent the interests of some 600,000 members in trucking, railroads, airlines, mass transit, maritime, and related industries; and divided its Occupational Safety, Health, and Social Security Department into two departments, the Department of Occupational Safety and Health and the Department of Employee Benefits.

Organization changes during the year included establishment of a new nurses union, the United Nurses of America, by the American Federation of State, County and Municipal Employees; and approval by the executive board of the Oil, Chemical and Atomic Workers to renew merger talks with the United Mine Workers.

Leadership changes during the year included:

- Larry Dugan Jr., past president of the Operating Engineers, retired as an AFL-CIO vice president and was succeeded by Frank Hanley, president of the Operating Engineers.
- Henry A. Duffy retired as president of the Air Line Pilots Association and was succeeded by J. Randolph Babbitt.

- Kenneth L. Coss defeated incumbent Milan Stone for the presidency of the United Rubber Workers.
- James M. Pierce, president of the National Federation of Federal Employees, who did not seek reelection, was succeeded by Sheila Valazco.
- Mac A. Fleming, secretary-treasurer, defeated incumbent Geoffrey N. Zeh for the presidency of the Maintenance of Way Employees.

Other developments

Legal rulings. During the year, the Supreme Court issued decisions affecting employment, labor-management relations, and collective bargaining, among which were the following:

- State and local governments can be sued for damages under 42 U.S.C., Section 1983 if they interfere in the collective bargaining process of a company and union (*Golden State Transit Corp. v. City of Los Angeles*).
- A worker's duty-of-fair-representation claim against his or her union may be brought in Federal District court rather than before the National Labor Relations Board, even though the breach of duty of fair representation may constitute an "unfair labor practice." (*Breininger v. Sheet Metal Workers, Local 6*).
- Federal courts may assist employees involved in alleged age discrimination cases to contact other employees who potentially may be eligible to join the lawsuit (*Hoffman-LaRoche, Inc. v. Sperling*).
- An employer's good-faith doubt about a union's majority status can not be based solely on an assumption that workers who are hired to replace striking union members do not support the union (*NLRB v. Curtin Matheson*).
- A labor organization which had assumed the duty of joint mine safety inspections with an employer under the provisions of a collective

bargaining agreement is not liable under Federal or State law to the survivors of miners killed in a mine accident (*United Steelworkers v. Rawson*).

- The Pension Benefit Guaranty Corp. may restore a previously terminated pension plan to a company that is under the protection of a bankruptcy court because of the establishment of a "follow-on" plan and the improved financial health of the company. (A follow-on plan is a new pension plan that "wraps" around Pension Benefit Guaranty Corp. benefits to provide about the same pension benefits as would have occurred if the original pension plan had not been terminated.) (*Pension Benefit Guaranty Corp. v. LTV Corp.*)

Legislation. Legislation of interest to collective bargaining practitioners included:

- Strike replacement legislation, introduced but not passed, to amend the National Labor Relations Act to reverse current labor law doctrine (which allows employers to permanently replace striking employees with new hires and permits striking employees to fill jobs only as vacancies open up) by prohibiting employers from hiring permanent strike replacements during a strike or lockout.
- Family leave legislation, approved by both houses, but vetoed by President Bush, would require employers to grant workers up to 3 months of unpaid leave for the birth or adoption of a child or to care for ill family members, and to guarantee them jobs upon return to work.
- Federally funded child care legislation was approved under authorization of the budget reconciliation bill passed last October. The program will provide several billion dollars in tax credits for low- and moderate-income families, and about \$2.5 billion in grants to States to subsidize child care programs. □

Footnotes

¹ For details of the Boeing-Machinist contract, see George Ruben, "Collective bargaining in 1989: old problems, new issues," *Monthly Labor Review*, pp. 19-21; and "Developments in Industrial Relations," *Monthly Labor Review*, February 1990, p. 56.

² For a detailed account of the baseball contract, see Paul D. Staudohar, "Baseball labor relations: the lockout of 1990," *Monthly Labor Review*, October 1990, pp. 32-36.

Labor and the Supreme Court: significant issues of 1990–91

*Highlights of the High Court's new term
include discrimination, arbitration, and pension cases,
and a new Justice*

Craig Hukill

The U.S. Supreme Court began its 1990–91 term without Justice William Brennan, who resigned in July after sitting on the High Court for nearly 34 years. Justice Brennan, who served longer than all but four Justices in the Court's history, was replaced by Federal Appeals Court Judge David Souter. Judge Souter was confirmed overwhelmingly by the U.S. Senate on October 9 and was sworn in as the 105th Justice of the Supreme Court.

Along with a new Justice, the 1990–91 term brought cases presenting a wide variety of labor-related issues. By the time the Court adjourns next summer, cases involving the safety, health, and civil rights of workers, the right of unions to limit the distribution of union election campaign literature, the right of employees to sue their employers for employment contract violations, and many others will have been briefed, argued, and considered. What follows are summaries of the issues in these and other important cases.¹

Labor-management relations

On October 10, 1990, the Court heard arguments in *Groves v. Ring Screw Works*,² a case in which the Court must interpret section 301 of the Labor Management Relations Act.³ This Federal law permits a worker to sue his or her employer in Federal court for violating the terms of a collective bargaining agreement. One exception to this right to sue is where the collective bargaining agreement between the union and the company provides an exclusive process for resolving contract grievances. In this case, the agreed-upon process must be used.⁴

The Court in *Groves* will examine provisions in two collective bargaining agreements that provide for multiple-step grievance procedures, with the final step being binding arbitration if agreed to by both the union and management. In addition, the contracts include "no-strike" clauses, under which the union agrees to forego strikes until after all steps in the grievance procedures have been completed. The "no-strike" clauses, however, are silent on whether the parties intended that strikes be the sole remedy at that point.

In *Groves*, the Sixth Circuit Court of Appeals held that employees who were not satisfied with the outcome of the grievance procedure could not later bring suit under section 301. In that court's view, an inference can be drawn from the "no-strike" clauses that strikes, and not lawsuits, are the sole remedy for disgruntled unions and employees. But this decision conflicts with other appellate court decisions, one of which was written by Justice John Paul Stevens when he was a judge on the Court of Appeals for the Seventh Circuit.⁵ These earlier decisions held that parties to a collective bargaining agreement who want to limit the ability of unions and employees to file section 301 lawsuits by making strikes the exclusive remedy must do so through express language in the collective bargaining agreement.

Dispute resolution procedures in employment contracts will also be the focus in *Gilmer v. Interstate/Johnson Lane Corp.*,⁶ a case in which a financial services manager had agreed to submit all employment-related disputes to arbitration. Later, after being fired, the manager bypassed arbitration and filed suit against his employer under the Age Discrimination in Employment Act.⁷ The

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Court of Appeals for the Fourth Circuit, though, agreed with the employer that the matter should be referred to arbitration because the arbitration agreement must be enforced under the Federal Arbitration Act.⁸ Another Federal appellate court reached the opposite conclusion, holding that lawsuits filed under the Age Discrimination in Employment Act are not subject to the Federal Arbitration Act.⁹ That court noted that enforcing individual arbitration agreements would undermine the Equal Employment Opportunity Commission's enforcement role under the Age Discrimination in Employment Act, a role to which an individual's right to file suit is subordinated.

Health care industry officials and labor unions will follow closely the proceedings in *American Hospital Association v. NLRB*.¹⁰ At issue in this case is the validity of regulations issued by the National Labor Relations Board that define the types of collective bargaining units that may be recognized in acute care hospitals.¹¹ Under these regulations, eight such units may be recognized, unless extraordinary circumstances justify more.¹²

The American Hospital Association, in seeking to overturn the decision of the Seventh Circuit Court of Appeals, is expected to argue that the National Labor Relations Board, by defining which bargaining units are appropriate through generally applicable regulations, violated a statutory duty to make such decisions "in each case."¹³ The hospital group also is likely to argue that the Board's regulations allow "undue proliferation" of bargaining units, which, it claims, Congress sought to prevent when it amended the National Labor Relations Act in 1974.¹⁴ Although each of these arguments was rejected by the Seventh Circuit, that court issued an order that prohibits the regulations from taking effect until the Supreme Court issues its decision.¹⁵

Employees and their unions

On the first day of its new term, the Supreme Court agreed to review *Air Line Pilots Association v. O'Neill*,¹⁶ which involves a union's duty to represent workers' interests fairly during settlement negotiations. In this case, 1,400 Continental Air Lines pilots filed suit against their union, claiming that a union settlement agreement with the company resolving a lengthy strike and lawsuit had left the pilots in worse positions than if, through their union, they had simply offered to return to work.¹⁷ As a result, the pilots sought to hold the union liable for damages, claiming that it had breached its duty of fair representation.

An airline union's duty to represent employees fairly stems from its position as their exclusive bargaining representative under the Railway

Labor Act.¹⁸ The union in *O'Neill* argued in the court of appeals that the duty could be breached only if the union engaged in intentional misconduct. In addition, the union claimed that it needs wide discretion because it represents employees with diverse individual interests. These arguments were rejected by the court, which held that the pilots can prevail in their suit simply by showing that the settlement was arbitrary or irrational. A decision by the Supreme Court articulating the proper standard for judging the propriety of the union's actions should bring some certainty to this area of labor law, thus making it easier for labor and management to negotiate certain types of disputes in the future.

In *International Organization of Masters, Mates and Pilots v. Brown*,¹⁹ the Court has been asked to interpret section 401(c) of the Labor-Management Reporting and Disclosure Act.²⁰ This provision requires labor unions to comply with "all reasonable requests" of union officersseekers to distribute campaign literature, at the candidates' expense, to union members. Without the benefit of section 401(c), a candidate, other than an incumbent, who runs for union office would find it difficult, if not impossible, to contact union members because such a candidate, unlike a union incumbent, usually does not have access to the names and addresses of union members.

The dispute in this case began when a union denied a candidate's distribution request that was made less than 1 month before the union nominating convention. Because the candidate's request did not comport with what the union considered to be a reasonable bylaw permitting candidates to make requests only after the convention, the union refused to distribute the literature. The Fourth Circuit Court of Appeals, sitting *en banc*,²¹ disagreed with the union's decision. The plain language of section 401(c), it held, refers to the reasonableness of the candidate's request, not to the reasonableness of the union rule. Because the candidate's request was reasonable on its face, the court held that the union should have granted it. The approach of the appellate court in *Brown*, by focusing solely on the reasonableness of the candidate's request, differed from the approaches of two other courts of appeals, each of which looked to the reasonableness of the union rule.²² The Supreme Court's decision in *Brown* should resolve this divergence of opinion.

Public employees

The Supreme Court held in 1977 that a union and a local government employer do not violate the free speech protections of the first amendment to the Constitution by entering into a collective bargaining agreement that requires

employees to pay a service fee to the union equal in amount to union dues.²³ The Court recognized, however, that "there will, of course, be difficult problems in drawing lines between [a union's] collective-bargaining activities, for which contributions may be compelled, and [a union's] ideological activities unrelated to collective bargaining, for which such compulsion is prohibited."²⁴

Difficult or not, the High Court will be faced with drawing such a line in the case of *Lehnert v. Ferris Faculty Association*.²⁵ In this case, six faculty members at Ferris State College in Michigan objected to paying a service fee to the union that was to be used to fund the union's conventions, political lobbying, election campaigns, public relations, and other activities, including preparations for strikes that were illegal under State law. The faculty members claimed that their first amendment rights were violated by this arrangement because their fees were being used for more than just collective bargaining activities.

In deciding the *Lehnert* case, the Supreme Court must determine whether the court of appeals was correct in ruling that all of the activities that were subsidized by the union's fee were related to the union's role as the exclusive bargaining representative of public employees. Collective bargaining activities in the public sector, the lower appellate court held, are more wide ranging than those in the private sector because the terms and conditions of employment for public employees are affected directly by budgetary and appropriations decisions that are made in the political arena. As a result, the court ruled that a fee covering the challenged activities was proper.

Employment discrimination

Perhaps the most controversial of the Court's 1990-91 labor cases is *UAW v. Johnson Controls, Inc.*²⁶ At issue in this case is a company's "fetal protection policy," under which women are excluded from all jobs in which they would be exposed to certain lead levels, unless they demonstrate their inability to bear children. This policy effectively precludes most women from working in a high percentage of jobs with the company, which manufactures batteries.

Under the Pregnancy Discrimination Act,²⁷ sex discrimination includes discrimination based on pregnancy, childbirth, or related medical conditions. Title VII of the Civil Rights Act of 1964, in turn, makes such discrimination unlawful unless an employee's sex is a "bona fide occupational qualification reasonably necessary to the normal operation of [the employer's] particular business or enterprise."²⁸ What makes the *Johnson Controls* case unusual is that the lower appel-

late court did not require the company to meet the "bona fide occupational qualification" test, even though the company's policy is based solely on a woman's ability to bear children. Instead, the court held that the interests of the employer, the employee, and the unborn child must be balanced under a "business necessity" standard, which the court said requires it to examine three issues: Whether workplace exposure to lead poses a substantial risk of harm to employees' unborn children; whether harm to fetuses occurs through women's, but not men's, exposure to lead; and whether an adequate, less discriminatory alternative to the policy exists. According to the court, the plaintiffs failed to allege facts that, if believed, met this three-part test. Therefore, the court upheld the company's policy.²⁹

Although the fetal protection policy in *Johnson Controls* applies only to work situations involving lead exposure at one company, a decision by the Supreme Court affirming the lower appellate court could result in similar policies being enacted and applied to other situations in which women may encounter safety and health risks. Thus, it is not surprising that a dissenting judge in this case wrote that *Johnson Controls* "is likely the most important sex-discrimination case in any court since 1964 when Congress enacted Title VII."³⁰

The Court will consider another employment discrimination case when it reviews *Boureslan v. Arabian American Oil Co.*,³¹ which raises the issue of whether Title VII of the Civil Rights Act of 1964, with its protections against discrimination due to race, color, sex, religion, and national origin, extends to American citizens who work overseas for American companies. The Fifth Circuit Court of Appeals, sitting *en banc*, broke new ground in this case when it held that the language and legislative history of Title VII do not support the notion that Congress intended the law to apply outside the United States. This decision is contrary to the position taken by the Equal Employment Opportunity Commission, the Federal agency responsible for enforcing Title VII.³²

Pensions

The relationship between State law and the Employee Retirement Income Security Act³³ will be the focus of two cases before the Court. The first, *Ingersoll-Rand Co. v. McClendon*,³⁴ involves an employee who claimed that his employer fired him so that his pension would not vest. The employee might have filed suit under section 510 of the Employee Retirement Income Security Act, which makes it unlawful "to discharge . . . a [pension plan] participant . . . for the purpose of interfering with the attainment of

any right to which such participant may become entitled under the plan."³⁵ Instead of doing this, however, he filed suit in Texas State court, claiming that he had been wrongfully discharged in violation of Texas common law.

The employer argued that the lawsuit should be dismissed. Section 514(a) of the Federal pension law,³⁶ the employer contended, preempts, or supersedes, the State wrongful discharge suit because that suit involves a pension plan that is subject to the Employee Retirement Income Security Act. The Texas Supreme Court did not disagree that the Federal law played an important role in the employee's lawsuit. In fact, the court indicated that without that act's proscription against interfering with employees' pension plan rights, there would be no policy justification for overriding the Texas common law employment-at-will doctrine, which permits employers to fire employees for any reason or no reason at all. Nevertheless, without much discussion, the court held that the employee's wrongful discharge suit was not preempted by Federal law, apparently because he had sought to recover only wages and damages, and not lost pension benefits.³⁷ This State court decision is contrary to the decisions of several Federal appellate courts that have addressed this general issue.³⁸

The second case before the Court that involves preemption of State law by the Employee Retirement Income Security Act is *FMC Corp. v. Holliday*.³⁹ At the center of the dispute in this case is a self-insured health plan that FMC operated for its employees. Under the plan, FMC agreed to pay certain health benefits to its employees but retained the right to be reimbursed for the benefits in situations in which the employee is able to recover money from the party responsible for causing his or her injury. Subrogation, as this right is known, is not prohibited under the Employee Retirement Income Security Act. However, in Pennsylvania, where FMC sought to invoke this right, subrogation is not permitted.⁴⁰ Thus, FMC's right to be reimbursed under the plan depends on whether the Federal pension law preempts the Pennsylvania antisubrogation law.

The Court of Appeals for the Third Circuit held that the Federal law does not preempt the Pennsylvania statute, because the State law regulates insurance, thus coming under an exception to the pension law's general preemption provision.⁴¹ More important, the court held that the Employee Retirement Income Security Act's "deemer clause,"⁴² which, in effect, invalidates a State insurance law insofar as it "deems" an employee benefit plan to be an insurance company, does not apply to the antisubrogation law. A State law, the court held, will not be affected by the

deemer clause if it does not infringe on core concerns of the Employee Retirement Income Security Act, such as pension plan reporting, disclosure, and nonforfeitability. In reaching this conclusion, the Third Circuit acknowledged that the text of the deemer clause is ambiguous and could support a contrary interpretation, one followed by other appellate courts.⁴³ Nevertheless, the court held that its interpretation is correct because Congress intended to protect only core concerns of the Employee Retirement Income Security Act from State insurance regulation.

Litigation costs

Attorneys' fees are an important consideration in almost any litigation. They are particularly important in certain types of employment discrimination cases because the losing party may be forced to pay a victorious opponent's attorneys' fees. This exception to the "American rule,"⁴⁴ under which parties must pay their own attorneys' fees, is the result of specific Federal legislation.⁴⁵ Last term, in *Missouri v. Jenkins*,⁴⁶ the Supreme Court held that fees for paralegal and law clerk services may be included in an award of attorneys' fees under one of these laws, 42 U.S.C. § 1988. This term, the case of *West Virginia University Hospitals v. Casey*⁴⁷ presents the question of the extent to which expert witness fees may be recovered under this same law.

The lower appellate court in *Casey* held that although expert witness fees can be awarded under section 1988, they cannot exceed \$30 per day, because a second Federal law limits the amount of compensation that may be awarded to witnesses.⁴⁸ In reaching this conclusion, the court relied on an earlier Supreme Court decision that held that the Federal cap on witness fees may be exceeded only if Congress has provided specific statutory authority for such an action.⁴⁹ Because the *Casey* court did not construe section 1988 as providing such authority, it refused to award fees of greater than \$30 per day. The Supreme Court's decision in *Casey* is expected to resolve differences of opinion on this issue among various courts of appeals.⁵⁰

Safety and health

The Occupational Safety and Health Act was enacted in 1970 to "assure as far as possible every working man and woman in the Nation safe and healthful working conditions."⁵¹ This Federal law makes the Secretary of Labor responsible for, among other things, establishing policy, issuing regulations, and enforcing those regulations through a program of inspections

and litigation.⁵² The Occupational Safety and Health Act also created a quasi-judicial body, the Occupational Safety and Health Review Commission, to adjudicate disputes between the Department of Labor and employers who are subject to the law's requirements.⁵³ The Commission hears appeals of the decisions of its administrative law judges, who perform a role similar to that of trial judges. Parties dissatisfied with a Commission decision may appeal to an appropriate United States Court of Appeals.⁵⁴

Disputes have arisen in Federal appellate courts throughout the country over whether the Secretary's interpretation of the Department of Labor's own Occupational Safety and Health Act regulations is entitled to deference, or whether deference should be accorded to the Commission's interpretation of those regulations. This issue is important because broad regulations do not always provide clear guidance when applied to specific workplace situations. Thus, somebody must interpret the regulations to determine how, or even whether, they apply.

The Department of Labor has argued consistently that its construction of Occupational Safety and Health Act regulations should be given deference because it is the author of the regulations and is the statutory policymaking and enforcement agency. Several courts of appeals have agreed with this position.⁵⁵ Employers and the Commission, on the other hand, argue that the Commission's statutory role requires that deference be given to its

interpretations. They, too, have been successful in several appellate courts.⁵⁶ The Supreme Court, in *Dole v. Occupational Safety and Health Review Commission*,⁵⁷ has been asked to decide which of these viewpoints will prevail.

Seamen

The Jones Act⁵⁸ allows American and resident alien seamen who suffer work-related injuries to sue for damages in Federal district court.⁵⁹ Lawsuits filed under the Act frequently raise the issue of whether a particular worker should be considered a "seaman," a term the law leaves undefined. The Supreme Court is expected to clarify this area of the law when it considers the case of *McDermott International, Inc. v. Wilander*.⁶⁰

The plaintiff in *Wilander* was a paint foreman in the Persian Gulf whose job required him to direct the sandblasting and painting of fixed platforms. Because a substantial part of his work was performed on the defendant's boat, and because his duties contributed to the ship's function as a paint boat, the foreman successfully argued to the Fifth Circuit that he was a seaman. In agreeing with him, the appellate court rejected the approach taken by the Seventh Circuit in a similar case, which denied seaman status to a worker because he neither performed significant navigational functions nor furthered the ship's transportation function.⁶¹ □

Footnotes

¹ As its term progresses, the Court is expected to agree to hear additional cases. Some of these cases undoubtedly will raise issues that are of interest to those who follow labor law developments. For example, shortly after this article was submitted for publication, the Court agreed to hear *Litton Financial Printing Div. v. NLRB*, 893 F.2d 1128 (9th Cir. 1990), cert. granted, 59 U.S.L.W. 3362 (U.S. Nov. 13, 1990) (No. 90-285), which raises the issue of whether § 8(a)(5) of the National Labor Relations Act, 29 U.S.C. § 158(a)(5) (1988), requires an employer to abide by expired collective bargaining agreement provisions, and *Pauley v. Bethenergy Mines, Inc.*, 890 F.2d 1295 (3d Cir. 1989), cert. granted, 59 U.S.L.W. 3325 (U.S. Oct. 29, 1990) (No. 1714), which raises complex questions pertaining to the Black Lung Benefits Act, 30 U.S.C. § 901 (1988). The Court also has agreed recently to decide whether a Missouri State constitutional provision requiring appointed judges to retire at age 70 violates either the Age Discrimination in Employment Act, 29 U.S.C. § 621 (1988), or the Equal Protection Clause of the U.S. Constitution. See *Gregory v. Ashcroft*, 898 F.2d 598 (8th Cir. 1990), cert. granted, 59 U.S.L.W. 3391 (U.S. Nov. 26, 1990) (No. 90-50).

² 882 F.2d 1081 (6th Cir. 1989), cert. granted, 110 S. Ct. 1469 (1990) (No. 89-1166). Shortly before this article went to press, the Supreme Court issued its opinion in this case, which reversed the appellate court's decision. See 59 U.S.L.W. 4043 (U.S. Dec. 10, 1990).

³ 29 U.S.C. § 185 (1988).

⁴ See *Republic Steel Corp. v. Maddox*, 379 U.S. 650 (1965).

⁵ See *Dickeson v. DAW Forest Products Co.*, 827 F.2d 627 (9th Cir. 1987); and *Associated General Contractors v. Illinois Conference of Teamsters*, 486 F.2d 972 (7th Cir. 1973).

⁶ 895 F.2d 195 (4th Cir.), cert. granted, 111 S. Ct. 41 (1990) (No. 90-18).

⁷ 29 U.S.C. § 621 (1988).

⁸ 9 U.S.C. § 1 (1988). Section 2 of the Federal Arbitration Act provides that a "written provision in . . . a contract . . . to settle by arbitration a controversy thereafter arising out of such contract . . . shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract." 9 U.S.C. § 2 (1988).

⁹ See *Nicholson v. CPC Int'l Inc.*, 877 F.2d 221 (3d Cir. 1989).

¹⁰ 899 F.2d 651 (7th Cir.), cert. granted, 111 S. Ct. 242 (1990) (No. 90-97).

¹¹ 29 CFR § 103.30 (1990).

¹² Distinct bargaining units may be recognized for registered nurses, physicians, professionals who are neither

registered nurses nor physicians, technical employees, skilled maintenance employees, business office clerical employees, guards, and all other nonprofessional employees. 29 CFR § 103.30(a)(1)-(a)(8) (1990).

¹³ 29 U.S.C. § 159(b) (1988).

¹⁴ Act of July 26, 1974, Pub. L. No. 93-360, 88 Stat. 395 (1974). See also S. Rep. 93-766, 93d Cong., 2d Sess., reprinted in *1974 U.S. Code Cong. & Admin. News* 3946, 3950.

¹⁵ See [1990] Daily Lab. Rep. (BNA) No. 88, at A-12 (May 7, 1990).

¹⁶ 886 F.2d 1438 (5th Cir. 1989), *cert. granted*, 111 S. Ct. 37 (1990) (No. 89-1493).

¹⁷ The lawsuit that was resolved by the objectionable settlement agreement had been filed by the Air Line Pilots Association to prevent the company from withdrawing recognition of the union. 886 F.2d at 1440. The union's concerns were later heightened by the company's efforts to fill more than 400 captain and first officer positions. If these efforts were successful, they would have further diluted support for the union.

¹⁸ See 45 U.S.C. § 181 (1988); 45 U.S.C. § 152 (1988); and *Steele v. Louisville & Nashville R.R. Co.*, 323 U.S. 192 (1944). Other unions in the private sector are subject to a duty of fair representation under the National Labor Relations Act, 29 U.S.C. § 151 (1988). See *Vaca v. Sipes*, 386 U.S. 171 (1967). Federal sector unions are subject to a similar duty under Title VII of the Civil Service Reform Act, 5 U.S.C. § 7101 (1988), although Federal employees do not have the right to bring a duty-of-fair-representation suit in Federal court. See *Karahalios v. National Fed'n of Fed. Employees, Local 1263*, 109 S. Ct. 1282 (1989).

¹⁹ *Sub. nom. Brown v. Lowen*, 889 F.2d 58 (4th Cir. 1989) (*en banc* decision adopting the panel opinion at 857 F.2d 216 (4th Cir. 1988)), *cert. granted*, 110 S. Ct. 3211 (1990) (No. 89-1330). Oral arguments were heard on November 27, 1990.

²⁰ 29 U.S.C. § 481(c) (1988).

²¹ Although most Federal appeals court cases are reviewed and decided by three-judge panels, occasionally all regular active-service judges in a circuit may sit as a group, or "*en banc*," to decide a case. See Fed. R. App. P. 35. *En banc* consideration generally is employed in cases that are exceptionally important or when such consideration is required in order to ensure uniformity in the circuit court's decisions. In *Brown*, 10 judges heard the case, 8 of whom voted in the majority.

²² See *Donovan v. Metropolitan Dist. Council of Carpenters*, 797 F.2d 140 (3d Cir. 1986); and *Marshall v. Provision House Workers, Local 274*, 623 F.2d 1322 (9th Cir. 1980).

²³ See *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209 (1977). The first amendment provides that "Congress shall make no law . . . abridging the freedom of speech." U.S. Const. amend. I. Although the first amendment, read literally, would seem to apply only to acts of Congress, its free-speech guarantee is a liberty interest that States may not abridge under the 14th amendment. See generally *Palko v. Connecticut*, 302 U.S. 319, 326 (1937).

²⁴ *Abood* at 236. The Court has attempted to draw such lines under the Railway Labor Act, 45 U.S.C. § 151 (1988), by holding that a fee may be levied for conventions and certain social activities and publications, but not for union organizing efforts. See *Ellis v. Brotherhood of Ry. Clerks*, 466 U.S. 435 (1984).

²⁵ 881 F.2d 1388 (6th Cir. 1989), *cert. granted*, 110 S. Ct. 2616 (1990) (No. 89-1217). Oral arguments were presented to the Court on November 5, 1990.

²⁶ 886 F.2d 871 (7th Cir. 1989) (*en banc*), *cert. granted*, 110 S. Ct. 1522 (1990) (No. 89-1215). Oral arguments were presented to the Court on October 10, 1990.

²⁷ 42 U.S.C. § 2000e(k) (1988).

²⁸ 42 U.S.C. § 2000e-2(e)(1) (1988).

²⁹ The plaintiffs found the court's use of the "business necessity" standard particularly troubling because of the Supreme Court's recent decision in *Wards Cove Packing Co. v. Atonio*, 109 S. Ct. 2115 (1989). In *Wards Cove*, the Court indicated that business necessity could be shown by evidence that the employment practice serves, in a significant way, the legitimate goals of the employer, rather than by evidence that the practice bears a manifest relationship to the job, as previously required under *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971). Just as important, the Court, for all intents and purposes, also shifted the burden of proof on the issue from the employer to the employee. 109 S. Ct. at 2126. As a result of the decision in *Wards Cove*, a plaintiff must prove that the challenged employment practice does not serve the employer's legitimate goals in any significant way. This means that in cases like *Johnson Controls*, where a court finds the evidence on the business necessity issue to be lacking, the plaintiff is likely to lose.

³⁰ 886 F.2d at 920 (Judge Frank Easterbrook, dissenting).

³¹ 892 F.2d 1271 (5th Cir.) (*en banc*), *cert. granted*, 111 S. Ct. 40 (1990) (No. 89-1845).

³² See *Boureslan*, 892 F.2d at 1277 n.4 (Judge Carolyn King, dissenting).

³³ 29 U.S.C. § 1001 (1988).

³⁴ 779 S.W.2d 69 (Tex. 1989), *cert. granted*, 110 S. Ct. 1804 (1990) (No. 89-1298). Shortly before this article went to press, the Supreme Court issued its opinion in this case, which reversed the decision of the Texas Supreme Court. See 59 U.S.L.W. 4033 (U.S. Dec. 3, 1990).

³⁵ 29 U.S.C. § 1140 (1988).

³⁶ 29 U.S.C. § 1144(a) (1988).

³⁷ See *McClendon* at 71 n.3.

³⁸ See *Fitzgerald v. Codex Corp.*, 882 F.2d 586 (1st Cir. 1989); *Pane v. RCA Corp.*, 868 F.2d 631 (3d Cir. 1989); and *Sorosky v. Burroughs Corp.*, 826 F.2d 794 (9th Cir. 1987).

³⁹ 885 F.2d 79 (3d Cir. 1989), *cert. granted*, 110 S. Ct. 1109 (1990) (No. 89-1048). Shortly before this article went to press, the Supreme Court issued its opinion in this case, which vacated and remanded the appellate court's decision. See 59 U.S.L.W. 4009 (U.S. Nov. 27, 1990).

⁴⁰ See 75 Pa. Cons. Stat. Ann. § 1720 (Purdon 1990).

⁴¹ See 29 U.S.C. § 1144(b)(2)(A) (1988).

⁴² 29 U.S.C. § 1144(b)(2)(B) (1988).

⁴³ See *Baxter v. Lynn*, 886 F.2d 182 (8th Cir. 1989); and *United Food & Commercial Workers Welfare Trust v. Pacyga*, 801 F.2d 1157 (9th Cir. 1986).

⁴⁴ See *Alyeska Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240, 247 (1975).

⁴⁵ See 42 U.S.C. § 1988 (1988); and 42 U.S.C. § 2000e-5(k) (1988).

⁴⁶ 109 S. Ct. 2463 (1989).

⁴⁷ 885 F.2d 11 (3d Cir. 1989), *cert. granted*, 110 S. Ct. 1294 (1990) (No. 89-994). Oral arguments in this case were heard October 9, 1990.

⁴⁸ See 28 U.S.C. § 1821(b) (1988).

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⁴⁹ *Crawford Fitting Co. v. J. T. Gibbons, Inc.*, 482 U.S. 437 (1987).

⁵⁰ Several courts of appeals have held that the witness fee cap of 28 U.S.C. § 1821(b) (1988) does not limit fees that may be awarded under 42 U.S.C. § 1988 (1988). See *Friedrich v. City of Chicago*, 888 F.2d 511 (7th Cir. 1989); *Sapanajin v. Gunter*, 857 F.2d 463 (8th Cir. 1988); and *Hillburn v. Commissioner, Dep't. of Income Maintenance*, 847 F.2d 835 (2d Cir. 1988), *aff'g* 683 F.Supp. 23 (D. Conn. 1987).

⁵¹ 29 U.S.C. § 651(b) (1988).

⁵² *Id.* §§ 655-659.

⁵³ 29 U.S.C. § 661 (1988).

⁵⁴ *Id.* § 660.

⁵⁵ See *United Steelworkers v. Schuylkill Metals Corp.*, 828 F.2d 314 (5th Cir. 1987); *Brock v. Chicago Zoological Soc'y*, 820 F.2d 909 (7th Cir. 1987); and *Donovan v. A. Amorello & Sons*, 761 F.2d 61 (1st Cir. 1985).

⁵⁶ See *Brock v. Bechtel Power Corp.*, 803 F.2d 999 (9th Cir. 1986); *Usery v. Hermitage Concrete Pipe Co.*, 584 F.2d 127 (6th Cir. 1978); *Marshall v. Western Elec.*, 565 F.2d 240 (2d Cir. 1977); *Brennan v. OSHRC*, 513 F.2d 713 (8th Cir. 1975); and *Brennan v. Giles & Cotting, Inc.*, 504 F.2d 1255 (4th Cir. 1974).

⁵⁷ 891 F.2d 1495 (10th Cir. 1989), *cert. granted*, 110 S. Ct. 3235 (1990) (No.89-1541). Oral arguments were heard on November 27, 1990.

⁵⁸ 46 U.S.C. App. § 688 (1988).

⁵⁹ The Jones Act also authorizes the personal representatives of American or resident alien seamen who are killed at work to sue for damages. *Id.*

⁶⁰ 887 F.2d 88 (5th Cir. 1989), *cert. granted*, 110 S. Ct. 3212 (1990) (No. 89-1474). Oral arguments were held on December 3, 1990.

⁶¹ See *Johnson v. John F. Beasley Construction Co.*, 742 F.2d 1054 (7th Cir. 1984).

Shiskin award nominations

The Washington Statistical Society invites nominations for the 12th annual Julius Shiskin Award in recognition of outstanding achievement in the field of economic statistics.

The award, in memory of the former Commissioner of Labor Statistics, is designed to honor an unusually original and important contribution in the development of economic statistics or in the use of economic statistics in interpreting the economy. The contribution could be in statistical research, in the development of statistical tools, in the application of computers, in the use of economic statistical programs, or in developing public understanding of measurement issues, to all of which Mr. Shiskin contributed. Either individuals or groups can be nominated.

The award will be presented with an honorarium of \$500 at the Washington Statistical Society's annual dinner in June 1991. A nomination form may be obtained by writing to the Julius Shiskin Award Committee, American Statistical Association, 1429 Duke Street, Alexandria, VA 22314-3402. Completed nomination forms must be received by March 15, 1991.

State labor legislation enacted in 1990

Important new labor standards legislation covered a variety of subjects, including minimum wage, parental leave, child labor, employee drug testing, and door-to-door sales by children

Richard R. Nelson

A significant amount of legislative activity occurred in the States during 1990, covering a variety of subjects in the field of employment standards.¹ Major laws enacted concerned traditional issues such as minimum wage protection, collection of unpaid wages, bans on employment discrimination, and regulation of child labor. Also receiving considerable attention were newer issues such as parental leave and child care, door-to-door sales by children, employee testing for drug or alcohol abuse, and employment discrimination against persons with AIDS.

Wages. Hourly minimum wage rates rose under Federal law, and in 24 States and 4 jurisdictions as the result of new laws, wage orders, administrative actions, or as provided for in prior legislation. Among the more significant developments, a first-time law was enacted in Missouri and a new law was enacted in Utah, replacing one applicable only to women and minors. New measures also provided for increases in Idaho, Indiana, Kentucky, Minnesota, New Jersey, New York, Ohio, South Dakota, and Wisconsin, and for employees in certain occupations in the District of Columbia and Puerto Rico. An amendment provides for an increase in Rhode Island (effective April 1, 1991). Prior legislation resulted in increases in the Federal rates (on April 1, 1990, with an additional increase April 1, 1991), and also in the rates for Alaska, Delaware, Guam, Illinois, Iowa, Maryland, Montana, Nevada, New Hampshire, Oklahoma, Oregon, Pennsylvania, Vermont, and the Virgin Islands.

Kentucky, Maryland, Ohio, and South Dakota adopted sub-minimum training wages for employees under age 20. Utah adopted a learner rate and Wisconsin adopted an adult probationary rate.

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By April 1, 1991, four States and three other jurisdictions² will exceed the \$4.25 Federal rate for some or all employees. Subsequent scheduled increases will raise the hourly minimum in Iowa to \$4.65 on January 1, 1992, and in New Jersey to \$5.05 on April 1, 1992.

A 50-percent tip credit against the minimum wage was enacted as part of the new Missouri law. Tip credit changes were adopted in Idaho, Indiana, Maryland, Ohio, South Dakota, and Utah.

Minimum wage coverage was extended to public sector employees in Wisconsin; to employers of two or more (previously, four or more) in Indiana (which also lowered the minimum age for coverage from 17 to 16); and to college students employed by their own institutions in Washington. The Idaho law was amended to require overtime pay after 40 hours a week.

Kentucky authorized the commissioner of the Department of Workplace Standards Laws to impose civil penalties of from \$100 to \$1,000 for violation of various labor standards laws, including wage payment, minimum wage, prevailing wage, rest period, child labor, and wage discrimination because of sex. In Wisconsin, the secretary of the Department of Industry, Labor and Human Relations was authorized to enter into reciprocal agreements with agencies in other States for the collection of wage claims (20 States now have this authority³).

In contrast to recent years when most prevailing wage activity was to repeal or reduce coverage of the State laws,⁴ Hawaii and New Jersey extended coverage to additional types of publicly funded construction projects. Also, first-time rules and regulations were adopted under the Ohio prevailing wage law, and revised rules and regulations were adopted in New Mexico.

Family issues. Comprehensive new parental leave laws were adopted in the District of Columbia and New Jersey. The District law will require certain public and private sector em-

employers to grant employees up to 16 weeks of unpaid leave during any 24-month period for the birth, adoption, or foster care of a child, for the care of a family member with a serious health condition, or for their own serious health condition; the New Jersey act entitles public and private sector employees to up to 12 weeks of unpaid leave in any 24-month period for the birth or adoption of a child, serious health condition of a family member, or serious illness of the spouse or parent of the employee or of the employee's spouse. Both States, with certain exceptions, guarantee returning employees reinstatement to the same or similar job. Rhode Island amended its law to permit unpaid parental leave due to the serious illness of a parent, spouse, in-law, or the employee's own serious illness; and the Minnesota law was amended to permit employees to use personal sick leave to care for a sick child, and to require employers to provide up to 16 hours of unpaid leave each year for an employee to attend school conferences or classroom activities that cannot be scheduled during nonwork hours. Certain employers in California are now required to provide time off for parents to visit school. Parental leave laws passed the legislatures, but were vetoed in California and Illinois.

South Carolina State employees may now use up to 6 weeks of accrued sick leave to care for an adopted child, and in Vermont, the maternity leave act now explicitly covers the public sector, as well as the private sector.

Colorado, Iowa, Louisiana, and Utah all passed laws designed to encourage employer-sponsored child care.

Child labor. New legislation and regulations continued to reflect a growing concern for the academic performance of minors who are employed during the school year. Indiana's restrictions on maximum daily and weekly hours and requirements for employment certificates now apply to 17 year-olds. Nightwork limits were adopted for these minors, and a new provision authorizes revocation of an employment certificate issued to any student if there is a significant drop in his or her grades following issuance of the permit. Ohio and Tennessee now restrict nightwork for 16 and 17 year-olds during school weeks, and Washington adopted comprehensive employment standards rules for minors under age 18 employed in agriculture. Florida and Hawaii will study their child labor laws; restrictions on nightwork preceding school days for minors older than age 15, and a prohibition on work during school hours for students suspended from school are among the items to be considered in the Hawaii study.

Oregon revised its rules covering daily, weekly, and nightwork hours of 14 and 15 year-olds to conform with those under Federal law. Among several amendments to Utah's child labor law, the Industrial Commission was authorized to commence administrative proceedings and impose a penalty of up to \$500 per violation. Wisconsin and Ohio now restrict the employment of children in door-to-door sales (an activity with frequent child labor law violations). Mississippi, New York, and West Virginia lowered the starting age for compulsory school attendance.

Agriculture. The most notable changes in laws regulating farm labor contractors or migrant labor camps occurred in Wisconsin, where prior limited coverage was expanded to

include almost all employers of migrant workers; in Florida, where (beginning July 1, 1991) applicants for farm labor contractor certificates of registration must pass an examination demonstrating knowledge of farm labor contractor duties and responsibilities; and in California, where all licensed farm labor contractors must now register with the agricultural commission of the county or counties in which the licensee has contracted with a grower.

Washington's State Board of Health is to develop rules for labor camps which include, at a minimum, standards for sanitation and temporary labor camps.

Equal employment opportunity. Laws banning discrimination based on age, sex, or handicap were the most common this year. The age 70 upper limit for protection from age discrimination or mandatory retirement provisions was eliminated for State and local government employees in Arkansas (in late 1989) and Ohio. Laws prohibiting discrimination on the basis of physical handicap were amended in Kentucky to specifically include persons with AIDS or related conditions, and in Tennessee, to remove the exception for contagious or transmittable diseases or conditions.

Nebraska barred discrimination on the basis that an individual is or is suspected of suffering from HIV virus infection or AIDS, and Wisconsin prohibited the use of an HIV test as a condition of public sector employment. In New York, employment discrimination is prohibited on the basis of a person's unique genetic disorder, unless the disorder prevents performance of a particular job.

Drug and alcohol testing. The issue of testing employees for drug or alcohol abuse continued to receive considerable legislative attention. The laws enacted reflected concern regarding employee right of privacy and workplace safety. Thirteen States passed some form of legislation on this subject: California, Georgia, and South Carolina passed acts requiring employers who receive a grant or contract from any State agency to certify they will provide a drug-free workplace; Florida must implement an approved program including notice, education, and testing for drugs or alcohol. Utah authorized testing State employees when there is reasonable suspicion of unlawful drug or alcohol use during work hours, and random testing for employees in highly sensitive positions; Louisiana's public employers may test employees following an accident, test applicants as a condition of hiring, and randomly test employees in safety- or security-sensitive positions; South Dakota is authorized to test State employees in safety-sensitive positions; Georgia may test State employees in certain high-risk positions; Arizona may test transportation employees of school districts; Hawaii and Louisiana enacted laws regulating employer drug testing procedures; and the Georgia law which required applicants for State or public school systems jobs to submit to drug testing was struck down by a U.S. District Court which held that an individual's fourth amendment privacy rights are not outweighed by a government's general interest in maintaining a drug-free workplace. Committees to study drug abuse issues, including workplace testing programs, were created in Mississippi and New Hampshire.

Private employment agencies. Agencies whose fees are paid

entirely by employers are now exempt from the Wisconsin employment agency regulatory law, except for an annual registration requirement. New Jersey replaced its existing law with one that specifically applies to career counseling and resume services, increases the amount of the required surety bond, and authorizes the issuance of cease and desist orders upon violation. The Washington law was expanded to include employment listing or referral services and resume services, and unlicensed agencies are subject to court action for return of any fees paid to the agency and the award of treble damages and attorney's fees. The Tennessee law now covers employee leasing services, temporary help services, and contract labor firms; licensing is no longer required, but agencies must be registered.

Occupational safety and health. New laws dealing with control of asbestos and the training and accreditation or certification of persons engaged in asbestos abatement work were enacted in Arizona, the District of Columbia, and Maryland. California enacted a law providing for certification of asbestos consultants and site surveillance technicians working on abatement projects. New Hampshire's new Indoor Smoking Act restricts smoking in private and government workplaces. In Tennessee, State agencies were authorized to establish a policy on smoking in State buildings. Kentucky made it unlawful for an employer to fail to hire, discharge, or otherwise discriminate against a smoker or non-smoker, or to require an employee or applicant to abstain from smoking outside of employment. Rhode Island and South Carolina also prohibit employment discrimination because of the use of tobacco products outside the workplace. Other noteworthy laws include a California measure requiring a field sanitation standard applicable to all agricultural places of employment; a

North Carolina amendment increasing the amount of civil money penalties the labor commissioner may assess for violations of the State occupational safety and health act; and a Minnesota law requiring certain specified employers to establish and implement a written workplace accident and injury reduction program.

Other legislation. Indiana and Kentucky authorized State grants for organizations promoting improved labor-management relations. Several States passed or amended laws requiring background clearance checks of prospective employees in occupations involving supervision of children. Tennessee adopted a "whistleblower" law protecting employees from discharge for reporting law violations, and Wisconsin now prohibits disciplinary action against an employee based on the use of wiretaps, electronic surveillance, or one-way mirrors. Kansas repealed its law providing for regulation and licensure of polygraphists. California and Florida established telecommuting programs designed to permit State employees to perform job functions at home or elsewhere away from their usual place of work, through use of computers or telecommunications. Certain Iowa employers with more than 10 percent non-English speaking employees who speak the same language will be required to provide an interpreter at the work site for each shift, and an employee to serve as a referral agent to community services. Illinois enacted a law permitting employers with 25 or fewer employees to purchase group health insurance policies that provide basic coverage, but with fewer mandated benefits and therefore at a lower cost.

The following is a summary, by jurisdiction, of labor legislation enacted during 1990.

Alaska

Wages. The State minimum wage law sets the State rate at 50 cents per hour above the Federal minimum rate. As a result, the State rate rose from \$3.85 to \$4.30 on April 1, 1990, and will increase to \$4.75 on April 1, 1991.

The Alaska School Bus Safety Act passed. It provides a minimum wage for public school bus drivers of two times the State's basic minimum rate, and sets the minimum age for obtaining a school bus driver license at 21 (previously, 19). School bus safety instruction for drivers and students, specific school bus safety equipment, bus inspections, and recordkeeping are also mandated.

Line haul truck drivers employed for a trip that exceeds 100 road miles one way now do not have to be paid time and one-half after 8 hours worked per day or after 40 hours per week if their compensation includes overtime pay for such hours and also includes a pay rate comparable to that required by law.

Labor relations. For 2 years, the Public Employment Relations Act will classify public school employees as class (a)(3) employees and as such, they will have the right to strike without time limits following a majority vote to do so (the parties must first submit collective bargaining impasses to advisory arbitration). Previously, these employees were class (a)(2) and were entitled to

strike, after mediation, for a limited time as determined by the interests of the health, safety, or welfare of the public.

Resident preference. In December 1989, the Alaska Supreme Court affirmed a superior court ruling holding as unconstitutional, in violation of the equal protection clause of the State constitution, a State law mandating a hiring preference of certain public works jobs (*State v. Enserch Alaska Construction, Inc.*). The law established underemployment and economically distressed zones within the State and required contractors of public construction projects in those zones to hire a specified percentage of their work force from residents of the zone.

Other laws. Employees who are members of the organized militia will receive leave to perform active State service ordered by the governor. Upon returning from such service or from hospitalization resulting from such service, the employee is entitled to his or her former position, or a comparable position, at the pay, seniority, and benefit level the employee would have accrued had the absence not occurred. An employee unable to perform his or her former duties because of permanent disability sustained during service is to be offered a position he or she is qualified for and capable of performing. Parties to a collective bargaining agreement may not negotiate terms contrary to these provisions.

Arizona

Child labor. The provision of the child labor law exempting those minors employed by a parent from restrictions on hours of work and minimum age for various occupations was amended to also exempt work for a grandparent, brother, sister, aunt, uncle, first cousin, or stepparent.

Drug, alcohol testing. Transportation employees of school districts and their transportation contractors are now subject to drug and alcohol testing if the supervisor has probable cause to believe that their job performance has been impaired by the use of alcohol or drugs or that an employee's accident involving a vehicle used to transport pupils or involving equipment used in the performance of duties was influenced by the use of alcohol or drugs. School districts are to develop procedures for testing such employees, and positive test results or refusal to submit to testing may result in termination from employment.

Occupational safety and health. The Industrial Commission's Division of Occupational Safety and Health is to develop and implement standards for certification and training of employees and supervisors who work with asbestos.

Arkansas

Equal employment opportunity. In late

1989, the law prohibiting age discrimination in State and local government employment was extended to cover all persons over age 40, instead of only those between 40 and 70. Mandatory retirement because of age is permitted only for certain executive and high-policymaking employees and, until January 1, 1994, for tenured employees at institutions of higher education.

California

Wages. Employers who willfully fail to maintain required payroll data or the names and addresses of all employees and the ages of all minors, or fail to allow the Division of Labor Standards Enforcement or the Industrial Welfare Commission to inspect such records are now subject to a civil penalty of \$500. Payroll records must now be kept for at least 2 years (previously, 1 year). The civil penalties for violations of laws regulating wages, hours, and working conditions do not restrict the local police from handling these matters in a more stringent manner.

The penalty to employers for failing to furnish employees with itemized wage statements, including deductions; failing to keep such records; and failing to permit current and former employees access to their records was increased from \$100 to \$250 per employee for a first violation and \$1,000 for each subsequent violation. The labor commissioner can waive the penalty if a first violation was due to clerical error or inadvertent mistake.

Employers may now mail wages due to employees who quit their jobs without notice, or quit after giving 72 hours notice, and the date of mailing constitutes the date of payment for purposes of the requirement to pay within 72 hours.

Family issues. An employer (except the State) of 25 or more employees at the same location may not discharge, discipline, or discriminate against an employee who is a parent or guardian of a child in grades kindergarten through 12th for taking off 4 hours per child each school year (after giving reasonable notice) to visit the child's school. The employee is to use existing vacation, personal leave, or compensatory time, unless other time is provided by a collective bargaining agreement. An aggrieved employee is entitled to reinstatement and reimbursement for lost wages and work benefits. Employers are subject to a civil penalty equal to three times lost wages and benefits if they willfully refuse to rehire, promote, or otherwise restore employees or former employees determined by a grievance or other procedure to be eligible for such action.

Agriculture. Licensed farm labor contractors must now register with the agricultural commissioner of the county or counties in which the licensee has contracted with a grower. A civil fine may be levied by the commissioner for each violation of the requirements to register, to carry and display the proof of registration, and to file notification of a permanent change of address.

Garment industry. Local public agencies which issue business licenses or permits must now require any garment manufacturing business applying for such license or permit to furnish proof of having registered with the State Labor Commissioner.

Drug, alcohol testing. The Drug-Free Workplace Act of 1990 applies to employers

awarded a contract or grant by any State agency for the procurement of property or services. The employers must notify their employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and subject to specified penalties, and must establish a drug-free awareness program for employees. Violations may result in suspension or termination of the contracts or grants, and debarment.

The Employee Assistance Consortium Demonstration Project was established under the Department of Alcohol and Drug Programs to provide a public-private partnership where the State provides financial and technical resources to nonprofit consortiums of small businesses with a goal of achieving and maintaining a drug-free workplace. The project will provide employees services such as problem assessment and referral, management consultation and training, case management services, program promotion, and education. An Employee Assistance Advisory Council, with the assistance of the Department, will review and approve applications from consortiums for program funding.

Private employment agencies. The employment agency regulatory law was amended to expressly include in the definition of employment agency persons who for a fee procure or obtain babysitting or domestic employment for others. The definition of job listing service was also revised to exempt domestic and babysitting services owned primarily by accredited colleges or universities or their alumni associations which meet other specified criteria.

Occupational safety and health. By December 1, 1991, the Occupational Safety and Health Standards Board is to adopt a standard for field sanitation applicable to all agricultural work sites. The standards must be at least as effective as the current Federal standard and the existing State requirements. A special emphasis program for enforcement is to be developed and implemented by the Division of Occupational Safety and Health for at least 2 years after adoption of the standard. Employers failing to provide facilities required by the standard will be assessed a civil penalty of not less than \$750 for each violation. Until the new State field sanitation standard is adopted and approved, the Division is authorized to enforce the Federal standards.

A new "Corporate Criminal Liability Act of 1989" requires corporations or managers of a business entity to give a written notice to the Division of Occupational Safety and Health in the Department of Industrial Relations and a written warning to affected employees within 15 days of acquiring knowledge of a serious concealed danger subject to the regulatory authority of specified State or Federal agencies, or immediately in cases of great imminent risk. Knowingly failing to comply may result in fines of up to \$25,000 (up to one million dollars for corporations), and/or imprisonment.

A new "Refinery and Chemical Plant Worker Safety Act of 1990" requires the Occupational Safety and Health Standards Board to adopt, by July 1, 1992, process safety management standards for refineries, chemical plants, and other manufacturing facilities. Employer obligations include developing and maintaining written safety information regarding processes involving acutely

hazardous and flammable material; performing hazard analysis of the process; developing and implementing written operating procedures; and training employees, emphasizing specific safety and health hazards, procedures, and safe practices.

The Division of Occupational Safety and Health is to establish a safety program for tower cranes, including annual certification and semiannual inspection. Civil penalties are established for serious violations of any tower crane standard, order, special order, or for serious injury or death caused by serious or willful repeated violations or by failure to correct a serious violation within the time specified.

Asbestos consultants and site surveillance technicians working on asbestos abatement projects must be certified by the Division of Occupational Safety and Health in the labor department, starting July 1, 1992. Certification criteria include education, training, experience, possession of a Federal certificate, and successful completion of an examination. Noncertified persons performing such work are subject to civil and criminal penalties.

Employers and supervisors whose willful violation of any occupational safety or health standard, order, special order, or provision dealing with the spraying of asbestos results in an employee's death may now be prosecuted for both manslaughter and willful violations of the Labor Code.

April 28, 1990, was proclaimed Worker's Memorial Day to pay tribute to victims of workplace hazards.

Employment and training. Proposition 139, on the November general election ballot, was approved, permitting private industry employers in the State to contract with prison inmates for production and construction jobs and to receive a 10-percent tax credit for hiring them. Inmates are to be paid the prevailing wage, with up to 80 percent of their salary deducted for room, board, restitution, taxes, and their families.

Other laws. A late 1989 enactment directs the Department of Commerce to assist other public agencies, nonprofit corporations, or foundations in the development and facilitation of employee-owned businesses through specified activities, including technical assistance on establishing and managing such businesses; sponsorship and participation in seminars, workshops, and conferences; and research and education.

A State Employee Telecommuting Program was established under which State agencies were authorized to incorporate a telecommuting option as an element of their transportation management programs, which are designed to reduce the number of commute trips by State employees. An experimental telecommuting and teleworking program had been previously authorized and implemented.

Colorado

Family issues. As part of an effort to encourage employer-sponsored child care, the Department of Social Services will assist employers seeking licensure for onsite child care centers. The Department is to prescribe separate licensing standards for such centers, restricting the standards to safety and general adequacy of the premises and procedures for establishing a parental advisory board. Also, enterprise zone tax credits

are now available for contributions to promote child care in enterprise zones.

Equal employment opportunity. It is now a discriminatory or unfair employment practice for a State agency to terminate an employee for engaging in a lawful activity away from the worksite during nonworking hours, unless such restriction relates to a bona fide occupational requirement or is necessary to avoid either the appearance of or an actual conflict of interest.

Occupational safety and health. The Department of Public Safety was designated to carry out the State's functions as stated in the Federal Emergency Planning and Community Right-to-Know Act under the Superfund Amendments and Reauthorization Act of 1986. An Emergency Planning Commission was created to assess available resources, identify methods to utilize such resources to react to emergency response situations, to investigate and evaluate local jurisdictions' capabilities, to recommend administrative and legislative changes, and to assist in emergency response training.

Economic development. An Office of Business Development was created within the office of the governor to encourage the expansion and retention of State businesses through such activities as business recruitment, retention, and expansion assistance and job training. An Economic Development Advisory Board was also created to advise the governor and general assembly on economic development policies, goals, and priorities.

Connecticut

Wages. Motor vehicle or farm implement mechanics employed by nonmanufacturing firms and exempt from overtime pay under the Federal Fair Labor Standards Act are also exempt from overtime pay under State law if their earnings meet specified tests.

The labor commissioner's authority to institute action to collect unpaid fringe benefits for employees upon termination of employment was made more explicit.

Hours. The law requiring employers to allow employees a meal period of at least 30 minutes within a work period of 7½ or more consecutive hours, was amended to specifically permit employers and employees to enter into written agreements providing for a different schedule of meal periods, and to exclude those employers who provide 30 or more total minutes of paid rest or meal periods within each 7½ hours worked.

Equal employment opportunity. The provisions in the human rights, municipal employees, and insurance laws prohibiting the reduction of group hospital, surgical, or medical insurance coverage for persons reaching the age of 65 and qualifying for medicare benefits were conformed to the Federal Age Discrimination in Employment Act.

Labor relations. Private nonprofit corporations having valid fire protection contracts with any town, city, borough, or district will now be considered municipal employers for purposes of coverage under the municipal collective bargaining law.

Occupational safety and health. New safety precautions are required for railroad employees working in maintenance of way crews or in the area of double or multiple train tracks. Precautions include assigning a flag person to warn of approaching trains, notifying train engineers, in

writing, of the location of work crews, and speed limit restrictions on trains operating on such tracks. No work is to be conducted and all workers shall stand clear while a train is approaching and passing through a work area.

Delaware

Wages. As the result of a provision automatically increasing the State minimum wage rate to match any Federal increase, the State hourly rate rose from \$3.35 to \$3.80 on April 1, 1990, and will increase again to \$4.25 on April 1, 1991. Employers may pay less than the minimum, but not less than \$3.35 per hour, to learners or apprentices age 18 or younger who have been with the employer for 90 days or less. Although the allowable tip credit percentage is to be the same as that set under the Federal Fair Labor Standards Act, a requirement that the cash wage be not less than \$2.23 per hour results in a cash wage for tipped employees higher than under the Federal law.

Child labor. Sections of the child labor law providing for the issuance of provisional employment certificates for nonhazardous work outside of school hours now applies to all children 14 years or older. Previously, the certificates applied to boys 12 years or older and girls 14 years or older.

Background clearance. Persons seeking employment or who volunteer to provide direct child care service or have regular direct access to children and/or adolescents at residential child care facilities under contract to or operated by the Department of Services for Children, Youth and Their Families must submit their fingerprints and other necessary information. The Department is to set the criteria for unsuitability for employment in child care services, including a prohibition against employment of any individuals convicted of a sexually related offense or offenses against children or adolescents.

Labor relations. The law granting public employees, with certain exceptions, the right to organize and bargain collectively, now mandates coverage without election for local jurisdictions employing 100 or more full-time employees. Previously, the law applied to the State, counties, and municipalities which, by affirmative legislative act, elected coverage.

The Public School Employment Relations Act, will now cover any public school employee, except administrators and confidential employees. (Previously, only certified professional employees of public schools, except administrators, were covered.) The Public Employment Relations Board is to establish separate bargaining units for supervisory and nonsupervisory employees.

District of Columbia

Wages. The minimum wage in retail trade occupations was increased from \$3.50 to \$4.50 per hour on April 1, 1990, by issuance of a revised wage order. Other changes include increases in lodging, meal, and uniform allowances.

Family issues. The "District of Columbia Family and Medical Leave Act of 1990," effective in April 1991, requires public and private sector employers of 50 or more (20 or more after April 1994) to grant employees up to 16 weeks of unpaid leave during any 24-month period for the birth of a child; placement of a child for adoption,

foster care, or when the employee permanently assumes and discharges parental responsibility of a child; or for the care of a family member with a serious health condition. Family member includes a relative by blood, legal custody, or marriage; any child living with the employee; or a person with whom the employee shares or has shared within the last year a mutual residence and with whom the employee maintains a committed relationship. Employees are also entitled to a maximum of 16 weeks of unpaid medical leave in a 24-month period when unable to work because of their own serious health condition. While on family or medical leave, employees will not lose any employment benefits or accrued seniority, will have their group health benefits continued, and, upon return, are entitled to the same or equivalent employment, including equivalent benefits, pay, seniority and other terms and conditions of employment. Under specified circumstances, employers may deny restoration of employment to certain higher salaried employees. Employers are prohibited from discharging or discriminating against an employee for opposing any unlawful practice, for filing a complaint, or for providing information or testimony in connection with an inquiry or proceeding. Administrative enforcement procedures are to be developed.

Occupational safety and health. Under a new "Asbestos Licensing and Control Act of 1990", asbestos abatement businesses and private and public sector workers must be licensed to perform such work in the District, and businesses must apply for a permit before beginning each project. Among prerequisites for licensure, a business must train employees and agents to comply with Federal standards for asbestos abatement, certify that employees have completed an approved course of instruction on such work, and provide certification of ability to comply with applicable Federal standards and applicable District environmental, safety, and health laws or rules. The mayor is to promulgate rules for asbestos abatement.

Florida

Agriculture. Beginning July 1, 1991, under a program of education and examination, applicants for farm labor contractor certificates of registration must successfully complete an examination in the applicant's language demonstrating knowledge of the duties and responsibilities of a farm labor contractor. Certificates will be subject to suspension or revocation if a contractor violates any Federal or State statute, rule, or regulation for the protection or benefit of labor, including those providing for wages, hours, fair labor standards, social security, workers' compensation, child labor, and transportation.

Drug, alcohol testing. Drug-free workplace provisions were enacted under which employers implementing a program that includes notice, education, and testing for drugs and alcohol pursuant to rules developed by the Division of Workers' Compensation may require employees to submit to testing, and may terminate employees whose drug or alcohol content are at a prescribed level. Standards for tests were established, including required prior notification of the employer's policy to all employees and job applicants, procedures for collecting and handling specimens, chain-of-custody, confirmation of positive tests, and confidentiality.

Employers may not discharge or discipline an employee who voluntarily seeks treatment for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. Employees discharged as the result of positive test results forfeit eligibility for medical and indemnity benefits under workers' compensation.

Background clearance. Owners of nonpublic schools must now be fingerprinted and checked for criminal background, and those who have been convicted of a crime involving moral turpitude may not own or operate a school. Owners may require school employees to file a set of fingerprints with the Department of Law Enforcement for processing and criminal records checking.

Private employment agencies. The law regulating talent agents was amended to specifically exempt manager agents of artists and to prohibit the charging of any registration fee (previously, only fees exceeding \$35 were prohibited). A talent agency must now maintain a permanent office, with regular operating hours.

Nurses registries must now be licensed annually by the Department of Health and Rehabilitative Services. Requirements are established for making referrals to perform services in private homes, and specific recordkeeping requirements are mandated. The Department is authorized to deny, revoke, or suspend licenses, to impose administrative fines, and to institute injunctive proceedings in court.

Occupational safety and health. A Trench Safety Act was enacted; it adopts the Federal Occupational Safety and Health Administration's excavation safety standards as the State standard, and provides procedures for adopting updated or revised versions. All contract bids for trench excavations exceeding 5 feet in depth must provide information on the trench safety standards that will be in effect, and also must provide written assurance by the excavation contractor that the standards will be complied with.

Employment and training. Under a new Constructive Youth Act, district school boards are authorized and encouraged to coordinate programs to enable unemployed youth ages 16 to 24 who are economically disadvantaged or who are school dropouts to obtain the education, employment, and leadership skills necessary to be economically self-sufficient. Construction or rehabilitation programs approved for funding are to include educational services, including basic skills instruction and remedial education, programs leading to the attainment of a high school diploma or its equivalent, and classroom training in construction terminology and concepts; and employment services, including job skills training, placement in unsubsidized employment, and follow-up counseling. The programs are to be consistent with applicable Federal, State, and local labor laws and standards. Youth employed under the act are to be paid at least the Federal minimum wage.

Other laws. An employee subpoenaed to testify in a judicial proceeding may not be discharged from employment because of the nature of the testimony or because of absences from employ-

ment resulting from compliance with the subpoena.

Under a new State Employee Telecommuting Act, the Department of Administration is to establish and coordinate a program under which selected State employees are permitted to work at home or elsewhere away from their usual place of work through the use of computers or telecommunications. State agencies may design such programs and, upon approval, conduct pilot programs beginning August 1, 1991, and terminating no later than August 1, 1993. Agencies must submit an evaluation of their pilot programs to the Department of Administration, which is to make recommendations to the legislature by October 1, 1993.

The Division of Vocational Rehabilitation of the Department of Labor and Employment Security is directed to establish and maintain a "Limiting Disabilities Program," which is to provide rehabilitation services to persons with a limiting disability who are unable to obtain such services elsewhere. The program will include an education and information service, a coordinated referral and follow-up system, the adoption of rules, and reports to the governor and the legislature.

Georgia

Drug, alcohol testing. Several laws relating to drug abuse in the workplace were enacted. Among the provisions: persons with State agency contracts amounting to \$25,000 or more must certify that a drug-free workplace will be provided during performance of the contract; any job applicant who refuses to take a drug test or who tests positive is disqualified from employment with the State or a public school system, and the regulations requiring such applicants to submit to a drug test, were struck down by a U.S. District Court (*The Georgia Association of Educators v. Harris*, October 19, 1990) which held that a generalized governmental interest in maintaining a drug-free workplace is not sufficiently compelling to outweigh an individual's fourth amendment privacy rights. State employees in high-risk positions requiring certification or those in similar positions under a personnel services contract with the State or a public agency now are subject to random drug testing—failure to comply or a positive test will result in termination; an employee of the State or public school system convicted for the first time of a criminal offense involving controlled substances or dangerous drugs is to be suspended for at least 2 months and must complete a program of drug abuse treatment and education—a second conviction results in termination; candidates seeking to qualify for nomination or election to specified State offices must file a certificate from a certified laboratory stating that the candidate has been tested for illegal drugs and the test results are negative.

Guam

Wages. As the result of prior legislation providing that the minimum wage rate will automatically match any higher Federal rate, the Guam rate rose from \$3.35 per hour to \$3.80 on April 1, 1990, and will increase to \$4.25 on April 1, 1991.

By Executive Order promulgated September 26, 1989, the Wage and Hour Commissioner in the Department of Labor was directed to establish

and maintain a Wage and Hour Trust Fund. Back wages collected from employers and litigated judgments on behalf of employees will be deposited into the Fund, enabling the Department to expeditiously process disbursements for employee back wage claims found to be due. Collections not disbursed after 2 years are to be deposited into the general fund.

Hawaii

Wages. Developers of Housing Finance and Development Corporation housing projects will now be considered governmental contracting agencies for purposes of the prevailing wage law and must pay laborers and mechanics employed on the project in compliance with that law, unless the entire cost of the project is less than \$500,000 and the eligible bidder or developer is a private nonprofit corporation.

Child labor. A resolution was adopted requesting a study of the desirability of amending the child labor law to reflect a commitment to quality education. Items to be considered include restrictions on nightwork preceding school days for minors older than age 15, and a prohibition on work during school hours for students suspended from school.

Equal employment opportunity. To eliminate potential conflict between the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and State employment practices law barring employment discrimination on the basis of arrest or court record, the State law was amended to allow federally insured financial institutions to deny employment to or to discharge persons convicted of any criminal offense involving dishonesty or a breach of trust, unless prior written consent of the Federal agency having jurisdiction over such institution is obtained.

Drug, alcohol testing. Substance abuse testing by employers and others must meet specified requirements including the use of State-licensed laboratories, sampling procedures that ensure privacy and prevention of tampering, methods that ensure reliable testing results, chain of custody procedures, and confidentiality of test information. Prior to testing, individuals must receive a written statement of the specific substances to be tested for and a medical disclosure form to permit the reporting of prescription and nonprescription drugs taken. The requirements are administered by the Department of Health.

Idaho

Wages. Three significant changes were made in the minimum wage law: the minimum rate was increased from \$2.30 to \$3.80 per hour on April 1, 1990, with an increase to \$4.25 scheduled on April 1, 1991; for the first time, employers are required to pay overtime pay, at time and one-half the employee's regular rate after 40 hours a week, applicable to employers not exempted or excepted by the overtime provisions of the Federal Fair Labor Standards Act; and a tip credit against the minimum wage is now permitted, up to 25 percent for employees receiving more than \$30 per month in tips.

The provision allowing for recovery of attorneys' fees in successful employee suits for collection of unpaid wages under the wage-pay-

ment and collection law was amended to specify that such fees may also be recovered in actions brought on behalf of an employee by the director of the Department of Labor and Industrial Services.

Illinois

Wages. As the result of prior legislation providing that the State minimum wage rate not be less than the Federal rate, the State rate rose from \$3.35 per hour to \$3.80 on April 1, 1990, and will increase to \$4.25 on April 1, 1991. Wages paid to employees under age 18 may not be more than 50 cents below the adult minimum wage.

Equal employment opportunity. The Department of Human Rights now is to require State agencies which fail to meet their affirmative action and equal employment opportunity goals to establish necessary training programs for preparation and promotion of the category of individuals affected by the failure.

A program is to be developed and implemented among State agencies for the trial employment of persons with severe physical or mental disabilities. Successful completion of a 3- to 12- month trial employment period may result in permanent employment.

Other laws. The law requiring employers to grant time off to employees summoned to jury duty and prohibiting them from discharging such employees was amended to also prohibit the threat of discharge, intimidation, or coercion of the employees. Violators are liable for the employee's loss of wages and benefits, are subject to injunction from further violations, and may be ordered to reinstate the employees.

Certificated school employees are not to suffer a loss in pay as the result of a subpoena to appear as a trial witness or to have a deposition taken in any school related matter.

Firefighters of a municipality with less than one million population, of a fire protection district, and of the University of Illinois who are elected to Statewide union office are now to be granted leave without loss of pay or benefits or being required to make up for lost time in order to perform the responsibilities of the elected State office, provided the firefighter arranges for a qualified replacement from the same jurisdiction.

The Small Employer Group Health Insurance Law was enacted to address the problems of the high cost of group health insurance for small employers and the resultant number of uninsured workers. Employers with 25 or fewer employees may now purchase group policies that provide basic coverage, but with fewer mandated benefits.

Indiana

Wages. Several significant changes were made in the State minimum wage law including an increase in the hourly rate from \$2 to \$3.35 on July 1, 1990, and enactment of a tip credit provision permitting employers an allowance of up to 40 percent of the minimum wage for tipped employees. Coverage under the law was extended to employers of two workers or more, rather than the previous four or more, and the minimum age for coverage was lowered from 17 to 16. The law now exempts persons employed for no more than 4 weeks in a 3-month period, rather than 10 weeks

as before. Penalties for employers who consistently discharge and replace employees without a work stoppage will now apply to those who do so within 4 weeks of employment, rather than 10 weeks, and penalties were added for other types of violations.

Child labor. Maximum daily and weekly hours restrictions and employment certificate requirements under the child labor law, previously applicable to minors under age 17 were extended to cover 17 year-olds. New restrictions also prohibit these 17 year-olds from working before 6 a.m. or after 11:30 p.m. on nights followed by a school day (work later than 11:30 p.m. may be allowed with written parental consent for up to two nonconsecutive nights per week). The minimum age for employment in specified hazardous occupations remains at 17. An employment certificate issued to any minor may now be revoked if it is determined that there has been a significant drop in the student's grades after issuance of the permit.

Labor relations. A local labor-management grant fund was established to provide matching grants to local labor-management councils. The grants may be used to offset general operating expenses, expenses related to the development of specialized training programs that directly benefit labor and management initiatives, or expenses incurred in research and development projects relating to labor-management issues.

Iowa

Wages. By prior law, the minimum hourly wage rate was increased from \$3.85 to \$4.25 on January 1, 1991. A further increase to \$4.65 is scheduled for January 1, 1992. The hourly minimum for the first 90 calendar days with an employer rose from \$3.35 to \$3.85 effective January 1, 1991, with an increase to \$4.25 scheduled for January 1, 1992.

The wage collection law was amended to authorize the labor commissioner to request expenses and reasonable attorneys' fees in addition to wages and liquidated damages in a civil action to recover unpaid wages for an employee.

Employers of 100 or more having more than 10 percent non-English speaking employees who speak the same language must provide an interpreter at the work site for each shift, and an employee whose primary responsibility is to serve as a referral agent to community services. Also, employers who recruit non-English speaking residents of other States more than 500 miles from the work site for hourly paid jobs must furnish the employees with written job information including minimum weekly hours, hourly wage, description of work, and known health risks. If such an employee resigns within 4 weeks and requests return transportation to a place of recruitment more than 500 miles from the work site, the employer must provide it at no cost to the employee. The provisions relating to non-English speaking employees are not applicable to agricultural workers, except those hired by farm owners to work on another farmer's cropland. Employers of 100 or more are prohibited from deducting from an employee's wages costs of \$20 or more for an employee's relocation to the place of employment. All employers are now prohibited from deducting from an employee's wages the cost of personal protective equipment needed for protection from job-re-

lated hazards.

Family issues. The Department of Human Services is to administer a Statewide grant program for child day care resource and referral services, including grants to agencies which provide specialized services to employers such as technical assistance to develop employer-supported child care programs operated on or near the work site. The Department is also to examine the feasibility of establishing a pool with private insurers to provide reasonably priced umbrella insurance coverage of child day care facilities.

Background clearance. Persons convicted of a crime against a person or having a record of child abuse may now be restrained by injunction from providing unregistered, registered, or licensed child day care.

Worker privacy. Employees were given the right to access and copy all information in their personnel files, except employment references. Employers may have a representative present and may charge a reasonable fee up to \$5 for all copies.

Private employment agencies. The maximum placement fee that employment agencies may charge to job applicants was increased from 8 to 15 percent of annual gross earnings of the job in which the applicant is placed.

Occupational safety and health. For purposes of the occupational safety and health law, employees also include volunteers involved in responses to hazardous waste incidents.

The labor commissioner is now authorized to assess civil penalties of up to \$500 for operating a boiler in violation of a safety order.

The State Board of Regents is to establish a Center for Agricultural Health and Safety at the University of Iowa in a joint venture with the Iowa State University of Science and Technology. The Center is to establish programs designed to reduce the number of disabilities, suffered by persons engaged in agriculture, which result from disease or injury.

Kansas

Worker privacy. The law providing for regulation and licensure of polygraphists was repealed, thereby terminating the Kansas board of polygraphists.

Other laws. The provision for inmate work assignments was amended to specify that assignments, other than work for State agencies, may not result in the displacement, including partial displacement (such as a reduction in hours or wages), of any currently employed worker or position, or impair existing collective bargaining agreements or contracts for services. Inmates may not be used to fill an opening when an individual is on layoff from the same or a similar job or on a project, except to the extent that its cost exceeds the funds available and budgeted.

Kentucky

Wages. The minimum wage was increased from \$3.35 to \$3.80 per hour on July 15, 1990, with a further increase to \$4.25 scheduled for July 15, 1991. A training wage of \$3.35 per hour is authorized for employees under age 20 for the first 90 days of employment, and for a second 90-day training period with another employer, both such periods under conditions similar to

those under the Federal Fair Labor Standards Act. The training wage will increase to \$3.61 on July 15, 1991, and will expire on April 1, 1993.

The law requiring employers engaged in construction work or the severance, preparation, or transportation of minerals to post a bond to assure payment of all wages due, was amended to establish a fine of from \$100 to \$500 for each day of violation and to make corporate officers personally liable for the penalty.

The Commissioner of the Department of Workplace Standards is now authorized to impose civil penalties of from \$100 to \$1,000 for violation of various labor standards laws including wage payment, minimum wage, prevailing wage, rest period requirements, child labor, and the prohibition against wage discrimination because of sex. The civil penalties replace former provisions for fines of \$10 to \$500 and/or imprisonment.

Equal employment opportunity. The law prohibiting discrimination on the basis of physical handicap was amended to specifically include persons with AIDS or related conditions. Employers are now prohibited from discriminating on the basis of the results of an AIDS (HIV) related test or from requiring such a test as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification. Employment discrimination against licensed health care professionals on the basis of their treatment of or caring for persons infected with the AIDS virus was also prohibited. The law also bans discrimination in housing, public accommodations, government services and State financial assistance because an individual is, or is regarded as being infected with HIV.

Labor relations. Subject to availability of funding from public or private sources, the Office of Labor-Management Relations is to provide grants-in-aid to labor-management relations organizations to be used for improving labor-management relations or improving communication between the parties on subjects of mutual interest. Grants may not be made to any organization that interferes with collective bargaining in any plant or industry.

Occupational safety and health. It is now an unlawful practice for an employer to fail to hire, to discharge, to discriminatory classify or otherwise discriminate against an individual because he or she is a smoker or nonsmoker, or to require, as a condition of employment, that any employee or job applicant abstain from smoking outside of employment, as long as the person complies with any workplace smoking policy.

All mines using conveyor belts must have one or more persons to examine them while in operation in the mine to determine that coal or mine refuse is not being transported in a manner posing a threat to the health and safety of the employees or to the safety of the mine.

All coal miners will be required to wear safety glasses as needed, supplied by coal operators at no cost to the miners.

Other laws. Among amendments to provisions regulating time off for voting, employers may now specify the hours during which an employee may be absent for voting, and it is prohibited to penalize an employee for taking reasonable time to vote unless the employee takes the time off, but fails to vote under circumstances which did not prohibit exercising the vote.

Louisiana

Wages. The law requiring that employees in certain industries be paid at least once every 2 weeks was amended to specifically exclude bona fide executive, administrative, or professional employees.

Family issues. A 12-member Child Care Challenge Committee was created to develop recommendations for implementation of a program to encourage employers to participate in the provision of child care and to explore and present to employers the advantages of voluntarily providing child care options.

Drug, alcohol testing. A new law was enacted regulating the testing of individuals, including employees, for the use of specific drugs. All testing covered by the law must be performed in certified laboratories if mandatory or discretionary consequences for the individual tested may result from the test. Provisions for privacy, chain-of-custody and confirmation of positive test results were adopted. Except in pre-employment drug screening, the results of an initial drug screening may not be used as a basis for a permanent mandatory or discretionary action against an employee.

Public employers are specifically authorized to require, as a condition of continued employment, the drug testing of employees following an accident, the testing of applicants as a condition of hiring, and the random testing of employees in safety-sensitive or security-sensitive positions.

Employment and training. An Employment and Training Council was created and assigned, among its duties, to plan, coordinate and monitor the programs and services under the Federal Job Training Partnership Act.

A Displaced Workers Retraining Program is to be administered by the State Employment and Training Council. Individuals will be eligible to participate in the program if they are unemployed, not full-time students or participants in other specified training programs, and their last employment was terminated because either the employer relocated to another State to avoid compliance with State environmental protection laws and regulations or instituted technological changes to comply with such laws.

Other laws. The law regulating "noncompetition" employer-employee agreements was amended to specifically authorize an employee to enter into an agreement that, for up to a 2-year period after termination of employment, the employee will not engage in work relating to any computer program that directly competes with a confidential computer program owned, licensed, or marketed by the employer.

Maine

Wages. The wage payment and collection law was amended to provide that an employer who has overcompensated an employee through employer error may not, without the employee's written permission, withhold more than 10 percent of the net pay of any subsequent pay in order to recover the overcompensation. Violations by employers with more than 25 employees, and knowing violations by those with 25 or fewer, result in the employer forfeiting any claim to the excess compensation.

The definition of employer under the law re-

quiring severance pay if an employer relocates an establishment 100 or more miles away or terminates operations, was amended to specify that a parent corporation is considered the indirect owner and operator of any covered establishment that is directly owned and operated by its corporate subsidiary.

Parental leave. The family medical leave law, scheduled to terminate July 1, 1990, was continued, and the law now must be posted accessible to employees.

Drug, alcohol testing. Among changes to the law regulating substance abuse testing in the workplace, the required employer written policy may now designate that for job applicants and for probable-cause testing of employees, all positions are subject to testing. Employees returning to work after a confirmed positive test result, whether or not they have participated in a rehabilitation program, may now be required to submit to a subsequent test anytime between 90 days and 1 year after their return. Employers may now take action against an employee enrolled in a rehabilitation program if notified that the employee has failed to comply with the prescribed program.

Occupational safety and health. Rules for safe and healthful working conditions adopted by the Occupational Safety Rules and Regulations Board now include monitoring and recordkeeping. At a minimum, the rules must conform to Federal standards so that the State program can be federally approved as an occupational safety and health program for public employees only.

Any person who performs a public function either as a volunteer or for minimal compensation, or any public employee responding to or acting at a life-threatening situation who makes a judgment calculated to save a life, was exempted from the 1989 law holding persons guilty of manslaughter for intentional and knowing violation of an occupational safety or health standard causing an employee's death.

Other laws. The law protecting employees from threatened or actual loss of employment because of receiving a summons for jury service or serving on jury duty was amended to also protect employees from threatened or actual loss of health insurance coverage because of such service. Also, new provisions were adopted prohibiting providers of health care insurance from terminating coverage for any person summoned for or engaging in jury service.

Maryland

Wages. The State minimum wage law adopts the Federal Fair Labor Standards Act rate by reference, thereby conforming to Federal changes on a continuing basis. As a result, the basic State rate rose from \$3.35 to \$3.80 per hour on April 1, 1990, and will increase again to \$4.25 on April 1, 1991.

The tip credit allowance was increased from 40 to 45 percent of the minimum wage, with an increase to 50 percent scheduled March 31, 1991. A training wage containing the conditions and limitations authorized under the Federal Fair Labor Standards Act amendments of 1989, was also adopted.

Occupational safety and health. Persons engaged in various occupations involving asbestos-related work in schools must now be accredited

by the Department of the Environment. Such accreditation requires successful completion of an approved training program, an examination, and annual refresher training.

Among changes to the Access to Information About Hazardous and Toxic Substances Act, various provisions were conformed to the U.S. Department of Labor, Occupational Safety and Health Administration's "Hazard Communication Standard" including requiring employers, chemical manufacturers, importers, and distributors to comply with all applicable provisions of the Federal standard.

After April 1, 1992, each employer of more than 5 employees who hires workers to operate specified nonagricultural power equipment must either develop and implement an employee safety training program related to such equipment or adopt and implement the model training program to be developed by the Commissioner of Labor and Industry in consultation with a new Advisory Committee on Safety Training Programs for Power Equipment Operators, and must satisfy other recordkeeping and posting requirements.

Massachusetts

Wages. Beginning January 1, 1992, employers must furnish employees with a statement each pay period showing hours, rate of pay, and all deductions. At present, statements must be furnished only upon request, with the first wage payment, and at other specified times.

Other laws. Under a late 1989 law, a program of employee involvement and ownership was established. Among its purposes are the promotion of employee involvement in decisions involving their work, employee ownership, assistance to private businesses in exploring the feasibility of establishing employee involvement programs, and providing grants to local governments and to schools for employee involvement startup efforts.

Michigan

Equal employment opportunity. The Handicappers' Civil Rights Act was amended to expand coverage to employers of one or more employees, instead of four or more. For the purpose of employment, handicap does not now include a determinable physical or mental characteristic caused by the current illegal use of a controlled substance or alcohol which prevents the individual from performing his or her job. The maximum costs that an employer may be required to incur to purchase equipment or devices or to hire readers or interpreters to accommodate employees' disabilities were established on a scale based upon the total number of employees.

Employment and training. Funds were appropriated to develop a partnership between business, labor, and government to link work force training, retraining, and skill upgrading with economic development efforts in order to maximize job creation and retention. A job opportunity bank will link existing training resources with State economic development efforts, develop coordinated training programs in conjunction with confirmed plant location decisions, and develop new innovative training approaches where existing State and Federal resources are inadequate or lack flexibility to meet economic development needs.

Also, a legislative job training program oversight committee was created.

Minnesota

Wages. Effective January 1, 1991, the minimum wage rate structure was changed and the rates increased. The minimum wage is now \$4.25 per hour for large employers (annual receipts of \$362,500 or more) and \$4 for small employers (less than \$362,500). The two-tier schedule with a minimum of \$3.95 for employers covered by the Federal Fair Labor Standards Act and \$3.80 for others, and lower rates for minors under age 18 were eliminated. The law specifically bans the use of lower rates based on a training wage or full-time student status permitted under Federal law, and continues to prohibit tip credits.

The law requiring political subdivisions to establish equitable compensation relationships among its employees in order to eliminate sex-based wage disparities was amended. Each jurisdiction now must submit an implementation report to the Commissioner of Employee Relations by January 31, 1992, which includes identification of each job class in the political subdivision as male-dominated, female-dominated, or balanced; the comparable work value of each class determined by job evaluation; and specified salary data. The Commissioner is to determine if a jurisdiction has established equitable compensation relationships, and if not, must notify the subdivision of the findings and necessary actions to achieve compliance and the estimated cost of compliance. Failure to comply may result in a 5-percent reduction in aid or a fine of \$100 per day, whichever is greater.

Parental leave. The law requiring the granting of up to 6 weeks unpaid leave for the birth or adoption of a child was amended to permit employees to use personal sick leave benefits provided by the employer to care for a sick child, and to require employers to provide up to 16 hours of unpaid leave per year for an employee to attend school conferences or classroom activities related to the employee's child if the conference or activities cannot be scheduled during nonwork hours. The school leave provision is applicable to employers of one or more employees, whereas the other types of leave provisions continue to apply to employers of 21 or more at at least one site.

Equal employment opportunity. An amendment to the Human Rights Act stipulated that if a complainant shows that an employment practice is responsible for a statistically significant adverse impact on a particular protected class, it is the employer who must then prove that the practice is manifestly related to the job or significantly furthers an important business purpose. The law also now provides that the first application of an unfair discriminatory practice, employment policy, or seniority system to a new person establishes a basis for the filing of a claim by that person.

Labor relations. Protective agents and security guards were prohibited from engaging in certain activities during a labor dispute, strike, or lockout. These activities include inciting or encouraging unlawful acts against another person or property, photographing or otherwise conducting surveillance of participants when not on the premises being protected, and stopping or detaining any vehicle not on the premises being protected.

Where a collective bargaining agreement between an employer and a labor organization contains a clause regulating the rights and obligations of a new (successor) employer, as defined, that clause will be binding and enforceable against any new employer until the expiration date of the agreement (not to exceed 3 years from the effective date). The existence of such a clause is to be disclosed to a new employer, although failure to meet this requirement does not affect the enforceability of the collective bargaining agreement.

Occupational safety and health. Employers in certain standard industrial classifications who are covered by the State occupational safety and health law must now establish and implement a written workplace accident and injury reduction program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives.

Plant closings. The governor is to appoint a commission to study and make legislative recommendations regarding worker displacement caused by corporate takeovers, buy outs, and other similar actions. Also, effective January 1, 1991, an employer-financed dislocated worker fund is to be created to provide for special programs, including vocational guidance, training, placement, and job developments.

Other laws. Employers of 20 or more must grant up to 40 hours of paid leave to an employee who seeks to undergo a medical procedure to donate bone marrow. The employer may not retaliate against the employee for requesting or obtaining such leave.

Mississippi

School attendance. As part of a public education law, the compulsory school attendance law, which had required attendance from age 6 through age 16, was amended to require attendance at age 5. However, a 5-year-old will not be required to enroll if the parent and the superintendent of the child's school district determine that the child is at risk of not performing at a kindergarten level.

Drug, alcohol testing. A Select Senate Committee on Drug Abuse was created to consider legislation relating to drug abuse, including workplace drug testing programs.

Missouri

Wages. A first-time minimum wage law was enacted, with the Federal minimum wage rate adopted by reference. Time and one-half overtime payment is required after 40 hours per week, except after 52 hours for employees of seasonal amusement or recreational establishments, which are exempted from the Federal Fair Labor Standards Act. A 50-percent tip credit is permitted; exemptions include employees subject to the Federal minimum wage, agricultural workers, and employees of retail or service businesses whose annual gross sales volume is less than \$500,000.

Montana

Wages. In accord with a 1989 law, a rule was adopted increasing the State minimum wage from \$3.35 to \$3.80 per hour effective April 1, 1990, with a further increase to \$4 scheduled for April 1, 1991 (employers may pay newly hired employees a wage of at least \$3.35 an hour for the first 120 calendar days). Unlike the Federal law,

the State law does not allow a tip credit allowance against the minimum wage.

Nebraska

Equal employment opportunity. Employment discrimination, as well as discrimination in housing, school admissions, and public accommodations, on the basis that an individual is suffering or is suspected of suffering from HIV virus infection or AIDS is now prohibited. Enforcement is through private civil action.

Other laws. A labor and material payment bond for public works construction contracts will no longer be required for State contracts of \$15,000 or less or for county, local, or school district contracts of \$5,000 or less, unless it is required in the project specifications.

Nevada

Wages. By law, the labor commissioner is to prescribe increases in the State minimum wage in accordance with increases in the Federal rate, except when the commissioner determines that such increases are contrary to the public interest. Accordingly, the minimum wage rate for employees 18 years or older was increased from \$3.35 to \$3.80 per hour on April 1, 1990, and for employees under age 18, from \$2.85 to \$3.23.

New Hampshire

Wages. The State minimum wage rate rose to \$3.85 per hour on January 1, 1991, and will increase to \$4.25 on April 1, 1991, as the result of the adoption of any higher Federal minimum wage as the State rate.

Drug, alcohol testing. A committee was established to study all issues relevant to drug and alcohol testing in the workplace and to report on findings, including recommendations for legislation.

Labor relations. A new law was enacted giving the Public Employee Labor Relations Board jurisdiction over collective bargaining by licensed race track operators and their employees in the dog and horse racing industry. Among the provisions adopted, employers and certified employee organizations are required to bargain in good faith over wages, hours, and other conditions of employment not within the scope of management rights; procedures were enacted for selection and certification of bargaining units; and employer unfair labor practices and employee organization prohibited practices are specified. Strikes or lockouts during the term of the existing agreement are prohibited.

Occupational safety and health. As part of a new Indoor Smoking Act, smoking is prohibited in enclosed private or government workplaces with four or more persons. The prohibition will not apply to segregated smoking-permitted areas. If smoking cannot be effectively segregated, it will be totally prohibited. The person in charge of a facility may declare it nonsmoking in its entirety. It is unlawful to retaliate or otherwise discriminate against an employee for exercising any rights under this act.

New Jersey

Wages. On May 3, 1990, the minimum wage applicable to both nonfarm and farm em-

ployment increased from \$3.35 to \$3.80 per hour, with additional increases to \$4.25 and \$5.05 scheduled for April 1, 1991, and April 1, 1992, respectively.

Prevailing wage payment requirements on public works construction projects will now apply to work performed on property or premises leased or to be leased by a public body. To be considered leased property for this purpose, at the time of entering into the contract, at least 55 percent of the property or premises must be either leased by a public body or be subject to an agreement to be subsequently leased by the public body, and the leased area must measure more than 20,000 square feet.

Family issues. A new Family Leave Act was approved under which public and private sector employees are now entitled to 12 weeks of unpaid family leave in any 24-month period for the birth or adoption of a child, serious health condition of a family member, or serious illness of the spouse or parent of the employee or of the employee's spouse. Coverage in the private sector applies to employers of 100 or more for the first year, 75 or more for the following 2 years, and 50 or more thereafter. Employees taking such leave are entitled to the same or an equivalent position upon their return. Employers must continue health insurance coverage for employees during their absence and continue to provide any employee benefits pursuant to the employer's policy with regard to benefits for employees on temporary leave. An employer is prohibited from discharging or discriminating against a person who opposes any practice forbidden by the law, or files a complaint, testifies, or assists in a proceeding. Family leave may be denied if the employee is salaried and among the highest paid 5 percent of employees or one of the seven highest paid employees, whichever is greater; if the denial is necessary to prevent substantial economic injury to the employer; and if the employer notifies the employee of the denial at the time it is determined that denial is necessary. Family leave granted under the law is specifically in addition to rights under the State's Temporary Disability Benefits Law.

Private employment agencies. A new employment agency regulatory law was enacted, replacing the existing law. The law now specifically applies also to career counseling and resume services. The amount of the surety bond required of agencies was increased from \$2,000 to \$10,000. The Administrator is now authorized to issue a cease and desist order upon a finding of violation, and to bring a summary proceeding in the Superior Court to enforce such order. Each violation of these orders may result in a civil penalty of \$1,000-\$25,000.

Employment and training. A State Employment and Training Commission was created to develop and assist in implementing a State employment and training policy. The goal is to create an integrated system of employment and training programs and services which, along with efforts of the private sector, will provide individuals equal access to learning opportunities needed to attain and maintain high levels of productivity and earning power.

The Hispanic Women's Demonstration Resource Centers Act was approved under which the Division on Women of the Department of

Community Affairs is to establish from two to five such resource centers. Among many services, the centers are to provide vocational training, job counseling, programs to overcome barriers to employment, career information, job training, and placement.

Whistleblower. The law prohibiting employer retaliation against private and public sector employees for disclosing to a supervisor or public body any practice of the employer that is believed to be a violation of law or regulation, was amended to also protect the disclosure of such practices of another employer with whom there is a business relationship. Employees are also now protected against retaliation for objecting to or refusing to participate in any practice the employee believes could endanger the environment.

New Mexico

Wages. Revised rules and regulations under the "public works minimum wage act" (the prevailing wage law) were adopted in 1989. Among the changes, surveys for purposes of wage determinations will now be conducted annually rather than semiannually. Also, the hours of working foremen are to be included in the determination of the prevailing wage for most crafts. Some new classifications including electrician classifications were established, and laborer, equipment operator and truck driver classification groups and wage spreads were amended to include residential construction.

New York

Wages. The State minimum wage rate for non-agricultural workers was increased from \$3.35 per hour to \$3.80 effective April 1, 1990, with a further increase to \$4.25 scheduled for April 1, 1991. The rate for farmworkers was increased from \$3.35 to \$3.80 on January 1, 1991, with an increase to \$4.25 scheduled for January 1, 1992.

Employers engaged in the sale or service of food or beverages are to post in the establishment, in a place accessible and visually conspicuous to the employees, a copy of the law and regulations under the wage payment law relating to illegal deductions from wages and tips received by employees.

School attendance. The minimum age for compulsory school attendance was reduced from 7 to 6.

Equal employment opportunity. Unless it can be clearly shown that a person's unique genetic disorder would prevent performing the particular job, no person who is otherwise qualified is to be denied equal opportunities to obtain or maintain employment or to be promoted solely because of the condition. Unique genetic disorder is defined as sickle cell trait, carriers of Tay-sachs disease, or carriers of Cooley's anemia.

Worker privacy. The definition of "patient information," under provisions of the public health law restricting access to such information, was expanded to specifically include a health assessment for insurance and employment purposes.

Occupational safety and health. Among changes to the public employee occupational safety and health law, requests for an inspection in situations alleging imminent danger of injury or death must now be given the highest priority by the Department of Labor and the inspection must be

carried out immediately; the Safety and Health Hazard Abatement Board now has the authority to hold public hearings, take testimony, and contract for expert assistance in the formulation of standards being recommended to the Commissioner of Labor; the Commissioner is authorized to promulgate rules and regulations recommended by the Board.

Among several changes in the transportation law relating to commercial vehicle safety, specific limitations on hours of driving time and consecutive hours of required rest for truck and bus drivers were eliminated and left to the Commissioner of Transportation to regulate. It is now unlawful for an employer to take retaliatory personnel action against a driver or operator of a motor vehicle of 18,000 pounds or more, who has objected to or refused to operate a vehicle he or she reasonably believes fails to comply with safety requirements after first bringing the violations to the employer's attention and allowing a reasonable opportunity to make corrections. Licensing requirements were revised requiring an applicant for a commercial driver's license to be at least 21 years of age. Other classes of licenses were also established with minimum ages ranging from 16 to 18.

Provisions dealing with the inspection of boilers were amended to define unfired pressure vessels and to require owners and lessees of such vessels to ensure that they are constructed in accordance with regulations adopted by the labor commissioner.

Employment and training. A youth opportunity program act was enacted to provide employment and training directed at career assessment and exploration in health and human service fields for economically disadvantaged youth 16 to 21 years and a limited number of other youth who have barriers to employment or have been identified as at risk of dropping out of school. Funds for the program are to be made available to the Office of Mental Health and the Office of Mental Retardation, and training is to take place in State centers, funded through these Offices, which employ individuals in direct care, clinical, and laboratory positions. Youth in employment and training may participate for a maximum of 1,200 hours per year including both work and nonwork activities, and must receive at least the State minimum wage for all time engaged in program activities, not to exceed 20 hours weekly during the school year and 30 hours weekly during school vacation periods.

The Job Opportunity Demonstration Program established in 1987 was abolished, and the Job Opportunities and Basic Skills Training Program was established. The new program will furnish education, training, and employment opportunities, and necessary services to individuals receiving aid to dependent children, home relief, or veteran assistance to enable them to obtain unsubsidized employment that will assist them in achieving economic independence.

Other laws. The labor commissioner is to annually compile and publish all regulations and notices required to be posted by employers for the benefit of their employees pursuant to the labor law, the workers' compensation law, and any other State or Federal law, rule, or regulation.

North Carolina

Occupational safety and health. Civil money penalties assessable by the Labor Com-

missioner under the State occupational safety and health act were increased from \$10,000 to \$14,000 for each willful or repeated violation, from \$1,000 to \$2,500 for each serious violation citation, and from \$1,000 to \$1,500 for each non-serious violation.

Ohio

Wages. The State basic minimum wage rate, applicable to the private and public sectors and to agriculture, was increased from \$2.30 to \$3.80 per hour on September 24, 1990, with a future increase to \$4.25 scheduled for April 1, 1991; lesser increases were prescribed for small businesses. For employers with gross annual sales of \$150,000 to \$500,000, the basic rate increased from \$2.30 to \$3.35; for employers with less than \$150,000 gross annual sales, it increased from \$1.50 to \$2.50 on September 24, 1990, and will increase to \$2.80 beginning April 1, 1991. Employers with more than \$500,000 gross annual sales may pay tipped employees 55 percent (previously 50 percent) of the basic rate effective September 24, 1990, and 50 percent beginning April 1, 1991; other tipped employees are to receive a minimum cash wage of \$2.01 per hour. The definition of a tipped employee was changed to a person receiving more than \$30 (previously, \$20) per month in tips. The provision for a lower 80-percent learner rate was replaced with a provision for a training wage for workers under age 20, set at \$3.35 per hour or 85 percent of the applicable minimum wage, whichever is greater, for a period not to exceed a cumulative total of 90 days by one employer and 180 days by all employers.

Eligibility criteria for employer use of the training wage were established. The training wage provision will be repealed April 1, 1993.

For the first time, rules and regulations were adopted as provided for in the prevailing wage law. These rules deal with clarification of the meaning of numerous terms used in the law; fringe benefits; permissible payroll deductions; computation of overtime compensation; procedures for determination of wage rate schedules; duties of contractors; use of apprentices, serving laborers, assistants, helpers, and trainees; kickbacks; recordkeeping; hearing procedures; and subpoenas and stop-work orders.

Child labor. An amendment to the child labor law added restrictions on nightwork hours of 16- and 17-year-olds during any week that school is in session. These minors may not work after 11 p.m. preceding a schoolday, or after 1 a.m. before non-schooldays. Work is prohibited before 7 a.m. on Mondays through Fridays and before 6 a.m. on Saturdays and Sundays. Also added to the law was a prohibition on employment of minors under age 16 in any for-profit door-to-door sales activity, unless the employer is registered annually by the Director of Industrial Relations. Registration requirements include certification of compliance with all applicable Ohio and Federal laws and regulations relating to the employment of minors and with other applicable Ohio laws, including motor vehicle financial responsibility, workers' compensation, and unemployment compensation. Employers must also certify that they meet supervision, age and schooling certificate, and vehicle safety requirements. At least one supervisor over age 18, in visual

contact with each minor, must be provided for each six minors employed. Minors are to be issued an identification card containing their picture and name, the employer's name, address and registration number, and a statement that the employer is registered. Minors must work at least in pairs and may not be employed during school hours or before 7 a.m. or after one-half hour prior to sunset. The Director may refuse to renew or may revoke a registration in the event of violation.

Equal employment opportunity. The prohibitions against employment discrimination based upon age were amended to extend coverage to persons over age 40, instead of only those between ages 40 and 70. Provisions with respect to mandatory retirement of executive and high policymaking personnel, and tenured employees at institutions of higher education were changed, and now coincide with those in the Federal Age Discrimination in Employment Act.

Labor relations. The Public Employees' Collective Bargaining law was amended to permit teacher bargaining agreements to include a provision authorizing a peer review plan, and to provide that teacher or representative participation will not be considered an unfair labor practice. Under such a plan, teachers in a bargaining unit, or their employee organization representatives, may participate in assisting, reviewing, or evaluating and making recommendations or decisions with respect to the retention, discharge, renewal, or non-renewal of other teachers of the same bargaining unit or represented by the employee organization.

Employment and training. Every State agency administering a federally funded employment and training program, including the Job Training Partnership Act, is to include in the program a priority system to provide maximum employment and training opportunities to veterans and other eligible persons within targeted groups.

To the extent that resources are available, in addition to the provision of sheltered employment and work activities, county boards of mental retardation and developmental disabilities are now authorized to provide or arrange for job training, vocational evaluation, and community employment services to mentally retarded and developmentally disabled individuals.

Oklahoma

Wages. The State minimum wage law adopts the Federal Fair Labor Standards Act rate by reference, thereby conforming to Federal changes on a continuing basis. As a result, the basic State rate rose from \$3.35 to \$3.80 per hour on April 1, 1990, and will increase again to \$4.25 on April 1, 1991.

Equal employment opportunity. Persons filing a charge of employment discrimination on the basis of disability may now commence court action if the complaint is not satisfactorily resolved within 180 days. Courts may award actual damages including reinstatement or hiring, with or without back pay.

Drug, alcohol testing. The Horse Racing Commission is now authorized to require any occupation licensee to submit to a substance abuse test if there is probable cause to believe that the licensee possesses or uses any controlled dangerous substance, or any other drug in violation of Federal or State law.

Background clearance. Owners or administrators of a child care facility, other than a foster family home or a day care center, providing full-time care or 24-hour supervised care must arrange, prior to employment, for a criminal history investigation of job applicants. Owners or administrators of day care centers, other than family day care homes, may arrange for such investigations. Persons convicted of a crime are not to be barred from employment, but are to be considered in relation to specific employment duties and responsibilities.

A nursing facility, a specialized facility, or a residential care home must provide for a criminal arrest check before employing nurses aides or other persons not specifically excepted. Such persons may not be hired permanently until the result of the check is received, and may not be hired if the check reveals a conviction of such offenses as rape, incest, murder, assault, robbery, arson, child abuse, and so forth. A facility or home may request an arrest check on current employees at any time. Persons addicted to certain drugs may not be employed, unless they produce evidence of successfully completing a drug rehabilitation program.

Oregon

Wages. By prior law, the State minimum wage rate was increased from \$4.25 per hour to \$4.75 on January 1, 1991.

Administrative rules relating to minimum wages, overtime pay, and working conditions were revised. New sections define the terms administrative, executive, and professional employees; require that homeworkers be paid the minimum wage and overtime and that their employers comply with recordkeeping requirements; deal with waiting time, sleep time, travel time, and other special situations; and authorize employers to include bonus payments to employees in the pay periods when they are earned when computing the minimum wage.

Child labor. Revised rules were promulgated by the Wage and Hour Commission pursuant to the State child labor law, effective September 1, 1990, to bring them into conformance with Federal Child Labor Regulation Number 3 with respect to restrictions on the daily, weekly, and nightwork hours of 14- and 15-year-olds.

Pennsylvania

Wages. As the result of prior legislation providing that the State minimum wage rate match any Federal increase, the State rate rose from \$3.35 per hour to \$3.80 on April 1, 1990, and will increase to \$4.25 on April 1, 1991.

The section of the minimum wage law authorizing payment of less than the minimum wage to persons impaired by physical or mental deficiency or injury under a wage-rate license from the Secretary of Labor and Industry was amended to also permit payment of a lower wage where a Federal certificate has been issued under the Fair Labor Standards Act. Also, added to those exempt from the overtime provisions is any employee of a motor carrier for whom the Federal Secretary of Transportation may establish qualifications and maximum hours of service.

Equal employment opportunity. Discrimination in employment, matriculation, and contract-

ing on the basis of disability is now prohibited in the State System of Higher Education. The System's Board of Governors will develop and promulgate by regulation a plan assuring equal opportunity in employment, educational access, and contracting.

Labor relations. The Labor Mediation Act was amended to specify that information disclosed by a party to a mediator in the performance of mediation functions is not to be divulged, and that the mediator's files, reports, or other papers received or prepared while serving as such are to be confidential. The mediator may not produce any confidential records of, or testify in regard to, any mediation conducted by him or her, on behalf of any party in a civil proceeding.

Occupational safety and health. Employers are prohibited from discharging or otherwise discriminating against an employee for refusing to operate a commercial motor vehicle which is not in compliance with State motor vehicle or safety laws, when such operation constitutes a violation of Federal commercial motor vehicle or safety laws, or because of the employee's reasonable apprehension of serious self injury or injury to the public because of the unsafe condition of the vehicle. Employees are also protected against retaliation for filing a complaint or participating in a proceeding relating to a safety violation. The law is enforced by the Public Utility Commission which is authorized to receive complaints, conduct investigations, and order relief, including abatement of the violation and reinstatement of the complainant with back pay, terms, conditions and privileges of employment, and all costs and expenses including attorney fees.

Puerto Rico

Wages. Several mandatory decrees relating to minimum wages and related standards were revised. Minimum wage rates increased in the manufacturing phase of the tobacco industry effective July 7, 1990, from a range of \$1.20-\$2.50 per hour to \$6.50 for cigarette manufacturing employees, \$3.80 for filler tobacco processing and general employees, and \$2.50 for all employees of enterprises not covered by the Federal Fair Labor Standards Act; for medical articles and accessories employees in the plastic products industry, from \$2.15 to \$4.25 for employees of enterprises covered by the Act, and \$3.80 for employees not so covered, effective March 24, 1990; in the wholesaling and warehousing industry, from \$2.20 to \$3.80 effective February 3, 1990; in the textile and textile products industry from a range of \$1.67-\$1.90 to a range of \$3.35-\$3.75, depending on length of time with the employer, effective December 21, 1989; in the leather, leather goods, and related products industry from a range of \$1.40-\$2.29 to \$3.60 effective May 31, 1990; in the corsets, brassieres, and related products industry, from \$1.90 to a range of \$3.40-\$3.50, depending on length of time with the employer, effective October 11, 1989; and in the button, jewelry, lapidary work, artificial flower, decoration and party favor industry, from a range of \$1.85-\$2.30 to \$3.35, effective September 4, 1990. Rates of accrual of vacation time increased for some or all employees in all of these industries (except wholesaling and warehousing and textile and textile products), and provision for sick leave

was included for employees in the button, jewelry, lapidary work, artificial flower, decoration and party favor industry.

A revised regulation was issued, effective July 29, 1990, defining the terms administrator, executive, and professional for the purpose of determining their eligibility for exemption from the minimum wage act. Exempted are administrators and executives earning \$200 a week and professionals earning \$250 a week provided they also satisfy other specified criteria, relating primarily to level of responsibility. Those earning \$295 a week need satisfy fewer of these criteria.

Rhode Island

Wages. The State minimum wage law was amended to increase the hourly minimum rate from \$4.25 to \$4.45 effective April 1, 1991.

Complaints of violation of overtime pay for voluntary Sunday/holiday retail work, of the provision which prohibits retaliation for refusal to work, or other requirements for retail licensure under this business law may now be filed with the director of the department of labor by the employee's collective bargaining representative in addition to the employee as before.

Contracts for the construction of public works projects undertaken by the Public Buildings Authority must comply with provisions of any other applicable State law or ordinance, including prevailing wage, public works arbitration, and contract bonds laws.

The section of the payment of wages law pertaining to filing of claims with the director of the department of labor was amended to specify that a claim may be filed by the person owed wages, the parent or guardian if a minor, or the person's collective bargaining representative.

Additional penalties were enacted for employers who fail to transfer funds deducted from employee wages to the appropriate person entitled to the deductions. Previously, if funds were not transferred within 21 days following the end of the month in which the deduction was made, the employer was liable in a civil suit brought by the employee for any loss sustained because of the violation. Now, in addition, an employer who intentionally or after written notice fails to transfer these funds within 30 days following the end of the month in which the deduction was made will also be liable for a \$50 penalty payable to the employee for each day beyond the 30-day period that the funds are not transferred.

Family issues. The law requiring the granting of unpaid parental leave upon the birth, adoption, or serious illness of a child was amended to also include leave for the serious illness of a parent, spouse, in-law, or the employee's own serious illness. The definition of serious illness was made less restrictive to now include conditions that involve inpatient care in a hospital, nursing home, or hospice, or continuing outpatient care by a health care provider, instead of only more severe conditions. The total unpaid parental and family leave entitlement remains at 13 weeks in any two calendar years. Employers willfully failing to post required notices to employees pertaining to the leave requirements and the filing of complaints are subject to a civil penalty of \$100 for each separate offense.

Labor relations. An employer may not re-

fuse to hire an applicant, or discharge or otherwise discriminate against any employee with respect to compensation, terms or conditions of employment because the individual is a union member or representative.

The definition of "fire fighter" for purposes of the Fire Fighters' Arbitration law was expanded to include fire dispatchers of any city or town.

The section of the Arbitration of School Teacher Disputes law granting certified public school teachers the right to organize and bargain collectively was amended to extend coverage to personnel licensed by the Department of Health as physical therapists or occupational therapists.

The law regulating arbitration of labor controversies was amended to specify that unless otherwise agreed to in writing, in the arbitration of matters relating to employee discipline, the arbitrator may modify the penalty imposed by the employer and/or otherwise fashion an appropriate remedy.

Occupational safety and health. Employers are now prohibited from requiring that, as a condition of employment, any current or prospective employee refrain from smoking or using tobacco products outside of the workplace, or otherwise discriminating because of such use with respect to compensation, terms, conditions, or privileges of employment. This prohibition will not apply to nonprofit organizations that as a primary purpose or objective discourage the use of tobacco products by the general public. The new provisions are not to affect those of the Workplace Smoking Pollution Control Act.

A new holiday, "Workers' Memorial Day," is to be observed annually on the fourth Friday of April, with appropriate ceremonies. The holiday is in remembrance of the courage and integrity of American workers, particularly those killed or injured in the course of their employment. Additionally, the observance is to call attention to the importance of healthy and safe workplaces, thereby preventing workplace illness and injury.

South Carolina

Wages. Among several changes in the payment of wages law, the commissioner of labor may no longer decide disputes arising from claims of unpaid wages or deductions from wages; severance payments were deleted from the scope of the law; criminal penalties for an employer's willful failure to pay wages were eliminated and 3-year limits were added for commencing an employee's civil action for recovery of wages due and for the employer's retention of wage records.

Family issues. State employees may now use up to 6 weeks of accrued sick leave to care for an adopted child, and may not be penalized for requesting or obtaining this time off.

Child labor. It is not a violation of the law which prohibits the dissemination of harmful material to minors to employ a minor in a theater, provided the minor's parent consents and the minor is not allowed in the viewing area when the harmful material is shown.

Drug, alcohol testing. A Drug-Free Workplace Act was approved which provides that no person may receive a grant or contract for \$50,000 or more from any State agency unless the contractor or grantee certifies that it will provide a drug-free workplace. Such employers must notify

employees that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited and that specified actions will be taken against violators. Employers must also establish a drug awareness program, require employees to notify the employer of any criminal drug statute conviction, and impose sanctions or require satisfactory completion of drug abuse assistance or rehabilitation by convicted employees.

Background clearance. Persons applying for initial certification to become certified education personnel must undergo fingerprint reviews to determine any criminal history.

Occupational safety and health. The use of tobacco products outside the workplace may not be the basis of personnel action, including employment, termination, demotion, or promotion.

An individual, partnership, corporation, or other business entity will not be required to be represented by an attorney when appearing in a proceeding before the State Occupational Health and Safety Review Board.

South Dakota

Wages. The State minimum wage was increased on April 1, 1990, from \$3.35 per hour to \$3.80, with an increase to \$4.25 scheduled on April 1, 1991. A training wage as defined in the Federal Fair Labor Standards Act may be paid to employees age 18 or 19 (those under 18 are exempt from the State law). The tip credit allowance was increased from 30 percent to 40 percent with a further increase to 50 percent scheduled for April 1, 1991. Tipped employees are now defined as persons receiving \$30 rather than \$25 a month in tips, a sum that will be increased to \$35 on April 1, 1991.

Drug, alcohol testing. The Commissioner of the Bureau of Personnel was directed to establish and implement a drug screening program for applicants for a safety-sensitive position in State government defined as a law enforcement officer authorized to carry firearms and custody staff employed by agencies responsible for rehabilitation or treatment of adjudicated adults or juveniles. The Commissioner also was authorized to implement a program for current employees in such positions, based upon reasonable suspicion of illegal drug use. The Commissioner may adopt rules to carry out the act, including testing procedures and consequences resulting from a valid positive test result or from failure to submit to a test. Individual test results and medical information collected are confidential and may be revealed only as authorized by the Commissioner.

Occupational safety and health. In conformance with the State's obligations under the Federal Emergency Planning and Community Right to Know Act, the State Emergency Response Commission was directed to, among other things, assist with local emergency planning committee plan development, to review local plans, and to prepare recommendations concerning emergency response capabilities.

Tennessee

Wages. The composition of the five-member prevailing wage commission was changed by replacing the State transportation engineer with

the commissioner of transportation, or a designee. The commissioner of labor serves as chairperson of the commission, which determines prevailing wage rates for State construction.

Child labor. The child labor law was amended to add nightwork hours restrictions for 16- and 17-year-olds who are enrolled in school. Such minors may not be employed before 6 a.m. or after 10 p.m. Sunday through Thursday evenings preceding school days. Work until midnight on these evenings may be permitted with written and notarized parental consent, but not on more than three occasions a week. Parents can rescind this consent any time.

Equal employment opportunity. The law prohibiting employment discrimination on the basis of handicap by public or private sector employers was amended to eliminate the exception for infectious, contagious, or transmittable diseases or conditions.

Private employment agencies. The Personnel Services Act, formerly the Personnel Recruiting Services Act regulating private employment agencies, was expanded to specifically include employee leasing services, temporary help services, and contract labor firms. Licensing is no longer required; however, all agencies covered by the law must register with the Department of Commerce and Insurance. Investigations will now be conducted by the Department upon receipt of a written complaint. The Department may assess a civil penalty of up to \$500 and may institute legal action to restrain or enjoin violations. Personnel services, temporary help services, contract labor firms, and employee leasing organizations are required to notify each employee in writing of all employment benefits provided by such firm or a third party employer.

Occupational safety and health. The administrative heads of each State department, agency, board, commission, and other entities of the State, including public institutions of higher education, were authorized to establish a policy on smoking in the building. The policy must protect the rights of smokers and nonsmokers, and must provide at least one indoor smoking area in the building. If a policy permits smoking in the workplace, a nonsmoking area must be provided.

Whistleblower. The Public Protection Act of 1990 provides that no employee is to be terminated solely for refusing to participate in, or for refusing to remain silent about any violation of a State or Federal law or regulation intended to protect the public health, safety, or welfare.

Other laws. It is now unlawful to terminate an employee solely for the use of an agricultural product not regulated by the alcoholic beverage commission that is not otherwise proscribed by law, if such use is during nonwork times or is in compliance with employer policies during working hours.

Utah

Wages. A new minimum wage act of general application to the private and public sectors was enacted, replacing a law applicable only to women and minors. The minimum rate for adults was initially established at \$3.35 per hour and increased to \$3.80 on April 1, 1990. Subsequent to July 1, 1990, the Industrial Commission of Utah may establish the minimum rate but the rate must not be higher than that of the Federal Fair

Labor Standards Act. Exemptions from the law include employees covered by the Federal Act, agricultural workers, casual and domestic employees, and registered apprentices or students employed by the educational institution in which they are enrolled. The Commission, on April 1, 1990, established a \$3.55 rate for learners not to exceed the first 160 hours of employment and a rate of \$3.23 for minors. A 45-percent tip credit was authorized. Administrative and criminal penalties are provided for violation. In addition, minors were authorized to bring civil action to enforce their minimum wage rights.

Family issues. An Office of Child Care was created within the Department of Community and Economic Development. Among its duties, the Office is to provide a central location for the collection and dissemination of information to employers for the development of options for child day care in the work place. A Child Care Advisory Committee, including corporate and small business representation, will assist the Office in fulfilling its statutory obligations.

Child labor. Among several amendments to the child labor law, the Industrial Commission was authorized to commence administrative proceedings and impose a penalty of up to \$500 per violation. The Commission may also prosecute a misdemeanor criminal action in the name of the State for violations including knowingly employing a minor in a repeated violation of the child labor law, failing to provide the Commission with requested information, failing to keep required records, refusing the Commission access to the place of business, or retaliating against an employee for testifying. With parental consent, age limitations or restrictions will not apply to work for which a specific, written authorization has been made by the Commission.

Drug, alcohol testing. State employees are prohibited from manufacturing, possessing, using, distributing, or being under the influence of controlled substances or alcohol during work hours or on State property. The Department of Human Resource Management is to make rules regulating disciplinary actions for employees who violate the act, testing of employees, confidentiality of testing and test results, and minimum blood levels of alcohol or drug content for work effectiveness of employees. Testing is authorized when there is a reasonable suspicion of unlawful drug or alcohol use during work hours, and random testing may be used for highly sensitive positions.

Background clearance. A public or private agency or individual licensed to provide child care or placement services must submit to the Department of Social Services the name and other identifying information, including fingerprints of prospective employees, providers of care, or volunteers, in order to obtain or renew a license. The Bureau of Criminal Identification is to determine whether these individuals have been convicted of any crime. Convicted felons may not be employed or provide care in a licensed facility; persons convicted of a misdemeanor may be employed at the discretion of the executive director. The previously required Statewide Central Register for child abuse reports was eliminated.

Employment and training. A Utah Conservation Corps was created with responsibility for conserving and developing the State's natural re-

sources and for providing educational work opportunities and enhancing educational opportunities and employability of youth. The Corps is to cooperate with the local service delivery area, designated under the Federal Job Training Partnership Act to obtain employment and training services including job search assistance, skills training, and transitional employment.

Vermont

Wages. The State minimum wage law was amended to make a scheduled rate increase from \$3.75 to \$3.85 per hour effective after April 1, 1990, rather than after July 1, 1990. The State will adopt the Federal increase to \$4.25 on April 1, 1991.

Family issues. Coverage of the Maternity Leave Act, previously applicable to the private sector, was explicitly extended to the public sector by adding an organization or governmental body to the definition of employer.

Labor relations. Provisional, temporary, seasonal, on-call, and part-time employees are no longer exempted from the Municipal Labor Relations Act, but probationary employees are still exempted.

Occupational safety and health. An 11-member State Emergency Response Commission was created to carry out the requirements of Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 and various other duties, including emergencies involving hazardous materials.

An employee, aggrieved by a violation of a section of the Occupational Safety and Health Act which protects employees from employer retaliation for filing a complaint or otherwise exercising rights under the Act, may bring an action in Superior Court for relief, including reinstatement, triple wages, damages, costs, and reasonable attorney's fees. Such action may be brought in addition to or in lieu of the existing provision for filing a complaint with the Commissioner of Labor and Industry and having the Commissioner initiate court action to restrain violations and obtain appropriate relief.

Virginia

Family issues. The Governor's Personnel Advisory Board was requested to study the feasibility and desirability of implementing a parental leave policy in public sector employment.

Agriculture. The law regulating the operation of migrant labor camps was amended to exempt small businesses which are exempt under the Federal Fair Labor Standards Act and the Migrant and Seasonal Worker Protection Act. This provision is scheduled to expire December 31, 1991.

Equal employment opportunity. Each sheltered workshop established by the Department for the Visually Handicapped must now have a nine-member advisory board, including at least two blind persons or parents of blind persons, to advise workshop managers on budgetary matters, product development, and other business matters.

Background clearance. Counties that have adopted the urban county executive form of government and cities surrounded by such counties may by ordinance provide for the regulation and licensing of facilities and persons providing child-care services for compensation. The local ordinances may

require certification that persons providing care have not been the subject of a founded complaint of abuse or neglect or convicted of certain sexual abuse offenses involving children.

Worker privacy. Prospective employees of State, county, city, and town law enforcement agencies may not, as a condition of employment, be required to answer questions in a polygraph test concerning sexual activities unless such activity has resulted in a State criminal conviction. These public sector agencies were previously exempt from this prohibition applicable to private sector employers.

Virgin Islands

Wages. By prior law, the minimum wage rate rose from \$4.25 an hour to \$4.65 on January 1, 1990. Beginning January 1, 1991, and each January 1 thereafter, an indexed rate took effect equal to 50 percent of the average private, non-supervisory, nonagricultural hourly wage, as determined by the Virgin Islands Wage Board for the previous November, rounded to the nearest multiple of 5 cents. The rate for minors under age 18, full-time high school students, and employees of businesses with gross annual receipts of less than \$150,000 increased from \$3.90 per hour to \$4.30 on January 1, 1990, and to 35 cents an hour below the basic minimum rate on January 1, 1991. Tipped employees in the tourist service and restaurant industries are subject to a separate law.

Washington

Wages. College students who are employed by the institution in which they are enrolled will no longer be exempt from State minimum wage requirements.

Child labor. Comprehensive rules, developed in conjunction with the Advisory Committee on Agricultural Labor, cover hours of work, prohibited occupations and other employment standards for minors under age 18 employed in agriculture, except for immediate family members. A 14-year minimum age is established for employment, except that 12- and 13-year olds may be employed in the hand harvest of berries, bulbs, and cucumbers and in the hand cultivation of spinach during weeks when school is not in session. Restrictions were adopted for daily, weekly, and nightwork hours and number of days of work permitted per week for minors under age 16 and for 16- and 17-year-olds both when school is in session and when it is not. Minors under 18 may not be employed in specified dangerous work including handling or using dangerous pesticides; transporting, transferring, or applying anhydrous ammonia; handling or using blasting agents; or harvesting crops after pesticide application and prior to the time permitted by the Environmental Protection Agency. Other hazardous occupations similar to those prohibited under Federal law are prohibited for minors under age 16. Employers must apply for a permit to employ minors and must have written school and parental authorization. The allowed number of hours per day and week will be based on an evaluation of the impact of work on the student's academic performance. A paid 10-minute rest break must be provided for every 4 hours worked. Employees working more than 5 hours must receive a meal period of at least

30 minutes. Other regulations deal with posting, lifting weights, recordkeeping, revocation of permits, and procedures for granting variances. The rules became effective on November 1, 1990, except for the meal and rest break requirements that became effective August 1, 1990.

Agriculture. The Department of Health was designated as the primary inspector of labor camps and farmworker housing, but the Department of Labor and Industries was delegated authority for inspecting all farmworker housing not covered by the authority of the State Board of Health. The Departments of Health, Labor and Industries, Community Development, and Employment Security and the State Board of Health were directed to develop an interagency agreement defining the rules and responsibilities for farmworker housing inspection. The State Board of Health is to develop rules for labor camps including, as a minimum, the standards developed for sanitation and temporary labor camps under the State Industrial Safety and Health Act. A Farmworker Housing Inspection Fund was established to administer the program and to receive funds received from labor camp license fees.

Equal employment opportunity. Joint apprenticeship programs receiving any State assistance must now include entrance of women in the program, when available, as well as racial minorities as before, in a ratio of not less than their percentage of the labor force in the program sponsor's labor market area.

Labor relations. The Open Public Meetings Act, applicable to public agencies, was amended to make an exception for the privacy of collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement.

Private employment agencies. Coverage of the law regulating employment agencies was expanded to specifically include employment listing or employment referral services and resume services that provide resumes to individuals and provide a list of names to whom the resume may be sent or provide preaddressed envelopes to be mailed. Agencies operating without a license are subject to court action for the return of any fees paid to the agency and the award of treble damages plus attorney's fees and costs.

West Virginia

School attendance. The beginning age for compulsory school attendance was changed from age 7 to the school year during which a child reaches age 6 prior to September 1, or upon enrolling in a publicly supported kindergarten program.

Worker privacy. An officer of a financial institution may provide employment information about an employee or former employee to another financial institution, provided the information is limited to that individual's active participation in a violation of a State or Federal law or regulation related to financial institutions and such violation has been reported to the proper prosecutorial authorities.

Wisconsin

Wages. The State basic minimum wage rate was increased by administrative rule from \$3.65

to \$3.80 per hour effective April 1, 1990. The rate for minors under age 18 was increased from \$3.30 to \$3.45. Rates of \$3.50 for adults and \$3.25 for minors will be applicable to probationary employee who have been in employment status for a cumulative total of 60 days or less within a 3-year period (probationary rates previously applied to employees who had worked for an employer not more than 120 days within a 3-year period). Rates for agricultural workers increased from \$3.45 to \$3.60 for adults and from \$3.10 to \$3.25 for minors and probationary rates were eliminated. Rates for tipped employees were not changed, but a provision was added that the rate for these workers be the higher of 55 percent of the basic rate or the rate established in the administrative code.

A late 1989 amendment to the wage payment law authorized the Secretary of the Department of Industry, Labor and Human Relations to enter into reciprocal agreements with agencies in other States for the collection of wage claims and wage deficiencies.

Public sector employees will now be covered by State minimum wage and overtime provisions and by the prohibition on the use of an HIV test as a condition of employment.

Child labor. A law approved in December 1989, requires those who employ minors to engage in house-to-house sales to be certified annually by the Department of Industry, Labor and Human Relations. Information to be provided in applications for certification includes the name of the applicant and the business address and telephone number; the names and home addresses of principal officers of the applicant; employer identification numbers; and names, home addresses and birth dates of any employee who supervise minors. House-to-house employers' duties include having a copy of the street trade permit issued for the minor stamped or endorsed by the clerk of any municipality where the minor is to work; keeping a copy of the permit for at least 3 years after the employee becomes 18 or leaves the employment of the employer, whichever occurs first; informing minors in writing of the terms and conditions of employment; notifying the local police department or office of the sheriff that minors will be conducting house-to-house sales; providing the Department, upon request, with a list of the municipalities where the employer intends to employ minors within 6 months after the date of the request; and demonstrating financial responsibility by maintaining a \$5,000 bond, certificate of deposit, escrow account, or letter of credit. The Department may suspend or revoke a certificate in the event of employer violation.

The prohibition on work by minors under 14 years of age was amended to permit 12- and 13-year-olds to be employed as sideline officials for high school football games, and to permit 11- to 13-year-olds to be employed as ball monitors at these games and at practices. Prior exceptions also exist for a limited number of other types of employment.

Agriculture. Coverage of the migrant labor law was expanded to include almost all employers of migrant workers. Previously, the law covered only fruit and vegetable farmers and processors, nurseries, sod farmers, and Christmas tree growers, and their migrant workers. The law's require-

ments include contractor registration, vehicle insurance, written work/wage agreements to the employee, and certification and pre-occupancy inspection of migrant labor camps.

Equal employment opportunity. At the request of an appointing authority and an employee, the probationary period of a disabled State employee may be extended up to one additional year to allow the employee to complete any necessary rehabilitation program, obtain or adapt to special modifications made to the workplace to accommodate the employee's disability, or to achieve the knowledge, skills, and abilities to competently perform the required tasks for the appointed position.

Worker privacy. Appointing authorities are prohibited from taking disciplinary action against an employee based on wiretapping, electronic surveillance, or one-way mirrors unless such surveillance is authorized, or produces evidence that the employee has committed a crime. Such devices may be used for security or public safety purposes at a State institution.

Private employment agencies. Agencies whose fees are paid entirely by employers are now exempt from the employment agency regulatory law except for a requirement that they register annually with the Department of Industry, Labor and Human Relations. The Department is authorized to order other covered agencies operating without a license or after their license has been suspended or revoked to refund all fees and charges collected while unlicensed.

Other laws. The prohibition on the sale of prison made goods in the open market was modified to permit prison industries to provide a manufacturer or distributor with products, components, or services if they have been supplied to the manufacturer or distributor for the previous 12 months by a facility outside the United States.

Wyoming

Wages. The commissioner of labor standards and fair employment was granted specific authority to promulgate rules and regulations. Also, under the wage payment law, the commissioner may now take assignment of wage claims without the former restriction that assignment authority be limited to the claims of persons unable to obtain the services of a private attorney. The commissioner is to process, investigate, and determine the validity of claims, order payment, and with the assistance of the county attorney, prosecute if necessary. Failure to comply with a Commissioner's order is punishable by a civil fine of up to \$200 for each day of noncompliance. The required time for payment of wages to an employee who quits or is discharged was changed to within 5 working days of the date of termination of employment from 72 hours after voluntarily quitting or 24 hours after involuntary discharge. Sections of the minimum wage law empowering the commissioner to take assignments of unpaid minimum wages for persons financially unable to prosecute such claims and providing that wages collected by the commissioner and unclaimed for more than 2 years be forfeited and made part of the general fund of the State were repealed.

Footnotes

¹ Legislatures did not meet in Arkansas, Nevada, and North Dakota and met in special session only in Montana, Oregon, and Texas to consider subjects outside the scope of this article. Alabama did not enact significant legislation in the fields covered by this article. Information on the Virgin Islands was not received in time to include in the article. Separate articles on unemployment insurance and workers' compensation, which are not within the scope of this article, are published in this

issue of the *Monthly Labor Review*.

² Alaska, Connecticut, the District of Columbia, Oregon, Puerto Rico, Rhode Island, and the Virgin Islands.

³ Arkansas, Alaska, California, Hawaii, Idaho, Illinois, Iowa, Kansas, Maryland, Montana, Nevada, New York, North Carolina, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

⁴ Prevailing wage laws are in effect in 32 States: Alaska, Arkansas, California, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Guam and the Virgin Islands also have such laws.

Managing Editor

The *Monthly Labor Review* is recruiting to fill the position of *MLR* Managing Editor. The position involves supervision of the magazine staff and requires a background in economics, writing and editing, and computer-assisted publishing. Applications (experience résumé and Federal SF-171) should be sent to BLS Personnel, room 2827, GAO Building, Washington, DC 20212. Additional information may be secured by contacting BLS Personnel at (202) 523-1591.

State workers' compensation: legislation enacted in 1990

Now that more workers are protected against work-related accidents and illnesses, States are developing policy and programs for safety and for a drug-free workplace

LaVerne C. Tinsley

General legislative sessions were held in 44 States, Puerto Rico, and the District of Columbia during 1990. Although the Texas legislature was not scheduled for a general assembly in 1990, it conducted a special session and generated a piece of legislation which made significant changes such that it has become one of the most talked about enactments in State workers' compensation this year. Major reforms occurred in a few other State workers' compensation systems as expected, and in some instances, reforms will continue for several more years.

Maximum weekly compensation rates were increased in every State, except for two. One State raised the percentage of the State average weekly wage upon which benefits are based for total disability and death, from 75 percent to 100 percent, and provided for other benefit increases through 1992. Another law changed maximum and minimum weekly benefits from a statutory amount to a percentage of the State average weekly wage.

In Arizona, the additional monthly allowance payable to

dependents for temporary total disability was raised from \$10 to \$25.

Several jurisdictions established coverage for the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) and related complexes as an occupational disease. Injuries diagnosed as carpal tunnel syndrome are now covered in Louisiana.

One jurisdiction increased the compensation payable for a serious facial or head disfigurement from \$10,000 to \$20,000.

The allowance for burial was raised in four States. One State eliminated the statutory amount payable for funeral expenses and authorized preparation of a fee schedule for funeral services.

A few laws established new requirements concerning drug-free workplace programs. An amendment in one State authorizes the creation of a toll-free hotline for reporting safety violations.

Following is a State-by-State summary of the many developments that occurred during the year.

Arizona

The additional compensation for dependents in cases of temporary total disability was increased to \$25 per month from \$10 per month. Dependent children are now entitled to receive death benefits through age 22 if they are enrolled as full-time students in an accredited educational institution.

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New requirements were enacted relative to claims for testing positive for human immunodeficiency virus (HIV) or for being diagnosed with acquired immunodeficiency syndrome (AIDS). Employers or insurers charged with violating any procedure in the processing or handling of a workers' compensation claim are now subject to pay a fine based on 25 percent of benefits due, or \$500, whichever is larger.

California

Coverage was newly extended to firefighters who are not covered by the public employees' retirement system, or a county employee's retire-

ment system or a county employee's retirement law, at the option of the governing body. Additionally, if a firefighter becomes totally disabled or killed in the performance of duty, his or her dependents are now entitled to receive a scholarship from appropriated funds. An amendment prohibits physicians and specialists from billing an injured worker directly for medical services and fees, unless proper notification has been filed by the employer rejecting any liability for the injury.

Colorado

Two new funds were created, the guaranty fund and an immediate payment fund, to assist

Table 1. Jurisdictions which increased maximum weekly temporary total disability benefits during 1990

Jurisdiction	Former maximum	New maximum	Jurisdiction	Former maximum	New maximum
Alabama	\$357.98	\$369.00	New Hampshire	600.00	619.50
Arkansas	209.08	226.11	New Jersey	342.00	370.00
California	224.00	266.00	New Mexico	283.70	291.75
Colorado	371.21	379.61	New York	300.00	340.00
Connecticut	\$693.00 plus \$10 for each dependent under 18 years of age, up to 50 percent of basic benefit, not to exceed 75 percent of employee's wage	\$719.00, plus \$10 for each dependent under 18 years of age, up to 50 percent of basic benefit, not to exceed 75 percent of employee's wage	North Carolina	376.00	390.00
Delaware	\$280.64	\$297.21	North Dakota	\$313.00, plus \$10 for each dependent; aggregate not to exceed worker's net wages	\$321.00, plus \$10 for each dependent; aggregate not to exceed worker's net wages
District of Columbia	513.00	551.46	Oklahoma	\$231.00	\$246.00
Florida	362.00	382.00	Ohio	400.00	419.00
Georgia	175.00	225.00	Oregon	388.99	406.54
Hawaii	358.00	383.00	Pennsylvania	399.00	419.00
Idaho	\$290.10 to \$403.75, according to number of dependents, plus 7 percent of State's average weekly wage for each child	\$300.60 to \$417.50, according to number of dependents, plus 7 percent of State's average weekly wage for each child	Rhode Island	\$386.00, plus \$9 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage	\$403.00, plus \$9 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage
Illinois	\$610.97	\$618.23	South Carolina	\$334.87	\$350.19
Indiana	274.00	294.00	South Dakota	289.00	297.00
Iowa	684.00	703.00	Tennessee	252.00	273.00
Kansas	271.00	278.00	Texas	238.00	252.00
Kentucky	343.02	353.24	Utah	\$347.00, plus \$5 for dependent spouse and each dependent child up to 4 children, but not to exceed 100 percent of State's average weekly wage	\$364.00, plus \$5 for dependent spouse and each dependent child up to 4 children
Louisiana	276.00	282.00	Vermont	\$544.00, plus \$10 for each dependent under age 21	\$559.00, plus \$10 for each dependent under age 21
Maine	471.83	493.28	Virgin Islands	\$214.00	\$218.00
Maryland	407.00	432.00	Virginia	393.00	404.00
Massachusetts	\$474.47, plus \$6 for each dependent, if weekly benefits are below \$150	\$490.57, plus \$6 for each dependent, if weekly benefits are below \$150	Washington	389.32	415.45
Michigan	\$409.00	\$427.00	West Virginia	367.89	376.44
Minnesota	413.00	428.00	Wisconsin	363.00	378.00
Mississippi	206.60	212.58	Wyoming	359.00	388.00
Missouri	298.13	391.50			
Montana	318.00	299.00			
Nevada	368.82	402.43			

NOTE Most benefit increases are based on the applicable jurisdiction's average weekly or monthly wage. However, statutory amounts are prescribed in eight States (Alaska, Arizona, California, Georgia, Indiana, Nebraska, New York, and Tennessee) and Puerto Rico. Two States (Alaska and Arizona) and Puerto Rico made no changes in maximum weekly benefit amounts for

temporary total disability during 1990.

¹ Montana raised its maximum weekly benefit to \$318 on January 1, 1990 (the benefit was formerly frozen at \$299); in July 1990, it was changed back to \$299 until July 1, 1991.

employees with their claims for workers' compensation against self-insured employers that might otherwise be unreasonably delayed, or not paid at all, if the proceeds of the self-insurer's bond are delayed, if the self-insurer declares bankruptcy, or has insufficient reserves to cover a claim.

The Director of the Division of Labor is now required to maintain a list of physicians who will serve on a medical review panel, and perform independent medical examinations of injured workers, upon request.

Connecticut

Weekly compensation will now be based on 100 percent (previously 75 percent) of the employee's average weekly wages, if an injury or

illness is caused by a health and safety violation that the employer has already been cited for and was not corrected in the time allowed by the citation.

Legislation provided for regulations to establish a uniform system for determining the degree of physical impairment of persons eligible for workers' compensation benefits. From July 1, 1990, through June 30, 1992, a pilot program was approved to resolve any disputed medical determinations between independent medical experts relating to compensation for permanent disability.

Another piece of legislation revised the assessment procedures for financing administrative costs of the Workers' Compensation Commission and stiffened the penalties against persons who make or attempt to make a fraudulent claim for workers' compensation benefits.

Delaware

The Delaware Compensation Rating Bureau is now required to file (with the Industrial Accident Board) a new method for computing insurance premiums for each classification of risk in the construction industry that will not impose higher insurance costs solely because of the level of wages or salaries paid by the employer.

Florida

Coverage was amended by raising the numerical exemption from three to four or more employees and by requiring that all construction employees and volunteer firefighters be covered. Certain owner-operators of motor vehicles have been eliminated from coverage. Further, injuries

that are sustained in recreational or social activities are covered only if such activity is required by the employer or is of direct benefit to the employer. Injuries received by an employee while traveling to and from work are compensable only when the employee is on a special mission for the employer.

The period of compensation for temporary total disability was reduced from 350 weeks to 260 weeks.

A new wage loss schedule for compensating permanent impairment was mandated. The formula for computing compensation for wage loss was changed to 80 percent of the difference between 80 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, as compared weekly. (The figures used previously were 95 percent and 85 percent, respectively.) Benefits are limited to 364 weeks for wage loss above 24 percent. Employees entitled to wage loss benefits are newly required to look for at least five jobs every 2 weeks.

In case of death, a surviving spouse who decides to remarry may now elect a lump-sum payment equal to 26 weeks of compensation benefits. A lump-sum payment may also be elected over future benefits by a worker with a minor permanent impairment. Supplemental benefits will now be suspended at age 62, if the claimant is entitled to Social Security benefits. Workers' compensation benefits are now subject to (100 percent) offset against any recovery of benefits under the Migrant and Seasonal Agricultural Worker Protection Act. Also, public sector employers providing workers' compensation benefits and disability pension benefits must now reduce the pension benefits when the employee is eligible for both.

An amendment provides for the development of a new disability rating guide by January 1, 1991, which is more comprehensive than the American Medical Association guide. Other guides or fee schedules are also scheduled to be available at the same time. Another amendment specifies that before claimants are referred to certain medical facilities, any ownership interests in the cases must be disclosed to all parties involved.

Employers with drug-free workplace programs in effect are newly authorized to terminate and deny workers' compensation benefits to any employee who violates program rules. A fine was established for noncompliance with workers' compensation insurance coverage requirements and for late payment of compensation benefits.

An amendment authorized optional insurance deductibles not exceeding \$2,500 per claim and up to a maximum of \$21,000 above the deductible amount for coinsurance.

New legislation authorizes the creation of a Bureau of Fraud in the Department of Insurance.

Georgia

Coverage was broadened to include volunteer emergency management or civil defense agency employees and employees in emergency medical services and rescue organizations. Farmworkers may now be covered at the option of their employer after the workers' compensation board is notified. Another amendment provides that no compensation is payable for injury to an employee which is the result of intoxication from alcohol or any con-

trolled substance or drug that is not prescribed by a physician. Maximum weekly benefits for disability and death were raised to \$225 from \$175.

Construction design professionals may now file third-party suits in cases where the responsibility for safety is not assumed by the contractor.

Workers' compensation insurance deductibles may now be taken by employers up to a maximum of \$2,500 per claim, except for self-insurers or group self-insurers.

The Self-Insurers Guaranty Trust Fund was established to provide workers' compensation benefits to employees of insolvent self-insured employers with a board of trustees to administer and regulate the operation of the fund.

Idaho

New coverage is provided for acquired immunodeficiency syndrome (AIDS), AIDS-related complexes (ARC), other manifestations of human immunodeficiency virus (HIV) infections, and hepatitis B virus infections in any occupation involving exposure to human blood or body fluids as a compensable occupational disease. Coverage was further extended to include participants in a Federal or State funded youth employment program administered by a government agency or a nonprofit corporation or entity and to certain students in school districts with work experience programs.

The mileage rate was changed for injured employees traveling to and from a medical examination or physical rehabilitation to the same rate authorized for State employees.

Indiana

Volunteer firefighters are newly entitled to receive up to a maximum of \$60,000 of benefits for disability or death and additional expenses for burial. Previously, volunteer firefighters were entitled to benefits not exceeding a total of \$40,000.

The eligibility requirement established for a surviving husband to be considered wholly dependent upon a deceased wife for compensation and benefit purposes was eliminated. Further, dependent minors may now continue to receive their benefits until age 21 (formerly age 18), if they are physically or mentally disabled.

Iowa

Beginning on July 1, 1990, elected and appointed officials were given a choice of having their compensation benefits computed based on their weekly earnings, or on 140 percent of the State average weekly wage.

The funding levels of the Second Injury Fund were increased to \$1,000,000 (from \$500,000) and to \$500,000 (from \$300,000).

Kansas

Legislation enacted requires the development of a fee schedule covering maximum costs for medical, surgical, hospital, dental, nursing, vocational rehabilitation, or any other treatment or services rendered an injured employee or ordered by a health care provider. The medical provisions were expanded to include definitions for health care provider, utilization review, peer review, and peer review committee. New fines have been established for any violation of compliance with fee sched-

ules and for untimely payment of medical bills.

Employers are now authorized to select the agency or facility from those considered qualified to assess an injured employee's potential for medical and physical rehabilitation. Additionally, a selection may be made for vocational rehabilitation, reeducation or training, if made within 15 days after an order is received.

The name "Workmen's Compensation Act" was changed to "Workers' Compensation Act."

Kentucky

The burial allowance was raised from \$2,500 to \$4,000.

Every partnership that files an exemption from coverage must now file certain taxpayer identification information annually with the Workers' Compensation Board, or be subject to *prima facie* evidence that the partnership is composed of nonqualified partners. In such cases, a lien will now be placed on the employer's assets.

Income benefits for permanent partial disability will be determined according to the latest edition of the American Medical Association's guidelines for determining partial disability. Any compensation for a preexisting disease or condition of the back or heart that is permanent in nature will be subject to apportionment. No compensation for a prior disabling disease or injury is payable from the Special Fund.

A diagnosis of coal dust exposure may now be validated with two x-rays and other acceptable reports. Previously, guides from the American Medical Association were used. All arrangements involving a medical examination for a workers' compensation recipient and all costs incurred must be assumed by the person requesting such examination.

Procedures regarding claims for income benefits and retraining incentive benefits for occupational pneumoconiosis were revised. The interest assessed as a penalty on income benefits denied, delayed, or terminated without reasonable cause or foundation was set at 18 percent.

The statutory maximum payable for attorney fees was eliminated.

Self-insurance coverage is now permitted between two or more city, county, municipal, or urban county employers of their agencies. In addition, more private employers may now join together to form group self-insurance pools. An insurance carrier or group self-insurance association is newly required to notify the Workers' Compensation Board whenever there is a lapse, termination, expiration due to termination of a policy period, or nonrenewal of any policy issued by it, or upon the termination of any membership agreement.

Louisiana

Carpel tunnel syndrome disease, from repetitive motion, now comes within coverage for workers' compensation. The allowable amount of marijuana in the urine (urinary cannabinoids) was changed for making a determination of passive inhalation of marijuana use as a basis for disqualification from workers' compensation coverage.

A fee was approved and will now be charged in each workers' compensation case to cover administrative costs after the award is finalized.

Another piece of legislation provided for a

State Workers' Compensation Laws, 1990

constitutional amendment giving direct review of administrative agency determinations by the court of appeals in workers' compensation matters.

The burial allowance was raised from \$1,000 to \$4,000, and the additional compensation for incidental expenses has been increased from \$1,000 to \$3,000.

Maryland

Members of volunteer fire departments and rescue squads in Allegany, Garrett, and Somerset counties may now be protected for workers' compensation at the option of their municipality.

The State Accident Fund was renamed the Injured Workers' Insurance Fund.

Employers and insurers now have 45 days, formerly 30 days, to pay costs for medical treatment and services provided an injured employee or be subject to a fine.

New legislation exempts certain counties, municipal corporations, boards of education, and certain self-insurance pools from filing the deposit required for self-insurance protection under the Uninsured Employers' Fund. Another amendment authorized assessments and funding for the State Accident Fund.

Michigan

Legislation was approved to release certain records from protection under the Freedom of Information Act for workers' compensation purposes.

The Workplace Health and Safety Fund was created to provide benefits to employees of uninsured employers and promote workplace safety. The same enactment established the Uninsured Employer's Security Account within the Workplace Health and Safety Fund to provide for payment of benefits to the dependents of a deceased employee who was employed by an uninsured employer.

Minnesota

By enactment, coverage was established for employees in logging industry businesses.

Employers are now required to cover injuries from exposure to rabies and furnish any preventative treatment when necessary. Injuries causing mental retardation or other related conditions are now covered by workers' compensation.

Mississippi

The State newly authorizes the Board of Supervisors of Hinds County to elect to be self-insured for workers' compensation.

Missouri

Maximum weekly compensation for total disability and death was raised from 75 percent to 100 percent of the State average weekly wage; and on August 28, 1991, the percentage amount will increase to 105 percent. Compensation for permanent partial disability was increased from 45 to 50 percent of the State average weekly wage. In 1991, the weekly benefits for permanent partial disability will increase to 52 percent; and in 1992, to 55 percent.

The burial allowance was increased from \$2,000 to \$5,000.

Costs for rehabilitation are now limited to a maximum of \$5,000 for 26 weeks, plus board,

lodging, and travel; however, an additional 26 weeks of benefits may be approved. For injuries resulting in loss of suitable and gainful employment, the injured employee must now begin rehabilitation within 120 days following the accident. An employee's refusal to participate in a program of rehabilitation may cause that employee's compensation to be reduced by one-half as a penalty.

Nebraska

Maximum weekly compensation for disability and death was increased to \$255 from \$235; and in 1991, benefits will be payable at a maximum of \$265 per week.

Insurance carriers are now allowed to offer medical deductibles in increments of \$500, up to a maximum of \$2,500 per claim. No employer is permitted to pay any part of a deductible.

New Hampshire

Burial benefits for the dependents of a deceased employee were increased from \$3,000 to \$5,000.

The number of days of disability was increased from 7 to 14, before benefits may be paid retroactively from the day of injury.

Compensation for total disability is now payable at a maximum weekly amount not exceeding 100 percent of the employee's taxes after earnings. In cases of permanent partial disability, benefits may now be received for a maximum of 350 weeks, formerly 341 weeks; and for a spinal column or spinal cord injury, benefits may not exceed 350 weeks. An enactment authorizes the rating of permanent impairment based on American Medical Association guides and development of a fee schedule of costs for medical and rehabilitation services by July 1, 1993. A peer review panel was established to develop procedures and perform utilization review of medical services. Any violation against an employer or insurer for willful or improper billing for medical services is subject to a fine not exceeding \$2,500.

Employers with 10 or more full-time employees are now required to prepare an annual safety program for their employees and the commissioner of labor is required to develop a multimedia program on workplace safety and workers' compensation benefits.

New Jersey

The Commissioner of Labor now has authority to transfer monies from the Second Injury Fund to the Division of Workers' Compensation to cover costs of administration.

New Mexico

The Workers' Compensation Division Director may now contract with a peer review organization to provide utilization review and case management services.

New York

Coverage was broadened to allow the services of psychologists to be included with other medical practitioners in the treatment of workers' compensation claimants. The law was further amended to permit coverage of certain jockeys, apprentice jockeys, exercise persons, and owners and trainers in the racing, pari-mutuel wagering and breeding

business.

The terms "injury" and "personal injury" will no longer cover work-related stress directly resulting from a lawful personnel decision against the employee.

Maximum weekly compensation for total disability was raised from \$300 to \$340 and for permanent or temporary partial disability, the weekly maximum was raised from \$150 to \$280. In July 1991, the weekly compensation for total disability will increase to a maximum of \$350 and in July 1992, the maximum will increase to \$400. The minimum weekly compensation in such instances will be increased from \$30 to \$40 as of July 1, 1992. In death cases, a total of \$50,000 will be paid to the surviving parents where there is no surviving spouse or children, and if there are no surviving parents, the \$50,000 will be paid to the deceased employee's estate.

The maximum amount payable for funeral expenses has been eliminated. An enactment authorized preparation of a schedule of fees for funeral services; however, firefighters who die from work-related injuries as a direct result of firefighting are not subject to the fee schedule.

The offset of permanent total disability benefits against Federal Social Security disability was eliminated.

Compensation for serious facial or head disfigurement is now authorized up to a maximum \$20,000; previously \$10,000. The maximum amount allowable for certain x-rays or special diagnostic laboratory tests was raised to \$500 from \$150.

Several new provisions were enacted pertaining to procedures for prehearing conferences on controverted claims. The same enactment increased the fines to be imposed on the employer or insurer for violating reporting requirements when benefit payments have ceased and if compensation payments are not secured as required by law.

Legislation was approved for consolidating the Stock Workers' Compensation Security Fund and the Mutual Workers' Compensation Security Fund into a single fund known as the Workers' Compensation Security Fund.

Oklahoma

Funeral expenses payable to the estate of a deceased employee of which there are no dependent survivors was increased from \$1,000, to \$3,000. Physicians are required to use the American Medical Association's "Guides to the Evaluation of Permanent Impairment" in effect at the time of the incident for evaluating impairment, in lieu of guides based on race, ethnic origin, or other criteria. Health care providers who knowingly overcharge for medical services will now be penalized by fines.

Injured employees may now use some of their annual or sick leave to supplement their compensation payment up to the extent of receiving full wages.

The Administrator of the Workers' Compensation Court has been authorized to establish an ombudsman program to assist injured workers, employers, and persons claiming death benefits in obtaining benefits under the workers' compensation act. It further requires the administrator to publish rules and regulations governing notices to injured workers about their rights to vocational rehabilitation.

Irrevocable letters of credit are now acceptable as proof of one's financial ability to pay workers' compensation benefits when application is made for self-insurance status.

Rhode Island

A nonprofit State Insurance Fund was created to insure employers for liability under the Workers' Compensation Act. The fund, and all related business, will be administered and implemented by a board of directors. An appropriation up to \$5 million dollars was approved as a loan from the Department of Workers' Compensation for initial funding.

The name "Workers' Compensation Commission" was changed to "Workers' Compensation Court;" and all references of "Director" were changed to "Administrator."

Authority over informal workers' compensation hearings are no longer the responsibility of the Department of Workers' Compensation; however, the responsibility for rehabilitation, education, recordkeeping, and monitoring remains with the Department.

Upon reaching maximum medical improvement, compensation of a partially disabled employee may be reduced to 70 percent of the compensation rate for total disability, if a bona fide attempt to obtain employment has not been made. If an attempt is made to obtain employment, then compensation is continued at the rate payable for total disability.

Liability of an employer for compensation in subsequent injury cases is now limited to 26 weeks, previously 52 weeks. Payment of charges for medical care must now be made within 21 days after a bill is issued by the medical provider.

New reporting procedures were enacted that require earnings from any employment be reported for compensation purposes and to aid in reducing some of the fraud and abuses in the workers' compensation system.

Optional insurance deductibles ranging from \$250 to \$5,000, may now be offered by insurers for medical benefits.

South Carolina

Licensed real estate agents are now exempted from coverage if they declare themselves to be independent contractors.

An enactment provides that in cases of death, any benefits remaining once the decedent's children are no longer fully dependent will now be paid to a surviving spouse or other full dependent. If there are no surviving dependents, the distribution of benefits must be made the same as for cases in which there are no full dependents. Previously, benefits were divided equally among all the children.

A physician or surgeon appointed to examine an employee and testify on the results is now entitled to receive travel expenses and a reasonable fee for providing such services, according to a fee schedule set by the Workers' Compensation Commission.

The Workers' Compensation Insolvency Fund was renamed the Uninsured Employer's Fund. Costs for workers' compensation administration and payment of claims will be made from the fund.

South Dakota

An amendment allows injured employees to choose a medical practitioner or surgeon from among all those licensed doctors or surgeons in the State; however, the treating physician is required to furnish a report of treatment within 14 days after the initial treatment.

As a condition of a workers' compensation insurance contract, an employer may be required to pay a deductible not to exceed \$2,500, towards the total amount of each claim filed for compensation.

Tennessee

Maximum weekly benefits for disability and death were raised from \$252 to \$273 on July 1, 1990; and on July 1, 1991, the benefits will increase to \$294. Total maximum compensation was increased to \$109,200 in 1990 and to \$117,600 in July 1991.

A total of \$300 was set as the limit of an employer's liability for a medical emergency.

Any person who requests that an autopsy be performed in a work-related death case in which the cause is obscure or disputed is responsible for payment of all costs involved.

The trial court is now authorized to determine whether a lump-sum award would be in the best interest of an employee, and whether the employee has the ability to wisely manage and control the lump-sum payment, regardless of need.

Texas¹

A redraft of the entire workers' compensation code and related laws was enacted in a special session of the 1989 legislature; however, most of the legislation's provisions will not become effective until January 1, 1991, except where another date is specified. The Industrial Accident Board was renamed the Workers' Compensation Commission ("Commission").

Migrant and seasonal farmworkers may now be covered on a phased-in expansion of coverage and employers of certain noncovered workers may now elect to be covered. Heart attacks are now covered if they occur at a definite time and place and are caused by a specific work event where the preponderance of evidence is standard; however, if the heart attack is triggered solely by mental stress, evidence of a sudden stimulus is now required.

Other provisions were amended to specifically exclude coverage of: any injury that occurs while a worker is intoxicated, a self-inflicted injury, or one resulting from horseplay. Additionally, no coverage is provided for injuries caused by a third party for personal reasons, and for voluntary participation in certain off-duty recreational social geographic activities, and from an act of God, except where work created a risk greater than a risk to the general public.

Beginning on January 1, 1991, maximum weekly benefits will be increased to 100 percent of the State average weekly wage for disability and death and minimum weekly benefits to 15 percent. Compensation for impairment and supplemental income benefits will be increased to 70 percent of the State average weekly wage and increases in lifetime benefits for permanent total disability have been approved at 3 percent per year.

The compensable period for death benefits was increased to 364 weeks, formerly 360 weeks. Burial allowance remains at \$2,500.

A 1-week waiting period was established before any income benefits will be paid retroactively from the day of injury.

Payment of temporary income benefits are now permitted during medical treatment until the employee reaches maximum medical improvement.

The existence and degree of impairment must now be determined according to the American Medical Association's *Guidelines to the Evaluation of Permanent Impairment*, 3rd edition. The present schedule of injury awards, and awards for unscheduled permanent partial disability, will now be based on loss of earning capacity. Compensation for all cases of permanent partial disability will be based on degree of impairment to the person as a whole.

Authority over medical examinations was made the responsibility of the Commission and an insurance carrier may make a request that a medical examination be approved only once in a 100-day period.

Injured workers are permitted to select their initial physician until the end of 1992, but may not change more than once, without approval of the insurer or Commission. On January 1, 1993, the worker must choose a physician from a list prepared by the Commission and any further requests for changes must be approved by the Commission. In addition, no insurer may require any employee to use the pharmaceutical services designated by a carrier. Medical policies and fee guidelines may be revised at least every 2 years if necessary.

Legislation newly requires a report of injury to be filed with the employer within 30 days and all claims for compensation must be filed either within 1 year after the injury and within 1 year from knowledge of an injury in cases of occupational disease. All claims for death must be filed by the first anniversary of the death, excluding a claim for a minor or incompetent person, or for other good cause.

Legislation authorized the creation of an ombudsman program to provide public information and assist workers, employers, insurers, and others in protecting their rights under the workers' compensation law.

Several new Divisions were established in the Workers' Compensation Commission. A Division of Compliance will review the records of insurers and ensure that timely payments are made to medical providers. The Division of Medical Review must develop fee guidelines, medical policies, and enforcement strategies relative to quality medical care and to controlling medical costs.

A toll-free hotline was approved for reporting safety violations. Another provision prohibits any discrimination for the reporting of a safety violation. As a result, a worker may not sue for reinstatement, back wages, or seniority.

New rules were established regarding the compensability of accidents that occur away from the premises of the employer. It was also established that workers' compensation is the exclusive remedy against an employer for a work-related accident; however, a surviving spouse of a worker whose death was job-related, can sue in tort for exemplary damages resulting from an intentional

act, omission, or gross negligence of the employer.

Self-insurance coverage will now be available for individual employers upon meeting all financial requirements.

A cap has been placed on self-insurance premiums for 1993 and 1994 at 20 percent of the total unmodified workers' compensation insurance premiums in the State. Another change provided for a 4-percent rate rollback in premium rates for policies issued during 1990; 10 percent for policies issued during 1991, and 15 percent for policies issued during 1992. Also, group self-insurance may now be elected by employers in the same or a similar business. Three optional insurance deductible plans have been approved and are scheduled for availability from insurers on January 1, 1992.

Self-insured employers who have 15 or more employees are newly required to adopt a drug-free workplace policy and provide accident prevention services as a licensing requirement. Also, inspection and monitoring services must be at least every 2 years. The Texas Workers' Compensation Research Center was created as an advisory body to the Commission to perform research pertaining to benefits and their delivery, insurance rates, ratemaking, and rehabilitation.

Utah

An enactment reestablished the Workers' Compensation Fund as the Workers' Compensation Fund of Utah. The fund will operate as a nonprofit, quasi-public corporation that provides workers' compensation coverage for Utah employers and guarantees payment of compensation for work-related injuries and death. The State is in no way responsible for the obligations of the Fund.

Another amendment created the Utah Injured Worker Reemployment program under the Industrial Commission for promoting and monitoring the efficiency in reemploying injured workers and evaluating cost effectiveness of the program. The program is scheduled to continue through June 30, 1994. New legislation prohibits employers from withholding wages from an employee who is receiving medical treatment or attending a medical examination for a work-related injury.

The filing of injury notices and claims for benefits must now be given to the employer or to the Industrial Commission within 180 days, or be barred.

Virginia

The maximum period that an award for a partial disability may be received is set at 500 weeks; formerly the 500 weeks commenced from the day of injury. Benefits for both total and partial disability are now subject to garnishment for spousal and child support.

Coverage was broadened to include volunteer firefighters and lifesaving and rescue squad members when exposed to hazardous materials while responding to a request of the State Department of Emergency Services.

Costs for modifying the home of an injured worker may now be paid by the employer up to a maximum of \$25,000, previously \$20,000.

In determining first, second, or third stages of coal workers' pneumoconiosis, for benefit purposes, radiographic evidence under the International Labour Office's classification of radiograph must be used. A request was made to the Industrial Commission to study and evaluate dermatitis conditions of persons employed by tire manufacturing companies.

Washington

An amendment authorized the use of irrevocable letters of credit issued by Federal or State chartered commercial banking institutions by employers as proof of financial ability to qualify as a self-insured employer for workers' compensation purposes.

The Labor Director is authorized to appoint an employee to serve as coordinator of vocational rehabilitation and who will provide technical assistance and coordinate the management of return-to-work program claims to State agencies and institutions of higher education.

Wyoming

Payroll and premium payments reports must now be submitted, for workers' compensation purposes, on certain employees in extrahazardous employment. Insurance premiums paid for coverage of an employee under a federally funded program that is administered by a State agency may be paid for out of available Federal funds.

The confidentiality provisions of law now allows the transfer of employee files between Divisions of the Department of Employment as long as the information is not restricted by a Federal law, rule, or contract. Another provision was enacted concerning filing requirements. □

Footnote

¹ The entire section on Texas was adapted from a summary prepared by Eric J. Oxfeld, Counsel, American Insurance Association, Washington, DC.

Changes in unemployment insurance legislation during 1990

The States generally took little action regarding their unemployment insurance laws during the year; some States modified benefit eligibility requirements for aliens, and a few increased their maximum weekly benefit amounts

Diana Runner

On November 5, President George Bush signed into law the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508), which contained amendments to the Federal Unemployment Tax Act. These included extending the 0.2-percent temporary tax, which was assessed under the Unemployment Compensation Amendments of 1976 (P.L. 94-566), for 5 additional years through December 31, 1995. The maximum State employer tax offset credit against the Federal tax liability remains at 5.4 percent. The net Federal tax, which is the employer's residual Federal obligation to the program after the tax offset credit has been applied, remains at 0.8 percent. The legislation also deleted the 35-year limitation on the expenditure of the 1956, 1957, and 1958 distributions of funds allocated to the States under the 1954 Reed Act for administrative purposes.¹ Therefore, the funds can be drawn on by the States to meet administrative costs in perpetuity.

In general, State legislatures made very few changes in their unemployment insurance laws during 1990. Six States—Alaska, Arizona, Florida, Maryland, Nebraska, and Virginia—increased their maximum weekly benefit amounts, and two States—Alaska and Virginia—increased their minimum weekly benefit amounts. Three States—Arizona,

Minnesota, and South Dakota—changed the amount of earnings to be disregarded when computing the weekly benefit for partial benefits.

Colorado, Connecticut, Hawaii, Idaho, Indiana, Mississippi, New Mexico, Rhode Island, South Dakota, Vermont, and West Virginia amended their laws to require that benefits not be paid on the basis of services performed by an alien unless the individual was lawfully present in the United States both at the time the services on which benefits are based were performed and at the time the claim was filed.

Kentucky, Maine, Minnesota, New Mexico, Oklahoma, and Vermont amended their laws so as to prohibit information obtained in the administration of the unemployment insurance law from being used as evidence in any proceeding between a person and an employer that is brought before an arbitrator, court, or judge of the State in question or of the United States.

Massachusetts, Rhode Island, and Vermont amended their laws to allow access, on a reimbursable basis, to program records on wage and benefit information by the U.S. Department of Housing and Urban Development and by public housing authorities. Also, California, Massachusetts, and Vermont now permit the Federal Parent Locator Service of the child support enforcement program to have access to wage and benefit information.

Following is a summary of some significant changes in State unemployment insurance laws during 1990.

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Alabama

Financing. An employer's experience rating account will not be charged with benefits paid as a result of a major disaster if the benefit recipient would otherwise have been eligible for disaster benefits.

Alaska

Benefits. The minimum weekly benefit amount was increased from \$38 to \$44, and the maximum amount from \$188 to \$212.

Arizona

Coverage. The definition of wages under State law was amended to exclude any wages that are excluded under the Federal Unemployment Tax Act.

Benefits. The maximum weekly benefit amount increased from \$155 to \$165. The amount of earnings disregarded when computing partial benefits increased from \$15 to \$30.

California

Financing. The California Unemployment Insurance Code was amended to require collection of the 0.1-percent employment training tax only through calendar year 1993, rather than through 1995, as formerly provided. Revenues from the training tax, first imposed in 1982, are used to fund training, to cover costs of administering the Employment Training Fund, and, with the approval of the legislature, to pay outstanding interest-bearing advances from the Federal Government.

Benefits. The 1-week waiting period requirement before benefits are paid may be suspended if the Governor determines that strict compliance with the requirement would in any way prevent, hinder, or delay the mitigation of the effects of any state of war emergency or state of emergency.

Colorado

Financing. The amount of the employee's base wages that is taxable to the employer for program purposes was changed from \$9,000 when the trust fund balance was more than \$350 million, and \$10,000 otherwise, to a standard \$10,000. New employers will pay fund contributions which are the greater of the State's standard rate or their actual experience rate. Reimbursements paid from the fund for benefits paid under an interstate reciprocal arrangement will not be charged to an employer's experience rating account. A solvency tax surcharge will be assessed on contributing employers when the monthly fund balance is equal to or less than 0.09 percent of total wages covered by the program for the calendar year. The surcharge will be 0.01 percent, and will increase in increments of 0.01 percent (not to exceed the maximum contribution rate in effect) until the monthly fund balance is greater than 0.09 percent of total wages. The surcharge will decrease in increments of 0.01 percent so long as the fund balance remains above 0.09 percent of total wages.

Disqualification. An individual who works for a temporary help contracting firm will be eligible for benefits if, upon finishing an assignment, he or she requests another assignment but is not offered one and no other employment had been offered or accepted for a period of 5 regular working days.

Penalties. An individual who received a benefit overpayment due to fraudulent misrepresentation will be required to pay the Colorado Division of Employment and Training the total amount of the overpayment plus a penalty of 50 percent of the overpayment.

Connecticut

Financing. An employer's account will not be charged for benefits paid to an individual if the employer paid the individual \$500 or less in the employee's base period—a prior period during which the individual was engaged in work covered by the unemployment insurance law.

Delaware

Disqualification. An individual will not be disqualified from receiving benefits on the grounds of voluntarily leaving employment if he or she elected to be separated under the terms of a collective bargaining agreement or a written employer plan for a temporary layoff for lack of work not to exceed 30 calendar days. Individuals hired for seasonal, durational, temporary, or casual employment for a specific period of less than 130 days will be ineligible for benefits at the completion of employment. However, any individual who is collecting benefits at the time the employment is accepted will not lose subsequent benefit rights upon the completion of such employment.

Florida

Benefits. The maximum weekly benefit amount was increased from \$200 to \$225. For the period July 1 through December 1, 1990, an individual could have qualified for 10 weeks of benefits if the individual had earned wages equal to 10 times his or her average weekly wage of not less than \$20 during the base period.

Disqualification. An individual will not be denied benefits for any week spent serving on a jury.

Administration. The operations of the Florida Unemployment Compensation Advisory Council were extended until October 1, 2000.

Georgia

Coverage. A new enactment excludes from program coverage services performed by an officer or member of the crew of a boat engaged in catching fish or other forms of aquatic life, if certain conditions are met.

Hawaii

Coverage. The law was amended to exclude from coverage services for a family-owned private corporation, organized for profit, that employs family members who own at least 50 percent of the corporate shares, provided certain criteria are met.

Financing. New owners will be allowed to assume the existing experience rating in cases of partial transfers of businesses for the period January 1, 1990, to December 31, 1992. During that period, the enterprise must be continued in the case of either partial or total transfer.

Benefits. To qualify for benefits in a successive benefit year, an individual must have earned at least 5 times the weekly benefit amount subsequent to the beginning of the preceding benefit year.

Idaho

Disqualification. An individual will not be denied benefits for inability to work, unavailability for work, or refusal of suitable work if he or she is a participant in a training program sponsored under Title III of the Job Training Partnership Act; is attending a job training course under the Trade Act of 1974; or is attending a job training course with the approval of the director of the State unemployment insurance program. The above provision will apply only if the individual submits with each benefit claim a written certification from the training facility that he or she is attending and satisfactorily completing the course or has good cause for failure to attend the course.

Penalties. A civil action brought by the State to collect benefit overpayments due to a recipient's fraudulent misrepresentation or concealment of a material fact must commence within 8 years of the date of the overpayment determination.

Illinois

Financing. For the second quarter of 1991, the fund building rate that is added to an employer's contribution rate to ensure fund solvency will be 0.3 percent for contribution rates of 0.2 percent or higher. Over that period, the contribution rate of each employer will be equal to the sum of such rate and 0.1 percent. However, this excludes employers whose rates are between 5.1 percent and 5.3 percent, and those who qualify for the 5.4-percent rate ceiling for that quarter.

Benefits. For the period January 1 through December 31, 1991, dependents' allowances for a nonworking spouse will be 8.3 percent of the claimant's prior average weekly wage, not to exceed 57.3 percent of the State average weekly wage. For other dependents, the allowance will be 15.3 percent of the claimant's prior average weekly wage, not to exceed 64.3 percent of the State average weekly wage.

Indiana

Financing. The computation date for determining an employer's rate of contribution was changed from June 30 to September 30. Wage credits earned by an employee who voluntarily leaves without good cause in connection with the work, or who is discharged for just cause, will be used to compute the individual's benefit eligibility, but charges to an employer based on the wage credits will be paid from the unemployment fund and will not be charged to the employer's experience rating account.

Disqualification. An individual will not be disqualified from receiving benefits if he or she left employment to accept previously secured full-time work with an employer located within the individual's labor market. When an individual is discharged for gross misconduct, all of his or her wage credits established prior to the discharge will be cancelled. If an individual remains unemployed for at least 4 weeks, the Indiana Department of Employment and Training Services must provide job counseling or training.

Administration. When a claim determination is appealed, 3 days must be added to the term of a notice if it is served through the U.S. Post Office. Second-stage appeals, formerly heard by a

referee, are now to be brought before an administrative law judge.

Kansas

Coverage. The exclusion from program coverage of services performed in casual labor not in the course of an employer's business will not apply to governmental entities or to any employer specified in section 501(c)(3) of the Internal Revenue Code to be exempt from income taxation.

Financing. If an employer pays additional voluntary contributions to the program, the experience rate reduction will be limited to five rate groups for employers with positive fund balances, and other limitations will apply for negative-balance employers.

Kentucky

Benefits. The base period for computation of benefits may be extended by up to 4 quarters if an individual has insufficient wages to establish a claim because of job-related injury or if an individual who has received worker's compensation files an unemployment insurance claim within 4 weeks of having received worker's compensation.

Disqualification. An individual may be disqualified for benefits for leaving the next most recent suitable work to return to work with the usual employer or to avoid imminent layoff by accepting other work, or for leaving part-time work which preceded the most recent suitable work to accept the most recent suitable full-time work.

Administration. Unemployment insurance records may be used in court proceedings or administrative hearings in any action on a violation of State or Federal law to which the Kentucky Cabinet for Human Resources is a party, or upon order of the court.

Louisiana

Financing. Benefits paid to an individual after he or she requalified following a disqualification for voluntary leaving, discharge for misconduct, refusal of suitable work, or discharge for using illegal drugs will not be charged to a base-period employer's account if the employer protests the charges.

Disqualification. To purge a disqualification for voluntary leaving, discharge for misconduct, or discharge for illegal drug use, an individual must earn 10 times the weekly benefit amount following the week in which the separation occurred, or the week of occurrence with regard to drug use. Louisiana deleted the provision of the law specifying that a disqualification would be applicable to other than the last separation if the time worked subsequent to the separation did not satisfy the monetary requalification requirements, and if the claim was filed 6 months or more after the disqualifying separation. An individual will be disqualified for benefits for receiving vacation pay if the week or weeks the vacation is actually taken occur during a period of temporary layoff and a collective bargaining agreement does not allocate vacation pay to a specified period of time.

Maine

Administration. The law was amended to prohibit information obtained in the administra-

tion of the unemployment insurance law from being used as evidence in any proceeding between a person and an employer that is brought before an arbitrator, court, or judge of the State of Maine or of the United States.

Maryland

Financing. The standard rate of employer contributions increased from 5.4 percent to 6.0 percent, and on July 1, 1991, it will increase to 6.5 percent. The maximum tax rate for the period July 1, 1990, through June 30, 1993, will increase from 6.0 percent to 7.6 percent. The range of contribution rates for the most favorable experience rating schedule is 0.1 to 6.0 percent, and on July 1, 1991, it will be 0.1 to 6.5 percent. The percentage adjustment by which an employer's contribution rate increases under the least favorable schedule for the period July 1, 1990, through June 30, 1993, will drop from 2.7 percent to 1.7 percent and, when the rate adjustment necessary to maintain the stipulated fund balance is taken into account, the least favorable schedule will range from 1.8 to 7.6 percent.

Benefits. The maximum weekly benefit amount was increased from \$205 to \$215, and will rise to \$223 on July 1, 1991.

Massachusetts

Financing. If a nonprofit organization elects to switch from the practice of reimbursing the State fund for benefit claims to the contribution payment plan, its contribution will be the rate that applies to an employer with a positive reserve balance of zero but less than 0.5 percent, or 5.4 percent—whichever is less—until the employer becomes experience rated.

Disqualification. If an individual's backpay award is reduced due to receipt of benefits, the employer who has been assessed a backpay award must reimburse the unemployment fund for the amount of benefits paid, equal to the amount of the award reduction.

Administration. The name of the unemployment insurance law was changed from the Massachusetts Employment Security Law to the Massachusetts Employment and Training Law. The agency that administers the law will be known as the Department of Employment and Training, headed by a commissioner. The commissioner may waive recovery of benefit overpayments if recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

The law was amended to allow access, on a reimbursable basis, to records on wage and benefit information by the U.S. Department of Housing and Urban Development, public housing authorities, and the Federal Parent Locator Service of the child support enforcement program.

Penalties. The penalty for employers who refuse to pay benefits and fund contributions was changed to a fine of not less than \$2,500 or more than \$10,000 or imprisonment for 1 year, or both fine and imprisonment. A 6-year statute of limitations was established for recovery of benefit overpayments by civil action. If an individual's failure to furnish accurate information resulted in a benefit overpayment, he or she will be assessed interest at a rate of 12 percent, but the penalty must not exceed 50 percent of the total amount due.

Michigan

Administration. The Michigan Employment Security Commission shall not provide to any organization income and eligibility verification or wage file information or claimant data base information, unless the disclosure of information is authorized under the Michigan Employment Security Act and the requesting organization provides a grant transfer to the Michigan Department of Labor to cover the full costs of that service.

Minnesota

Benefits. When an individual's weekly benefit amount for partial benefits is computed, the earnings disregarded will be the greater of \$50 or 25 percent of earnings in work other than service in the national guard or a military reserves unit.

Disqualification. Holiday pay in excess of \$25 will not be considered disqualifying income.

Administration. Tape recordings and transcripts of proceedings before a referee and exhibits offered by parties other than the Department of Jobs and Training which are received into evidence are private, and shall be disclosed only in the administration of the appeals process or in answer to a court order.

Nebraska

Benefits. The maximum weekly benefit amount was increased from \$134 to \$144, and will rise to \$154 on January 1, 1992.

New Hampshire

Coverage. Agricultural labor will not be considered covered employment unless it meets the definition of agricultural labor under the Federal Unemployment Tax Act.

New Mexico

Administration. A new enactment prohibits findings of fact or law, conclusions, or final orders made by an unemployment insurance hearing officer or board of review to be used as evidence in any proceeding brought before any court, arbitrator, or judge of the State of New Mexico or the United States.

New York

Benefits. The law was amended to make permanent a demonstration project which allows claimants in approved training to receive additional benefits.

Ohio

Financing. The taxable wage base will increase from \$8,000 to \$8,250 on January 1, 1992; to \$8,500 on January 1, 1993; to \$8,750 on January 1, 1994; and to \$9,000 on January 1, 1995. However, if in a calendar year, the fund level is 60 percent or more below the minimum safe level, the wage base will be \$9,000 as of January 1 of the following calendar year. Excluding adjustments, the maximum contribution rate for negative-balance employers for calendar years 1991-93 will be limited as follows: for 1991, if the negative balance is 5.0 percent or more, the rate will be 5.7 percent; for 1992, if the negative

balance is 11 percent or more, the rate will be 6.0 percent; and for 1993, if the negative balance is 17.0 percent or more, the rate will be 6.3 percent. The law was amended to repeal the 0.01-percent automation surcharge imposed in 1987 to pay for automation of the unemployment insurance system.

Benefits. The wages that must be earned during the 20-week qualifying requirement to be eligible for benefits changed from 37 times the minimum hourly wage to \$85.10 per week. On January 1, 1992, the wages needed in the 20 weeks will be 27.5 percent of the statewide average weekly wage. The maximum weekly benefit amount will not exceed (1) 50 percent of the statewide average weekly wage for an individual with no dependents, (2) 60 percent for those with one or two dependents, or (3) 66 $\frac{2}{3}$ percent of the statewide average for persons with three dependents or more.

Disqualification. To purge a duration disqualification, an individual must earn 6 times the average weekly wage of \$85.10 per week; beginning January 1, 1992, an individual will need to earn 29.5 percent of the statewide average weekly wage.

Oklahoma

Disqualification. An individual in school, and otherwise eligible for benefits, will not be disqualified if he or she offers to quit school, adjust class hours, or change shifts in order to secure employment. The Oklahoma Employment Security Act was amended to delete the "able to work and available for work" provision that mere registration and reporting at a local employment office is not conclusive evidence of ability to work, availability for work, or willingness to work.

Administration. When disclosure of information to the State's attorney general or a district attorney is allowed, evidence may be used only in proceedings to prosecute or defend allegations of violations of the Oklahoma Employment Security Act. If such information is disclosed for any other reason, the violation will be a felony.

Rhode Island

Administration. The law was amended to permit disclosure of wage and unemployment claims information, on a reimbursable basis, to the U.S. Department of Health and Human Services, the U.S. Department of Housing and Urban Development, and public housing authorities.

South Dakota

Coverage. The law was amended to make permanent a provision which includes as employment the services performed by an individual in the employ of an elementary or secondary school operated by the Federal Government or an agency of the Federal Government.

Benefits. When the weekly benefit amount for partial unemployment is computed, one-fourth of the amount of wages over \$25 will be disregarded.

Disqualification. The pension offset provision was amended to exclude from offset that part of a pension or retirement payment that was contributed to by the individual. The between-terms

denial-of-benefits provisions will not apply to educational employees of federally operated schools.

Tennessee

Penalties. The penalty for employer misrepresentation to prevent the payment or reduce the amount of benefits changed from a felony conviction carrying a prison term of 1 to 3 years to a Class E felony.

Texas

Financing. An employer's experience rating account will not be charged for benefits paid for unemployment due directly to a disaster if the claimant would otherwise have been eligible for disaster benefits.

Utah

Financing. The computation date for determining employer contribution rates was changed from January 1 to July 1.

Administration. The first-stage appeals body, formerly an appeals referee, is now an administrative law judge.

Vermont

Financing. Until June 30, 1991, a temporary supplemental contribution of 0.05 percent will be required of contributing employers so long as rate schedule II is in effect. The supplemental contribution will be used for employment and training services.

Administration. The law was amended to allow access, on a reimbursable basis, to program records on wage and benefit information by the U.S. Department of Housing and Urban Development, public housing authorities, and the Federal Parent Locator Service of the child support enforcement program. However, information may not be requested or released unless the individual about whom the information is being sought signs a consent form. A new enactment prohibits findings of fact, conclusions, or final orders made by an unemployment insurance hearing officer to be used as evidence in any proceeding brought before any court, arbitrator, or judge of the State of Vermont or the United States.

Virginia

Financing. The taxable wage base increased from \$7,000 to \$8,000. The unemployment insurance commission may, for a service charge, allow employers to use credit cards to pay their taxes.

Benefits. Beginning on January 6, 1991, an individual must serve a 1-week waiting period before receiving benefits. On January 1, 1991, the minimum weekly benefit amount will increase from \$56 to \$60 (effective January 5, 1992, to \$65), with qualifying wages in the two highest-earnings quarters of the claimant's base period of \$3,000 (beginning January 5, 1992, \$3,250.) On January 1, 1991, the maximum weekly benefit amount will increase from \$176 to \$198 (effective January 5, 1992, to \$208), with qualifying wages in the two highest quarters of \$9,900.01 (effective January 5, 1992, \$10,400.01).

Penalties. A claimant will be permitted to use a credit card to repay benefit overpayments.

Washington

Benefits. Backpay awards will be considered wages paid during the period for which backpay was awarded. When the amount of the backpay award or settlement is reduced by the amount of unemployment benefits received, the employer must pay that amount to the unemployment compensation fund.

Penalties. If an individual fails to repay or arrange for repayment of an overpayment assessment, he or she will be assessed an interest penalty of 1 percent of the outstanding balance for each month during which repayment is not made.

West Virginia

Financing. The law was amended to repeal the 1-percent surtax which was added to each employer's rate until the trust fund assets equaled or exceeded the average benefit payments from the fund for the 3 preceding years. Also deleted was the optional assessment on employees and employers to be imposed when the unemployment insurance agency determined, for a projected quarter, that contributions would not finance benefits. Starting January 1, 1991, positive-balance employers could pay contribution rates as low as zero to 2.0 percent, depending on the level of the unemployment insurance fund's assets for the preceding year.

Disqualification. The definition of gross misconduct was amended to include reporting to work or being at work under the influence of any controlled substance.

Administration. State and local child support enforcement agencies may receive benefit, as well as wage, information on claimants.

Penalties. The monetary penalty for a claimant's fraudulent misrepresentation to obtain or attempt to obtain or increase benefits was raised from \$100-\$500 to \$100-\$1,000.

Wyoming

Financing. The adjustment factor for non-charged and ineffectively charged benefits² will not exceed 1.5 percent, and will be charged against employers.

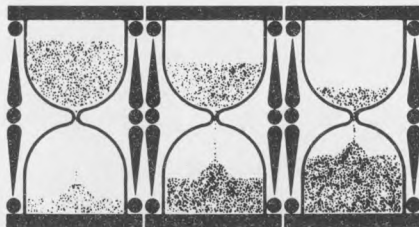
Administration. The department of employment was created to replace the employment security commission. □

Footnotes

¹ By the terms of the Reed Act, funds in excess of the legal maximum in the Federal Unemployment Account are distributed to the States to be used for administrative costs.

² Ineffectively charged benefits are benefits charged to an employer's experience rating account after benefits previously charged to that account have qualified the employer for the maximum rate of contributions.

Major agreements expiring next month



This list of selected collective bargaining agreements expiring in February is based on information collected by the Bureau's Office of Compensation and Working Conditions. The list includes agreements covering 1,000 workers or more. Private industry is arranged in order of Standard Industrial Classification. Labor organizations listed are affiliated with the AFL-CIO, except where noted as independent (Ind.).

Private industry

Food and kindred products

American Home Foods, Chef-boy-ardee Division, Milton, PA; Food and Commercial Workers, 1,300 workers

Anheuser-Busch, Inc., Interstate; Teamsters, 9,000 workers

Campbell Soup Co., Napoleon, OH; Food and Commercial Workers, 2,200 workers

Apparel

Farah Manufacturing Co., El Paso, TX; Clothing and Textile Workers, 1,200 workers

Primary metals

USX Corp., Interstate; Steelworkers, 22,000 workers

Transportation equipment

Kelsey-Hayes Co., Detroit, MI; Automobile Workers, 1,000 workers

Utilities

Central Telephone Co. of Florida, Florida; Electrical Workers (IBEW), 1,500 workers

Retail trade – food stores

Foodtown, Pathmark, and other food stores, Mid-Atlantic States; Food and Commercial Workers, 6,500 workers

Safeway (clerks), Kansas City, MO; Food and Commercial Workers, 2,000 workers

Stop and Shop Stores, New England; Food and Commercial Workers, 8,000 workers

Stop and Shop Stores (grocery departments), Hartford, CT; Food and Commercial Workers, 6,000 workers

Stop and Shop Stores (meat departments), Westport, CT; Food and Commercial Workers, 1,500 workers

Stop and Shop Stores, Massachusetts; Food and Commercial Workers, 1,000 workers

Services

Health Employers, Inc., Minneapolis, MN; Service Employees, 4,500 workers

Public activity

Education

New York Public Schools (supervisors and administrators), New York, NY; School Administrators (AFSA), 3,800 workers

Toledo Board of Education (classified), Toledo, OH; State, County and Municipal Employees, 1,400 workers

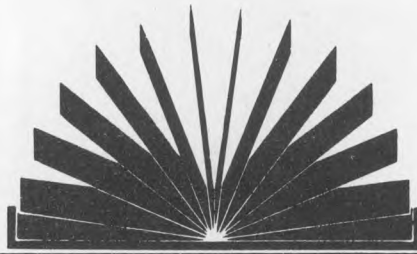
Protective services

Milwaukee Fire Department, Milwaukee, WI; Fire Fighters, 1,100 workers

Transportation

Denver Transit Authority, Denver, CO; Transit Union (ATU), 1,000 workers □

Book reviews



Women on global treadmill

Women Workers and Global Restructuring. Edited by Kathryn Ward. Ithaca, NY, Cornell University, New York State School of Industrial and Labor Relations, 1990, 272 pp. \$32, cloth; \$14.95, paper, ILR Press, Ithaca, NY.

In recent years, millions of women in the Third World have entered the paid work force in the employ of transnational corporations and their ancillary enterprises, including contractors and subcontractors. In some Asian countries, women now form the majority of workers in a growing number of industries producing for Western markets, including the garment, electrical, appliance, semiconductor, shoe, doll, and toy industries.

This new book, edited by Kathryn Ward, an associate professor of sociology at Southern Illinois University at Carbondale, takes a rare look at the working women of the Third World, as well as at their counterparts in Japan and the United States. As Ward points out in the lead essay, the dominant model of economic development takes for granted that employment will automatically uplift the status of women. According to the findings reported by Ward and nine other contributors to this collection, however, the effect of "global restructuring"—modern corporations in action far beyond their own national borders—has been "contradictory." Their new job opportunities have liberated women to some extent while also reinforcing gender exploitation on a large scale. The results are summarized by Ward in two areas:

1. *Subjugation by men.* One important plus of paid labor for women in traditional societies is that it usually loosens the patriarchal controls of the

family, but the minus is that women "move from the control of their fathers and families to industrial plants that have male managers" who perpetuate traditional male domination in new modes of exploitation.

2. *Economic dependence.* Earning money on their own often enables Third World women to achieve a measure of economic independence, but the wages are generally very low—"barely at the subsistence level even by their own country's standards and up to less than 50 percent less than local men." Moreover, when women try to protect their interests through unionization, they almost always meet strong opposition from employers as well as their governments. In fact, their economic plight is so critical that many women work "triple shifts"—they hold down a factory job, perform the traditional child care and household functions, and also engage in activities in the so-called informal sector, such as small-scale retail trade and home production of goods under a subcontract. "A third shift has been added because of economic necessity and for survival," Ward explains.

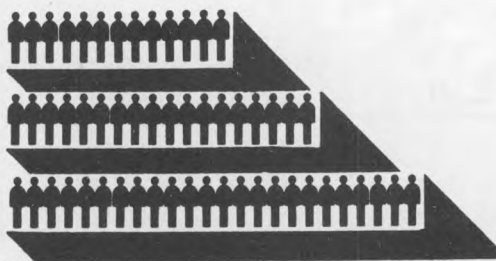
One of the revealing insights of this book is that the global economy relies on a modernized formal sector as well as a large informal sector and its armies of women who struggle under 19th century working conditions. The distinctively "informal" characteristics of that sector are that its activities are generally not recorded in most official statistics and that workers, almost always women (and sometimes children), go uncounted and unprotected by even the most minimal labor standards. The workers eke out an existence "at the bottom of a subcontracting pyramid controlled by men" (to quote Ward again).

Ward defines global restructuring as "the emergence of the global assembly line in which research and management are controlled by the core or developed countries while assembly line work is relegated to the semiperiphery or periphery nations that occupy less privileged positions in the global economy." Although the book covers three nations at the "periphery" (Colombia, Indonesia, and Mexico) and three at the "semiperiphery" (Greece, Ireland, and Taiwan), it also examines the status of women workers in two countries at the core. Both the chapter on Japan, which describes the little recognized contribution of female industrial workers to that country's "economic miracle," and the chapter on California's Silicon Valley, which describes the low status of Third World immigrant workers employed in the microelectronic industry, show how gender discrimination and patriarchal-style control prevail even at the developed "core."

The contributors to this volume (nine sociologists and one economist) optimistically cite a number of examples of how poor working women across the world have protested against the exploitation they endure. True, these women are not the docile creatures portrayed by gender stereotypes; they have the ingenuity to utilize diverse tactics in their sporadic resistance to oppression. But the odds against them are enormous. As their subjugated status is documented here, it seems extremely unlikely that they, acting on their own, will be able to achieve the liberation that they have the right to expect from participation in the otherwise thriving global economy.

—Robert A. Senser
Reston, VA

Current labor statistics



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Notes on Current Labor Statistics

This section of the *Review* presents the principal statistical series collected and calculated by the Bureau of Labor Statistics: series on labor force; employment; unemployment; collective bargaining settlements; consumer, producer, and international prices; productivity; international comparisons; and injury and illness statistics. In the notes that follow, the data in each group of tables are briefly described; key definitions are given; notes on the data are set forth; and sources of additional information are cited.

General notes

The following notes apply to several tables in this section:

Seasonal adjustment. Certain monthly and quarterly data are adjusted to eliminate the effect on the data of such factors as climatic conditions, industry production schedules, opening and closing of schools, holiday buying periods, and vacation practices, which might prevent short-term evaluation of the statistical series. Tables containing data that have been adjusted are identified as "seasonally adjusted." (All other data are not seasonally adjusted.) Seasonal effects are estimated on the basis of past experience. When new seasonal factors are computed each year, revisions may affect seasonally adjusted data for several preceding years.

Seasonally adjusted data appear in tables 1-3, 4-10, 13-15, 17-18, 44, and 48. Seasonally adjusted labor force data in tables 1 and 4-10 were revised in the February 1990 issue of the *Review* and reflect the experience through 1989. Seasonally adjusted establishment survey data shown in tables 13-15 and 17-18 were revised in the October 1990 *Review* and reflect the experience through May 1990. A brief explanation of the seasonal adjustment methodology appears in "Notes on the data."

Revisions in the productivity data in table 44 are usually introduced in the September issue. Seasonally adjusted indexes and percent changes from month-to-month and quarter-to-quarter are published for numerous Consumer and Producer Price Index series. However, seasonally adjusted indexes are not published for the U.S. average All-Items CPI. Only seasonally adjusted percent changes are available for this series.

Adjustments for price changes. Some data—such as the "real" earnings shown in table 15—are adjusted to eliminate the effect

of changes in price. These adjustments are made by dividing current-dollar values by the Consumer Price Index or the appropriate component of the index, then multiplying by 100. For example, given a current hourly wage rate of \$3 and a current price index number of 150, where 1982 = 100, the hourly rate expressed in 1982 dollars is \$2 ($\$3/150 \times 100 = \2). The \$2 (or any other resulting values) are described as "real," "constant," or "1982" dollars.

Additional information

Data that supplement the tables in this section are published by the Bureau in a variety of sources. News releases provide the latest statistical information published by the Bureau; the major recurring releases are published according to the schedule appearing on the back cover of this issue. More information about labor force, employment, and unemployment data and the household and establishment surveys underlying the data are available in *Employment and Earnings*, a monthly publication of the Bureau. More data from the household survey are published in the data books—*Revised Seasonally Adjusted Labor Force Statistics*, Bulletin 2306, and *Labor Force Statistics Derived From the Current Population Survey*, Bulletin 2307. More data from the establishment survey appear in two data books—*Employment, Hours, and Earnings, United States*, and *Employment, Hours, and Earnings, States and Areas*, and the supplements to these data books. More detailed information on employee compensation and collective bargaining settlements is published in the monthly periodical, *Current Wage Developments*. More detailed data on consumer and producer prices are published in the monthly periodicals, *The CPI Detailed Report*, and *Producer Price Indexes*. Detailed data on all of the series in this section are provided in the *Handbook of Labor Statistics*, which is published biennially by the Bureau. BLS bulletins are issued covering productivity, injury and illness, and other data in this section. Finally, the *Monthly Labor Review* carries analytical articles on annual and longer term developments in labor force, employment, and unemployment; employee compensation and collective bargaining; prices; productivity; international comparisons; and injury and illness data.

Symbols

- n.e.c. = not elsewhere classified.
n.e.s. = not elsewhere specified.
p = preliminary. To increase the timeliness of some series, preliminary figures are issued based on representative but incomplete returns.
r = revised. Generally, this revision reflects the availability of later data but may also reflect other adjustments.

Comparative Indicators

(Tables 1-3)

Comparative indicators tables provide an overview and comparison of major BLS statistical series. Consequently, although many of the included series are available monthly, all measures in these comparative tables are presented quarterly and annually.

Labor market indicators include employment measures from two major surveys and information on rates of change in compensation provided by the Employment Cost Index (ECI) program. The labor force participation rate, the employment-to-population ratio, and unemployment rates for major demographic groups based on the Current Population ("household") Survey are presented, while measures of employment and average weekly hours by major industry sector are given using nonfarm payroll data. The Employment Cost Index (compensation), by major sector and by bargaining status, is chosen from a variety of BLS compensation and wage measures because it provides a comprehensive measure of employer costs for hiring labor, not just outlays for wages, and it is not affected by employment shifts among occupations and industries.

Data on **changes in compensation, prices, and productivity** are presented in table 2. Measures of rates of change of compensation and wages from the Employment Cost Index program are provided for all civilian nonfarm workers (excluding Federal and household workers) and for all private nonfarm workers. Measures of changes in consumer prices for all urban consumers; producer prices by stage of processing; and overall export and import price indexes are given. Measures of productivity (output per

hour of all persons) are provided for major sectors.

Alternative measures of wage and compensation rates of change, which reflect the overall trend in labor costs, are summarized in table 3. Differences in concepts and scope, related to the specific purposes of the series, contribute to the variation in changes among the individual measures.

Notes on the data

Definitions of each series and notes on the data are contained in later sections of these notes describing each set of data. For detailed descriptions of each data series, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988), as well as the additional bulletins, articles, and other publications noted in the separate sections of the *Review's* "Current Labor Statistics Notes." Users may also wish to consult *Major Programs of the Bureau of Labor Statistics*, Report 774 (Bureau of Labor Statistics, 1990).

Employment and Unemployment Data

(Tables 1; 4-21)

Household survey data

Description of the series

EMPLOYMENT DATA in this section are obtained from the Current Population Survey, a program of personal interviews conducted monthly by the Bureau of the Census for the Bureau of Labor Statistics. The sample consists of about 60,000 households selected to represent the U.S. population 16 years of age and older. Households are interviewed on a rotating basis, so that three-fourths of the sample is the same for any 2 consecutive months.

Definitions

Employed persons include (1) all civilians who worked for pay any time during the week which includes the 12th day of the month or who worked unpaid for 15 hours or more in a family-operated enterprise and (2) those who were temporarily absent from their regular jobs because of illness, vacation, industrial dispute, or similar reasons. Members of the Armed Forces stationed in the United States are also included in the employed total. A person working at more than one job is counted only in the job at which he or she worked the greatest number of hours.

Unemployed persons are those who

did not work during the survey week, but were available for work except for temporary illness and had looked for jobs within the preceding 4 weeks. Persons who did not look for work because they were on layoff or waiting to start new jobs within the next 30 days are also counted among the unemployed. **The overall unemployment rate** represents the number unemployed as a percent of the labor force, including the resident Armed Forces. **The civilian unemployment rate** represents the number unemployed as a percent of the civilian labor force.

The labor force consists of all employed or unemployed civilians plus members of the Armed Forces stationed in the United States. Persons **not in the labor force** are those not classified as employed or unemployed; this group includes persons who are retired, those engaged in their own housework, those not working while attending school, those unable to work because of long-term illness, those discouraged from seeking work because of personal or job-market factors, and those who are voluntarily idle. **The non-institutional population** comprises all persons 16 years of age and older who are not inmates of penal or mental institutions, sanitariums, or homes for the aged, infirm, or needy, and members of the Armed Forces stationed in the United States. **The labor force participation rate** is the proportion of the noninstitutional population that is in the labor force. **The employment-population ratio** is total employment (including the resident Armed Forces) as a percent of the noninstitutional population.

Notes on the data

From time to time, and especially after a decennial census, adjustments are made in the Current Population Survey figures to correct for estimating errors during the intercensal years. These adjustments affect the comparability of historical data. A description of these adjustments and their effect on the various data series appears in the Explanatory Notes of *Employment and Earnings*.

Labor force data in tables 1 and 4-10 are seasonally adjusted based on the experience through December 1989. Since January 1980, national labor force data have been seasonally adjusted with a procedure called X-11 ARIMA which was developed at Statistics Canada as an extension of the standard X-11 method previously used by BLS. A detailed description of the procedure appears in the *X-11 ARIMA Seasonal Adjustment Method*, by Estela Bee Dagum (Statistics Canada, Catalogue No. 12-564E, January 1983).

At the end of each calendar year, season-

ally adjusted data for the previous 5 years are revised, and projected seasonal adjustment factors are calculated for use during the January-June period. In July, new seasonal adjustment factors, which incorporate the experience through June, are produced for the July-December period but no revisions are made in the historical data.

Additional sources of information

For detailed explanations of the data, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988), and for additional data, *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989). Historical unadjusted data from 1948 to 1987 are available in *Labor Force Statistics Derived from the Current Population Survey*, Bulletin 2307 (Bureau of Labor Statistics, 1988). Historical seasonally adjusted data appear in *Labor Force Statistics Derived from the Current Population Survey: A Databook*, Vol. II, Bulletin 2096 (Bureau of Labor Statistics, 1982), and *Revised Seasonally Adjusted Labor Force Statistics, 1978-87*, Bulletin 2306 (Bureau of Labor Statistics, 1988).

A comprehensive discussion of the differences between household and establishment data on employment appears in Gloria P. Green, "Comparing employment estimates from household and payroll surveys," *Monthly Labor Review*, December 1969, pp. 9-20.

Establishment survey data

Description of the series

EMPLOYMENT, HOURS, AND EARNINGS DATA in this section are compiled from payroll records reported monthly on a voluntary basis to the Bureau of Labor Statistics and its cooperating State agencies by more than 340,000 establishments representing all industries except agriculture. In most industries, the sampling probabilities are based on the size of the establishment; most large establishments are therefore in the sample. (An establishment is not necessarily a firm; it may be a branch plant, for example, or warehouse.) Self-employed persons and others not on a regular civilian payroll are outside the scope of the survey because they are excluded from establishment records. This largely accounts for the difference in employment figures between the household and establishment surveys.

Definitions

An **establishment** is an economic unit which produces goods or services (such as

a factory or store) at a single location and is engaged in one type of economic activity.

Employed persons are all persons who received pay (including holiday and sick pay) for any part of the payroll period including the 12th of the month. Persons holding more than one job (about 5 percent of all persons in the labor force) are counted in each establishment which reports them.

Production workers in manufacturing include working supervisors and non-supervisory workers closely associated with production operations. Those workers mentioned in tables 12–17 include production workers in manufacturing and mining; construction workers in construction; and non-supervisory workers in the following industries: transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for about four-fifths of the total employment on private nonagricultural payrolls.

Earnings are the payments production or nonsupervisory workers receive during the survey period, including premium pay for overtime or late-shift work but excluding irregular bonuses and other special payments. **Real earnings** are earnings adjusted to reflect the effects of changes in consumer prices. The deflator for this series is derived from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).

Hours represent the average weekly hours of production or nonsupervisory workers for which pay was received, and are different from standard or scheduled hours. **Overtime hours** represent the portion of average weekly hours which was in excess of regular hours and for which overtime premiums were paid.

The Diffusion Index represents the percent of industries in which employment was rising over the indicated period, plus one-half of the industries with unchanged employment; 50 percent indicates an equal balance between industries with increasing and decreasing employment. In line with Bureau practice, data for the 1-, 3-, and 6-month spans are seasonally adjusted, while those for the 12-month span are unadjusted. Data are centered within the span. Table 18 provides an index on private nonfarm employment based on 356 industries, and a manufacturing index based on 139 industries. These indexes are useful for measuring the dispersion of economic gains or losses and are also economic indicators.

Notes on the data

Establishment survey data are annually adjusted to comprehensive counts of employment (called “benchmarks”). The lat-

est adjustment, which incorporated March 1989 benchmarks, was made with the release of August 1990 data, published in the October 1990 issue of the *Review*. Coincident with the benchmark adjustments, seasonally adjusted data were revised to reflect the experience through May 1990, and industries are coded in accordance with the 1987 *Standard Industrial Classification (SIC) Manual*. Unadjusted data from April 1989 forward and seasonally adjusted data from January 1986 forward are subject to revision in future benchmarks.

The BLS also uses the X-11 ARIMA methodology to seasonally adjust establishment survey data. Beginning in June 1989, projected seasonal adjustment factors are calculated and published twice a year. The change makes the procedure used for the establishment survey data more parallel to that used in adjusting the household survey data. Revisions of historical data will continue to be made once a year coincident with the benchmark revisions.

In the establishment survey, estimates for the 2 most recent months are based on incomplete returns and are published as preliminary in the tables (13 to 18 in the *Review*). When all returns have been received, the estimates are revised and published as “final” (prior to any benchmark revisions) in the third month of their appearance. Thus, December data are published as preliminary in January and February and as final in March. For the same reasons, quarterly establishment data (table 1) are preliminary for the first 2 months of publication and final in the third month. Thus, fourth-quarter data are published as preliminary in January and February and as final in March.

Additional sources of information

Detailed national data from the establishment survey are published monthly in the BLS periodical, *Employment and Earnings*. Historically comparable unadjusted and seasonally adjusted data will be published in *Employment, Hours, and Earnings, United States, 1909–90*, Bulletin 2370 (Bureau of Labor Statistics, 1990) and its annual supplement. For a detailed discussion of the methodology of the survey, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988). For additional data, see *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

A comprehensive discussion of the differences between household and establishment data on employment appears in Gloria P. Green, “Comparing employment estimates from household and payroll surveys,” *Monthly Labor Review*, December 1969, pp. 9–20.

Unemployment data by State

Description of the series

Data presented in this section are obtained from two major sources—the Current Population Survey (CPS) and the Local Area Unemployment Statistics (LAUS) program, which is conducted in cooperation with State employment security agencies.

Monthly estimates of the labor force, employment, and unemployment for States and sub-State areas are a key indicator of local economic conditions and form the basis for determining the eligibility of an area for benefits under Federal economic assistance programs such as the Job Training Partnership Act and the Public Works and Economic Development Act. Insofar as possible, the concepts and definitions underlying these data are those used in the national estimates obtained from the CPS.

Notes on the data

Data refer to State of residence. Monthly data for 11 States—California, Florida, Illinois, Massachusetts, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, and Texas—are obtained directly from the CPS, because the size of the sample is large enough to meet BLS standards of reliability. Data for the remaining 39 States and the District of Columbia are derived using standardized procedures established by BLS. Once a year, estimates for the 11 States are revised to new population controls. For the remaining States and the District of Columbia, data are benchmarked to annual average CPS levels.

Additional sources of information

Information on the concepts, definitions, and technical procedures used to develop labor force data for States and sub-State areas as well as additional data on sub-States are provided in the monthly Bureau of Labor Statistics periodical, *Employment and Earnings*, and the annual report, *Geographic Profile of Employment and Unemployment* (Bureau of Labor Statistics). See also *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988).

Compensation and Wage Data

(Tables 1–3; 22–30)

COMPENSATION AND WAGE DATA are gathered by the Bureau from business establishments, State and local governments, labor unions, collective bargaining agreements on file with the Bureau, and secondary sources.

Employment Cost Index

Description of the series

The **Employment Cost Index (ECI)** is a quarterly measure of the rate of change in compensation per hour worked and includes wages, salaries, and employer costs of employee benefits. It uses a fixed market basket of labor—similar in concept to the Consumer Price Index's fixed market basket of goods and services—to measure change over time in employer costs of employing labor. The index is not seasonally adjusted.

Statistical series on total compensation costs, on wages and salaries, and on benefit costs are available for private nonfarm workers excluding proprietors, the self-employed, and household workers. The total compensation costs and wages and salaries series are also available for State and local government workers and for the civilian nonfarm economy, which consists of private industry and State and local government workers combined. Federal workers are excluded.

The Employment Cost Index probability sample consists of about 4,200 private nonfarm establishments providing about 22,000 occupational observations and 800 State and local government establishments providing 4,200 occupational observations selected to represent total employment in each sector. On average, each reporting unit provides wage and compensation information on five well-specified occupations. Data are collected each quarter for the pay period including the 12th day of March, June, September, and December.

Beginning with June 1986 data, fixed employment weights from the 1980 Census of Population are used each quarter to calculate the civilian and private indexes and the index for State and local governments. (Prior to June 1986, the employment weights are from the 1970 Census of Population.) These fixed weights, also used to derive all of the industry and occupation series indexes, ensure that changes in these indexes reflect only changes in compensation, not employment shifts among industries or occupations with different levels of wages and compensation. For the bargaining status, region, and metropolitan/nonmetropolitan area series, however, employment data by industry and occupation are not available from the census. Instead, the 1980 employment weights are reallocated within these series each quarter based on the current sample. Therefore, these indexes are not strictly comparable to those for the aggregate, industry, and occupation series.

Definitions

Total compensation costs include wages,

salaries, and the employer's costs for employee benefits.

Wages and salaries consist of earnings before payroll deductions, including production bonuses, incentive earnings, commissions, and cost-of-living adjustments.

Benefits include the cost to employers for paid leave, supplemental pay (including nonproduction bonuses), insurance, retirement and savings plans, and legally required benefits (such as Social Security, workers' compensation, and unemployment insurance).

Excluded from wages and salaries and employee benefits are such items as payment-in-kind, free room and board, and tips.

Notes on the data

The Employment Cost Index for changes in wages and salaries in the private nonfarm economy was published beginning in 1975. Changes in total compensation cost—wages and salaries and benefits combined—were published beginning in 1980. The series of changes in wages and salaries and for total compensation in the State and local government sector and in the civilian nonfarm economy (excluding Federal employees) were published beginning in 1981. Historical indexes (June 1981=100) of the quarterly rates of change are presented in the March issue of the BLS periodical, *Current Wage Developments*.

Additional sources of information

For a more detailed discussion of the Employment Cost Index, see the *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988); *Employment Cost Indexes and Levels, 1975-88*, Bulletin 2319 (Bureau of Labor Statistics, 1988); and the following *Monthly Labor Review* articles: "Estimation procedures for the Employment Cost Index," May 1982; and "Introducing new weights for the Employment Cost Index," June 1985.

Data on the ECI are also available in BLS quarterly press releases issued in the month following the reference months of March, June, September, and December; and from the *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

Collective bargaining settlements

Description of the series

Collective bargaining settlements data provide statistical measures of negotiated adjustments (increases, decreases, and freezes) in compensation (wage and benefit costs) and wages alone, quarterly for private industry and semiannually for

State and local government. Compensation measures cover all collective bargaining situations involving 5,000 workers or more and wage measures cover all situations involving 1,000 workers or more. These data, covering private nonagricultural industries and State and local governments, are calculated using information obtained from bargaining agreements on file with the Bureau, parties to the agreements, and secondary sources, such as newspaper accounts. The data are not seasonally adjusted.

Settlement data are measured in terms of future specified adjustments: those that will occur within 12 months of the contract effective date—first-year—and all adjustments that will occur over the life of the contract expressed as an average annual rate. Adjustments are worker weighted. Both first-year and over-the-life measures exclude wage changes that may occur under cost-of-living clauses that are triggered by future movements in the Consumer Price Index.

Effective wage adjustments measure all adjustments occurring in the reference period, regardless of the settlement date. Included are changes from settlements reached during the period, changes deferred from contracts negotiated in earlier periods, and changes under cost-of-living adjustment clauses. Each wage change is worker weighted. The changes are prorated over all workers under agreements during the reference period yielding the average adjustment.

Definitions

Wage rate changes are calculated by dividing newly negotiated wages by the average straight-time hourly wage rate plus shift premium at the time the agreement is reached. **Compensation changes** are calculated by dividing the change in the value of the newly negotiated wage and benefit package by existing average hourly compensation, which includes the cost of previously negotiated benefits, legally required social insurance programs, and average hourly earnings.

Compensation changes are calculated by placing a value on the benefit portion of the settlements at the time they are reached. The cost estimates are based on the assumption that conditions existing at the time of settlement (for example, methods of financing pensions or composition of labor force) will remain constant. The data, therefore, are measures of negotiated changes and not of total changes in employer cost.

Contract duration runs from the effective date of the agreement to the expiration date or first wage reopening date, if applicable. Average annual percent changes over

the contract term take account of the compounding of successive changes.

Notes on the data

Comparisons of major collective bargaining settlements for State and local government with those for private industry should note differences in occupational mix, bargaining practices, and settlement characteristics. Professional and white-collar employees, for example, make up a much larger proportion of the workers covered by government than by private industry settlements. Lump-sum payments and cost-of-living adjustments (COLA) clauses, on the other hand, are rare in government but common in private industry settlements. Also, State and local government bargaining frequently excludes items such as pension benefits and holidays, that are prescribed by law, while these items are typical bargaining issues in private industry.

Additional sources of information

For a more detailed discussion on the series, see the *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988). Comprehensive data are published in press releases issued quarterly (in January, April, July, and October) for private industry, and semiannually (in February and August) for State and local government. Historical data and additional detailed tabulations for the prior calendar year appear in the April issue of the BLS periodical, *Current Wage Developments*.

Work stoppages

Description of the series

Data on work stoppages measure the number and duration of major strikes or lockouts (involving 1,000 workers or more) occurring during the month (or year), the number of workers involved, and the amount of time lost because of stoppage.

Data are largely from newspaper accounts and cover only establishments directly involved in a stoppage. They do not measure the indirect or secondary effect of stoppages on other establishments whose employees are idle owing to material shortages or lack of service.

Definitions

Number of stoppages: The number of strikes and lockouts involving 1,000 workers or more and lasting a full shift or longer.

Workers involved: The number of workers directly involved in the stoppage.

Number of days idle: The aggregate number of workdays lost by workers involved in the stoppages.

Days of idleness as a percent of estimated working time: Aggregate workdays lost as a percent of the aggregate number of standard workdays in the period multiplied by total employment in the period.

Notes on the data

This series is not comparable with the one terminated in 1981 that covered strikes involving six workers or more.

Additional sources of information

Data for each calendar year are reported in a BLS press release issued in the first quarter of the following year. Monthly and historical data appear in the BLS periodical, *Current Wage Developments*. Historical data appear in the *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

Other compensation data

Other BLS data on pay and benefits, not included in the Current Labor Statistics section of the *Monthly Labor Review*, appear in and consist of the following:

Industry Wage Surveys provide data for specific occupations selected to represent an industry's wage structure and the types of activities performed by its workers. The Bureau collects information on weekly work schedules, shift operations and pay differentials, paid holiday and vacation practices, and information on the incidence of health, insurance, and retirement plans. Reports are issued throughout the year as the surveys are completed. Summaries of the data and special analyses also appear in the *Monthly Labor Review*.

Area Wage Surveys annually provide data for selected office, clerical, professional, technical, maintenance, toolroom, powerplant, material movement, and custodial occupations common to a wide variety of industries in the areas (labor markets) surveyed. Reports are issued throughout the year as the surveys are completed. Summaries of the data and special analyses also appear in the *Review*.

The National Survey of Professional, Administrative, Technical, and Clerical Pay provides detailed information annually on salary levels and distributions for the types of jobs mentioned in the survey's title in private employment. Although the definitions of the jobs surveyed reflect the duties and responsibilities in private industry, they are designed to match specific pay grades of Federal white-collar employees under the General Schedule pay system. Accordingly,

this survey provides the legally required information for comparing the pay of salaried employees in the Federal civil service with pay in private industry. (See Federal Pay Comparability Act of 1970, 5 U.S.C. 5305.) Data are published in a BLS news release issued in the summer and in a bulletin each fall; summaries and analytical articles also appear in the *Review*.

Employee Benefits Survey provides nationwide information on the incidence and characteristics of employee benefit plans in medium and large establishments in the United States, excluding Alaska and Hawaii. Data are published in an annual BLS news release and bulletin, as well as in special articles appearing in the *Review*.

Price Data

(Tables 2; 31-43)

PRICE DATA are gathered by the Bureau of Labor Statistics from retail and primary markets in the United States. Price indexes are given in relation to a base period (1982 = 100 for many Producer Price Indexes or 1982-84 = 100 for many Consumer Price Indexes, unless otherwise noted).

Consumer Price Indexes

Description of the series

The **Consumer Price Index** (CPI) is a measure of the average change in the prices paid by urban consumers for a fixed market basket of goods and services. The CPI is calculated monthly for two population groups, one consisting only of urban households whose primary source of income is derived from the employment of wage earners and clerical workers, and the other consisting of all urban households. The wage earner index (CPI-W) is a continuation of the historic index that was introduced well over a half-century ago for use in wage negotiations. As new uses were developed for the CPI in recent years, the need for a broader and more representative index became apparent. The all-urban consumer index (CPI-U), introduced in 1978, is representative of the 1982-84 buying habits of about 80 percent of the noninstitutional population of the United States at that time, compared with 32 percent represented in the CPI-W. In addition to wage earners and clerical workers, the CPI-U covers professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, retirees, and others not in the labor force.

The CPI is based on prices of food, clothing, shelter, fuel, drugs, transportation fares, doctors' and dentists' fees, and other goods

and services that people buy for day-to-day living. The quantity and quality of these items are kept essentially unchanged between major revisions so that only price changes will be measured. All taxes directly associated with the purchase and use of items are included in the index.

Data collected from more than 21,000 retail establishments and 60,000 housing units in 91 urban areas across the country are used to develop the "U.S. city average." Separate estimates for 27 major urban centers are presented in table 32. The areas listed are as indicated in footnote 1 to the table. The area indexes measure only the average change in prices for each area since the base period, and do not indicate differences in the level of prices among cities.

Notes on the data

In January 1983, the Bureau changed the way in which homeownership costs are measured for the CPI-U. A rental equivalence method replaced the asset-price approach to homeownership costs for that series. In January 1985, the same change was made in the CPI-W. The central purpose of the change was to separate shelter costs from the investment component of homeownership so that the index would reflect only the cost of shelter services provided by owner-occupied homes. An updated CPI-U and CPI-W were introduced with release of the January 1987 data.

Additional sources of information

For a discussion of the general method for computing the CPI, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988). The recent change in the measurement of homeownership costs is discussed in Robert Gillingham and Walter Lane, "Changing the treatment of shelter costs for homeowners in the CPI," *Monthly Labor Review*, July 1982, pp. 9-14. An overview of the recently introduced revised CPI, reflecting 1982-84 expenditure patterns, is contained in *The Consumer Price Index: 1987 Revision*, Report 736 (Bureau of Labor Statistics, 1987).

Additional detailed CPI data and regular analyses of consumer price changes are provided in the *CPI Detailed Report*, a monthly publication of the Bureau. Historical data for the overall CPI and for selected groupings may be found in the *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

Producer Price Indexes

Description of the series

Producer Price Indexes (PPI) measure

average changes in prices received by domestic producers of commodities in all stages of processing. The sample used for calculating these indexes currently contains about 3,100 commodities and about 75,000 quotations per month, selected to represent the movement of prices of all commodities produced in the manufacturing; agriculture, forestry, and fishing; mining; and gas and electricity and public utilities sectors. The stage of processing structure of Producer Price Indexes organizes products by class of buyer and degree of fabrication (that is, finished goods, intermediate goods, and crude materials). The traditional commodity structure of PPI organizes products by similarity of end use or material composition. The industry and product structure of PPI organizes data in accordance with the Standard Industrial Classification (SIC) and the product code extension of the SIC developed by the U.S. Bureau of the Census.

To the extent possible, prices used in calculating Producer Price Indexes apply to the first significant commercial transaction in the United States from the production or central marketing point. Price data are generally collected monthly, primarily by mail questionnaire. Most prices are obtained directly from producing companies on a voluntary and confidential basis. Prices generally are reported for the Tuesday of the week containing the 13th day of the month.

Since January 1987, price changes for the various commodities have been averaged together with implicit quantity weights representing their importance in the total net selling value of all commodities as of 1982. The detailed data are aggregated to obtain indexes for stage-of-processing groupings, commodity groupings, durability-of-product groupings, and a number of special composite groups. All Producer Price Index data are subject to revision 4 months after original publication.

Notes on the data

Beginning with the January 1986 issue, the *Review* is no longer presenting tables of Producer Price Indexes for commodity groupings or special composite groups. However, these data will continue to be presented in the Bureau's monthly publication, *Producer Price Indexes*.

The Bureau has completed the first major stage of its comprehensive overhaul of the theory, methods, and procedures used to construct the Producer Price Indexes. Changes include the replacement of judgment sampling with probability sampling techniques; expansion to systematic coverage of the net output of virtually all industries in the mining and manufacturing

sectors; a shift from a commodity to an industry orientation; the exclusion of imports from, and the inclusion of exports in, the survey universe; and the respecification of commodities priced to conform to Bureau of the Census definitions. These and other changes have been phased in gradually since 1978. The result is a system of indexes that is easier to use in conjunction with data on wages, productivity, and employment and other series that are organized in terms of the Standard Industrial Classification and the census product class designations.

Additional sources of information

For a discussion of the methodology for computing Producer Price Indexes, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988).

Additional detailed data and analyses of price changes are provided monthly in *Producer Price Indexes*. Selected historical data may be found in the *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

International Price Indexes

Description of the series

The BLS **International Price Program** produces quarterly export and import price indexes for nonmilitary goods traded between the United States and the rest of the world. The export price index provides a measure of price change for all products sold by U.S. residents to foreign buyers. ("Residents" is defined as in the national income accounts: it includes corporations, businesses, and individuals but does not require the organizations to be U.S. owned nor the individuals to have U.S. citizenship.) The import price index provides a measure of price change for goods purchased from other countries by U.S. residents. With publication of an all-import index in February 1983 and an all-export index in February 1984, all U.S. merchandise imports and exports now are represented in these indexes. The reference period for the indexes is 1985=100, unless otherwise indicated.

The product universe for both the import and export indexes includes raw materials, agricultural products, semifinished manufactures, and finished manufactures, including both capital and consumer goods. Price data for these items are collected quarterly by mail questionnaire. In nearly all cases, the data are collected directly from the exporter or importer, although in a few cases, prices are obtained from other sources.

To the extent possible, the data gathered refer to prices at the U.S. border for exports

and at either the foreign border or the U.S. border for imports. For nearly all products, the prices refer to transactions completed during the first 2 weeks of the third month of each calendar quarter—March, June, September, and December. Survey respondents are asked to indicate all discounts, allowances, and rebates applicable to the reported prices, so that the price used in the calculation of the indexes is the actual price for which the product was bought or sold.

In addition to general indexes of prices for U.S. exports and imports, indexes are also published for detailed product categories of exports and imports. These categories are defined by the 4- and 5-digit level of detail of the Standard International Trade Classification System (SITC). The calculation of indexes by SITC category facilitates the comparison of U.S. price trends and sector production with similar data for other countries. Detailed indexes are also computed and published on a Standard Industrial Classification (SIC-based) basis, as well as by end-use class.

Notes on the data

The export and import price indexes are weighted indexes of the Laspeyres type. Price relatives are assigned equal importance within each weight category and are then aggregated to the SITC level. The values assigned to each weight category are based on trade value figures compiled by the Bureau of the Census. The trade weights currently used to compute both indexes relate to 1985.

Because a price index depends on the same items being priced from period to period, it is necessary to recognize when a product's specifications or terms of transaction have been modified. For this reason, the Bureau's quarterly questionnaire requests detailed descriptions of the physical and functional characteristics of the products being priced, as well as information on the number of units bought or sold, discounts, credit terms, packaging, class of buyer or seller, and so forth. When there are changes in either the specifications or terms of transaction of a product, the dollar value of each change is deleted from the total price change to obtain the "pure" change. Once this value is determined, a linking procedure is employed which allows for the continued re-ricing of the item.

For the export price indexes, the preferred pricing basis is f.a.s. (free alongside ship) U.S. port of exportation. When firms report export prices f.o.b. (free on board), production point information is collected which enables the Bureau to calculate a shipment cost to the port of exportation. An attempt is made to collect two prices for

imports. The first is the import price f.o.b. at the foreign port of exportation, which is consistent with the basis for valuation of imports in the national accounts. The second is the import price c.i.f. (cost, insurance, and freight) at the U.S. port of importation, which also includes the other costs associated with bringing the product to the U.S. border. It does not, however, include duty charges. For a given product, only one price basis series is used in the construction of an index.

Beginning in 1988, the Bureau has also been publishing a series of indexes which represent the price of U.S. exports and imports in foreign currency terms.

Additional sources of information

For a discussion of the general method of computing International Price Indexes, see *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988).

Additional detailed data and analyses of international price developments are presented in the Bureau's quarterly publication, *U.S. Import and Export Price Indexes* and in occasional *Monthly Labor Review* articles prepared by BLS analysts. Selected historical data may be found in the *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989). For further information on the foreign currency indexes, see "BLS publishes average exchange rate and foreign currency price indexes," *Monthly Labor Review*, December 1987, pp. 47-49.

Productivity Data

(Tables 2; 44-47)

Business sector and major sectors

Description of the series

The productivity measures relate real physical output to real input. As such, they encompass a family of measures which include single-factor input measures, such as output per unit of labor input (output per hour) or output per unit of capital input, as well as measures of multifactor productivity (output per unit of combined labor and capital inputs). The Bureau indexes show the change in output relative to changes in the various inputs. The measures cover the business, nonfarm business, manufacturing, and nonfinancial corporate sectors.

Corresponding indexes of hourly compensation, unit labor costs, unit nonlabor payments, and prices are also provided.

Definitions

Output per hour of all persons (labor

productivity) is the value of goods and services in constant prices produced per hour of labor input. **Output per unit of capital services** (capital productivity) is the value of goods and services in constant dollars produced per unit of capital services input.

Multifactor productivity is the value of goods and services in constant prices produced per combined unit of labor and capital inputs. Changes in this measure reflect changes in a number of factors which affect the production process, such as changes in technology, shifts in the composition of the labor force, changes in capacity utilization, research and development, skill and effort of the work force, management, and so forth. Changes in the output per hour measures reflect the impact of these factors as well as the substitution of capital for labor.

Compensation per hour is the wages and salaries of employees plus employers' contributions for social insurance and private benefit plans, and the wages, salaries, and supplementary payments for the self-employed (except for nonfinancial corporations in which there are no self-employed)—the sum divided by hours at work. **Real compensation per hour** is compensation per hour deflated by the change in Consumer Price Index for All Urban Consumers.

Unit labor costs are the labor compensation costs expended in the production of a unit of output and are derived by dividing compensation by output. **Unit nonlabor payments** include profits, depreciation, interest, and indirect taxes per unit of output. They are computed by subtracting compensation of all persons from current-dollar value of output and dividing by output. **Unit nonlabor costs** contain all the components of unit nonlabor payments *except* unit profits.

Unit profits include corporate profits with inventory valuation and capital consumption adjustments per unit of output.

Hours of all persons are the total hours at work of payroll workers, self-employed persons, and unpaid family workers.

Capital services is the flow of services from the capital stock used in production. It is developed from measures of the net stock of physical assets—equipment, structures, land, and inventories—weighted by rental prices for each type of asset.

Combined units of labor and capital inputs are derived by combining changes in labor and capital input with weights which represent each component's share of total output. The indexes for capital services and combined units of labor and capital are based on changing weights which are averages of the shares in the current and preceding year (the Tornquist index-number formula).

Notes on the data

The output measure for the business sector is equal to constant-dollar gross national product but excludes the rental value of owner-occupied dwellings, the rest-of-world sector, the output of non-profit institutions, the output of paid employees of private households, general government, and the statistical discrepancy. Output of the nonfarm business sector is equal to business sector output less farming. The measures are derived from data supplied by the Bureau of Economic Analysis, U.S. Department of Commerce, and the Federal Reserve Board. Quarterly manufacturing output indexes are adjusted by the Bureau of Labor Statistics to annual estimates of manufacturing output (gross product originating) from the Bureau of Economic Analysis. Compensation and hours data are developed from data of the Bureau of Labor Statistics and the Bureau of Economic Analysis.

The productivity and associated cost measures in tables 44–47 describe the relationship between output in real terms and the labor time and capital services involved in its production. They show the changes from period to period in the amount of goods and services produced per unit of input. Although these measures relate output to hours and capital services, they do not measure the contributions of labor, capital, or any other specific factor of production. Rather, they reflect the joint effect of many influences, including changes in technology; capital investment; level of output; utilization of capacity, energy, and materials; the organization of production; managerial skill; and the characteristics and efforts of the work force.

Additional sources of information

Descriptions of methodology underlying the measurement of output per hour and multifactor productivity are found in the *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988). Historical data are provided in *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989).

Industry productivity measures

Description of the series

The BLS industry productivity data supplement the measures for the business economy and major sectors with annual measures of labor productivity for selected industries at the 3- and 4-digit levels of the Standard Industrial Classification system. The industry measures differ in methodology and data sources from the productivity measures for the major sec-

tors because the industry measures are developed independently of the National Income and Product Accounts framework used for the major sector measures.

Definitions

Output per employee hour is derived by dividing an index of industry output by an index of aggregate hours of all employees. Output indexes are based on quantifiable units of products or services, or both, combined with fixed-period weights. Whenever possible, physical quantities are used as the unit of measurement for output. If quantity data are not available for a given industry, data on the constant-dollar value of production are used.

The labor input series consist of the hours of all employees (production and nonproduction workers), the hours of all persons (paid employees, partners, proprietors, and unpaid family workers), or the number of employees, depending upon the industry.

Notes on the data

The industry measures are compiled from data produced by the Bureau of Labor Statistics, the Departments of Commerce, Interior, and Agriculture, the Federal Reserve Board, regulatory agencies, trade associations, and other sources.

For most industries, the productivity indexes refer to the output per hour of all employees. For some transportation industries, only indexes of output per employee are prepared. For some trade and service industries, indexes of output per hour of all persons (including self-employed) are constructed.

Additional sources of information

For a listing of available industry productivity indexes and their components, see *Productivity Measures for Selected Industries and Government Services*, Bulletin 2322 (Bureau of Labor Statistics, 1989). For additional information about the methodology for computing the industry productivity measures, see the *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988), chapter 11.

International Comparisons

(Tables 48–50)

Labor force and unemployment

Description of the series

Tables 48 and 49 present comparative measures of the labor force, employment,

and unemployment—approximating U.S. concepts—for the United States, Canada, Australia, Japan, and several European countries. The unemployment statistics (and, to a lesser extent, employment statistics) published by other industrial countries are not, in most cases, comparable to U.S. unemployment statistics. Therefore, the Bureau adjusts the figures for selected countries, where necessary, for all known major definitional differences. Although precise comparability may not be achieved, these adjusted figures provide a better basis for international comparisons than the figures regularly published by each country.

Definitions

For the principal U.S. definitions of the labor force, employment, and **unemployment**, see the Notes section on **EMPLOYMENT AND UNEMPLOYMENT DATA: Household Survey Data**.

Notes on the data

The adjusted statistics have been adapted to the age at which compulsory schooling ends in each country, rather than to the U.S. standard of 16 years of age and over. Therefore, the adjusted statistics relate to the population age 16 and over in France, Sweden, and from 1973 onward, the United Kingdom; 15 and over in Canada, Australia, Japan, Germany, the Netherlands, and prior to 1973, the United Kingdom; and 14 and over in Italy. The institutional population is included in the denominator of the labor force participation rates and employment-population ratios for Japan and Germany; it is excluded for the United States and the other countries.

In the U.S. labor force survey, persons on layoff who are awaiting recall to their jobs are classified as unemployed. European and Japanese layoff practices are quite different in nature from those in the United States; therefore, strict application of the U.S. definition has not been made on this point. For further information, see *Monthly Labor Review*, December 1981, pp. 8–11.

The figures for one or more recent years for France, Germany, Italy, the Netherlands, and the United Kingdom are calculated using adjustment factors based on labor force surveys for earlier years and are considered preliminary. The recent-year measures for these countries are, therefore, subject to revision whenever data from more current labor force surveys become available.

There are breaks in the data series for Germany (1983), Italy (1986), the Netherlands (1983), and Sweden (1987). For both Germany and the Netherlands, the breaks

reflect the replacement of labor force survey results tabulated by the national statistical offices with those tabulated by the European Community Statistical Office (EUROSTAT). The Dutch figures for 1983 onward also reflect the replacement of man-year employment data with data from the Dutch Survey of Employed Persons. The impact of the changes was to lower the adjusted unemployment rate by 0.3 percentage point for Germany and by about 2 percentage points for the Netherlands.

For Italy, the break in series reflects more accurate enumeration of time of last job search. This resulted in a significant increase in the number of people reported as seeking work in the last 30 days. The impact was to increase the Italian unemployment rates approximating U.S. concepts by about 1 percentage point.

Sweden introduced a new questionnaire. Questions regarding current availability were added and the period of active work-seeking was reduced from 60 days to 4 weeks. These changes result in lowering Sweden's unemployment rate by 0.5 percentage point.

Additional sources of information

For further information, see *International Comparisons of Unemployment*, Bulletin 1979 (Bureau of Labor Statistics, 1978), Appendix B, and Supplements to Appendix B. The statistics are also analyzed periodically in the *Monthly Labor Review*. Additional historical data, generally beginning with 1959, are published in the *Handbook of Labor Statistics* and are available in statistical supplements to Bulletin 1979.

Manufacturing productivity and labor costs

Description of the series

Table 50 presents comparative measures of manufacturing labor productivity, hourly compensation costs, and unit labor costs for the United States, Canada, Japan, and nine European countries. These measures are limited to trend comparisons—that is, intercountry series of changes over time—rather than level comparisons because reliable international comparisons of the levels of manufacturing output are unavailable.

Definitions

Output is constant value output (value added), generally taken from the national accounts of each country. While the national accounting methods for measuring

real output differ considerably among the 12 countries, the use of different procedures does not, in itself, connote lack of comparability—rather, it reflects differences among countries in the availability and reliability of underlying data series.

Hours refer to all employed persons including the self-employed in the United States and Canada; to all wage and salary employees in the other countries. The U.S. hours measure is hours paid; the hours measures for the other countries are hours worked.

Compensation (labor cost) includes all payments in cash or kind made directly to employees plus employer expenditures for legally required insurance programs and contractual and private benefit plans. In addition, for some countries, compensation is adjusted for other significant taxes on payrolls or employment (or reduced to reflect subsidies), even if they are not for the direct benefit of workers, because such taxes are regarded as labor costs. However, compensation does not include all items of labor cost. The costs of recruitment, employee training, and plant facilities and services—such as cafeterias and medical clinics—are not covered because data are not available for most countries. Self-employed workers are included in the U.S. and Canadian compensation figures by assuming that their hourly compensation is equal to the average for wage and salary employees.

Notes on the data

For most of the countries, the measures refer to total manufacturing as defined by the International Standard Industrial Classification. However, the measures for France (beginning 1959), Italy (beginning 1970), and the United Kingdom (beginning 1971), refer to manufacturing and mining less energy-related products and the figures for the Netherlands exclude petroleum refining from 1969 to 1976. For all countries, manufacturing includes the activities of government enterprises.

The figures for one or more recent years are generally based on current indicators of manufacturing output, employment, hours and hourly compensation and are considered preliminary until the national accounts and other statistics used for the long-term measures become available.

Additional sources of information

For additional information, see the *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988), and periodic *Monthly Labor Review* articles. Historical data are provided in the *Handbook of Labor Statistics*, Bulletin 2217 (Bureau of Labor Statistics, 1985). The

statistics are issued twice per year—in a news release (generally in June) and in a *Monthly Labor Review* article.

Occupational Injury and Illness Data

(Table 51)

Description of the series

The Annual Survey of Occupational Injuries and Illnesses is designed to collect data on injuries and illnesses based on records which employers in the following industries maintain under the Occupational Safety and Health Act of 1970: agriculture, forestry, and fishing; oil and gas extraction; construction; manufacturing; transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. Excluded from the survey are self-employed individuals, farmers with fewer than 11 employees, employers regulated by other Federal safety and health laws, and Federal, State, and local government agencies.

Because the survey is a Federal-State cooperative program and the data must meet the needs of participating State agencies, an independent sample is selected for each State. The sample is selected to represent all private industries in the States and territories. The sample size for the survey is dependent upon (1) the characteristics for which estimates are needed; (2) the industries for which estimates are desired; (3) the characteristics of the population being sampled; (4) the target reliability of the estimates; and (5) the survey design employed.

While there are many characteristics upon which the sample design could be based, the total recorded case incidence rate is used because it is one of the most important characteristics and the least variable; therefore, it requires the smallest sample size.

The survey is based on stratified random sampling with a Neyman allocation and a ratio estimator. The characteristics used to stratify the establishments are the Standard Industrial Classification (SIC) code and size of employment.

Definitions

Recordable occupational injuries and illnesses are: (1) occupational deaths, regardless of the time between injury and death, or the length of the illness; or (2) nonfatal occupational illnesses; or (3) nonfatal occupational injuries which involve one or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical

treatment (other than first aid).

Occupational injury is any injury, such as a cut, fracture, sprain, amputation, and so forth, which results from a work accident or from exposure involving a single incident in the work environment.

Occupational illness is an abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or disease which may be caused by inhalation, absorption, ingestion, or direct contact.

Lost workday cases are cases which involve days away from work, or days of restricted work activity, or both.

Lost workday cases involving restricted work activity are those cases which result in restricted work activity only.

Lost workdays away from work are the number of workdays (consecutive or not) on which the employee would have worked but could not because of occupational injury or illness.

Lost workdays—restricted work activity are the number of workdays (consecutive or not) on which, because of injury or illness: (1) the employee was assigned to another job on a temporary basis; or (2) the employee worked at a permanent job less than full time; or (3) the employee worked at a permanently assigned job but could not perform all duties normally connected with it.

The number of days away from work or days of restricted work activity does not include the day of injury or onset of illness

or any days on which the employee would not have worked even though able to work.

Incidence rates represent the number of injuries and/or illnesses or lost workdays per 100 full-time workers.

Notes on the data

Estimates are made for industries and employment-size classes and for severity classification: fatalities, lost workday cases, and nonfatal cases without lost workdays. Lost workday cases are separated into those where the employee would have worked but could not and those in which work activity was restricted. Estimates of the number of cases and the number of days lost are made for both categories.

Most of the estimates are in the form of incidence rates, defined as the number of injuries and illnesses, or lost workdays per 100 full-time employees. For this purpose, 200,000 employee hours represent 100 employee years (2,000 hours per employee). A few of the available measures are included in the *Handbook of Labor Statistics*. Full detail is presented in the annual bulletin, *Occupational Injuries and Illnesses in the United States, by Industry*.

Comparable data for individual States are available from the BLS Office of Safety, Health, and Working Conditions.

Mining and railroad data are furnished to BLS by the Mine Safety and Health Administration and the Federal Railroad Administration, respectively. Data from these organizations are included in BLS and State publications. Federal employee experience

is compiled and published by the Occupational Safety and Health Administration. Data on State and local government employees are collected by about half of the States and territories; these data are not compiled nationally.

Additional sources of information

The Supplementary Data System provides detailed information describing various factors associated with work-related injuries and illnesses. These data are obtained from information reported by employers to State workers' compensation agencies. The Work Injury Report program examines selected types of accidents through an employee survey which focuses on the circumstances surrounding the injury. These data are not included in the *Handbook of Labor Statistics* but are available from the BLS Office of Safety, Health, and Working Conditions.

The definitions of occupational injuries and illnesses and lost workdays are from *Recordkeeping Requirements under the Occupational Safety and Health Act of 1970*. For additional data, see *Occupational Injuries and Illnesses in the United States, by Industry*, annual Bureau of Labor Statistics bulletin; *BLS Handbook of Methods*, Bulletin 2285 (Bureau of Labor Statistics, 1988); *Handbook of Labor Statistics*, Bulletin 2340 (Bureau of Labor Statistics, 1989), pp. 411-14; annual reports in the *Monthly Labor Review*; and annual U.S. Department of Labor press releases. □

Current Labor Statistics: Comparative Indicators

1. Labor market indicators

Selected indicators	1988	1989	1988	1989				1990		
			IV	I	II	III	IV	I	II	III
Employment data										
Employment status of the civilian noninstitutionalized population (household survey): ¹										
Labor force participation rate	65.9	66.5	66.1	66.3	66.5	66.5	66.5	66.5	66.5	66.3
Employment-population ratio	62.3	63.0	62.6	62.9	63.0	63.0	63.0	63.0	63.0	62.6
Unemployment rate	5.5	5.3	5.3	5.2	5.3	5.3	5.3	5.2	5.3	5.6
Men	5.5	5.2	5.3	5.2	5.1	5.2	5.3	5.2	5.4	5.7
16 to 24 years	11.4	11.4	11.1	11.2	11.1	11.4	11.8	11.0	11.4	11.7
25 years and over	4.2	3.9	4.1	3.9	3.9	3.9	4.0	4.1	4.1	4.5
Women	5.6	5.4	5.3	5.2	5.4	5.4	5.4	5.3	5.2	5.5
16 to 24 years	10.6	10.4	10.3	10.2	10.4	10.5	10.4	10.2	10.2	11.0
25 years and over	4.3	4.2	4.1	4.1	4.2	4.2	4.3	4.2	4.1	4.3
Unemployment rate, 15 weeks and over	1.3	1.1	1.2	1.1	1.1	1.1	1.1	1.1	1.1	1.3
Employment, nonfarm (payroll data), in thousands: ¹										
Total	105,536	108,413	106,766	107,630	108,162	108,662	109,203	109,911	110,541	110,655
Private sector	88,150	90,644	89,215	90,006	90,443	90,829	91,299	91,845	92,108	92,309
Goods-producing	25,173	25,326	25,295	25,362	25,353	25,329	25,260	25,262	25,178	25,016
Manufacturing	19,350	19,426	19,455	19,514	19,474	19,413	19,308	19,211	19,168	19,078
Service-producing	80,363	83,087	81,471	82,267	82,809	83,333	83,942	84,649	85,363	85,639
Average hours:										
Private sector	34.7	34.6	34.7	34.6	34.6	34.6	34.5	34.5	34.6	34.6
Manufacturing	41.1	41.0	41.1	41.1	41.0	41.0	40.7	40.8	40.9	41.0
Overtime	3.9	3.8	3.9	3.9	3.8	3.8	3.7	3.6	3.7	3.7
Employment Cost Index										
Percent change in the ECI, compensation:										
All workers (excluding farm, household, and Federal workers)	4.9	5.0	1.0	1.2	1.1	1.6	1.0	1.7	1.1	1.4
Private industry workers	4.8	4.8	1.0	1.2	1.2	1.2	1.1	1.6	1.3	1.0
Goods-producing ²	4.4	4.3	.8	1.0	1.1	1.1	1.0	1.8	1.3	1.0
Service-producing ²	5.1	5.1	1.1	1.5	1.2	1.3	1.0	1.5	1.3	1.0
State and local government workers	5.6	6.2	1.1	1.2	.6	3.3	1.0	1.4	.7	2.7
Workers by bargaining status (private industry):										
Union	3.9	3.7	.5	.8	1.0	.9	.9	1.5	.8	1.0
Nonunion	5.1	5.1	1.1	1.4	1.2	1.4	1.0	1.7	1.3	1.0

¹ Quarterly data seasonally adjusted.

² Goods-producing industries include mining, construction, and manufacturing. Service-producing industries include all other private sector industries.

2. Annual and quarterly percent changes in compensation, prices, and productivity

Selected measures	1988	1989	1988					1989				1990		
			IV	I	II	III	IV	I	II	III	IV	I	II	III
Compensation data:^{1, 2}														
Employment Cost Index--compensation (wages, salaries, benefits):														
Civilian nonfarm	4.9	5.0	1.0	1.2	1.1	1.6	1.0	1.7	1.1	1.4				
Private nonfarm	4.8	4.8	1.0	1.2	1.2	1.2	1.1	1.6	1.3	1.0				
Employment Cost Index--wages and salaries:														
Civilian nonfarm	4.3	4.4	.9	1.1	.8	1.6	.8	1.2	1.1	1.2				
Private nonfarm	4.1	4.1	1.0	1.0	1.0	1.2	.8	1.2	1.3	.9				
Price data:¹														
Consumer Price Index (All urban consumers): All items	4.4	4.6	.6	1.5	1.5	.7	.9	2.1	.9	2.2				
Producer Price Index:														
Finished goods	4.0	4.9	1.3	1.9	2.0	-.6	1.6	1.6	.5	2.1				
Finished consumer goods	4.0	5.3	1.1	2.2	2.3	-.8	1.5	1.8	.6	2.7				
Capital equipment	3.6	3.8	1.8	.9	1.1	.1	1.6	.9	.5	.3				
Intermediate materials, supplies, components	5.6	2.3	.6	1.9	1.1	-.3	-.4	.4	.6	2.8				
Crude materials	3.1	7.1	.6	6.1	.9	-1.7	1.9	1.3	-4.2	13.7				
Productivity data:³														
Output per hour of all persons:														
Business sector	2.2	-.5	-1.6	-.5	.1	-1.6	-2.3	-.9	.6	.4				
Nonfarm business sector	2.5	-.7	.2	-2.7	-.3	-1.0	-2.5	-1.3	.3	.2				
Nonfinancial corporations ⁴	1.4	-1.6	-1.4	-3.6	-1.1	.6	-4.6	-1.5	1.9	-1.0				

¹ Annual changes are December-to-December change. Quarterly changes are calculated using the last month of each quarter. Compensation and price data are not seasonally adjusted and the price data are not compounded.

² Excludes Federal and private household workers.

³ Annual rates of change are computed by comparing annual averages.

Quarterly percent changes reflect annual rates of change in quarterly indexes. The data are seasonally adjusted.

⁴ Output per hour of all employees.

3. Alternative measures of wage and compensation changes

Components	Quarterly average						Four quarters ended--					
	1989			1990			1989			1990		
	II	III	IV	I	II	III	II	III	IV	I	II	III
Average hourly compensation:¹												
All persons, business sector	2.6	1.1	2.2	4.5	5.4	4.5	3.7	2.6	2.3	2.6	3.3	4.1
All persons, nonfarm business sector	1.7	1.6	2.3	3.9	5.0	4.6	3.5	2.6	2.2	2.4	3.2	3.9
Employment Cost Index--compensation:												
Civilian nonfarm ²	1.1	1.6	1.0	1.7	1.1	1.4	4.8	5.1	5.0	5.5	5.4	5.2
Private nonfarm	1.2	1.2	1.1	1.6	1.3	1.0	4.5	4.8	4.8	5.2	5.2	4.9
Union	1.0	.9	.9	1.5	.8	1.0	3.1	3.3	3.7	4.3	4.1	4.2
Nonunion	1.2	1.4	1.0	1.7	1.3	1.0	4.9	5.3	5.1	5.4	5.5	5.1
State and local governments .....	.6	3.3	1.0	1.4	.7	2.7	5.8	6.4	6.2	6.4	6.5	5.9
Employment Cost Index--wages and salaries:												
Civilian nonfarm ² .....	.8	1.6	.8	1.2	1.1	1.2	4.3	4.5	4.4	4.4	4.7	4.3
Private nonfarm	1.0	1.2	.8	1.2	1.3	.9	4.1	4.3	4.1	4.2	4.5	4.2
Union .....	.8	.6	1.0	1.0	.7	.9	2.6	2.4	3.1	3.4	3.3	3.6
Nonunion	1.0	1.3	.8	1.3	1.4	1.0	4.6	4.9	4.5	4.4	4.8	4.4
State and local governments .....	.5	3.1	.8	1.2	.6	2.7	5.0	5.5	5.3	5.6	5.7	5.3
Total effective wage adjustments³												
From current settlements .....	.3	.4	.4	.2	.3	.6	.7	.9	1.2	1.3	1.2	1.4
From prior settlements .....	.5	.4	.2	.3	.6	.4	1.3	1.3	1.3	1.2	1.4	1.4
From cost-of-living provision .....	.2	.2	.1	.1	.3	.1	.8	.8	.7	.7	.7	.6
Negotiated wage adjustments from settlements:³												
First-year adjustments	3.9	3.6	4.9	3.7	4.5	3.7	3.2	3.5	4.0	4.0	4.2	4.2
Annual rate over life of contract	3.3	3.0	4.0	3.3	4.1	2.8	2.9	3.0	3.4	3.4	3.6	3.5
Negotiated wage and benefit adjustments from settlements:⁴												
First-year adjustment	5.1	3.9	5.3	4.6	5.8	4.0	3.8	4.0	4.5	4.6	4.8	4.8
Annual rate over life of contract	3.4	2.7	4.3	3.6	4.8	2.7	3.0	2.8	3.4	3.5	3.7	3.6

¹ Seasonally adjusted.

² Excludes Federal and household workers.

³ Limited to major collective bargaining units of 1,000 workers or more. The

most recent data are preliminary.

⁴ Limited to major collective bargaining units of 5,000 workers or more. The most recent data are preliminary.

Current Labor Statistics: Employment Data

4. Employment status of the total population, by sex, monthly data seasonally adjusted

(Numbers in thousands)

Employment status	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
TOTAL															
Noninstitutional population ^{1, 2}	186,322	188,081	188,721	188,865	188,990	189,090	189,198	189,326	189,467	189,607	189,763	189,901	190,002	190,095	190,312
Labor force ²	123,378	125,557	126,192	126,246	126,094	126,308	126,498	126,543	126,643	126,466	126,394	126,300	126,568	126,354	126,231
Participation rate ³	66.2	66.8	66.9	66.8	66.7	66.8	66.9	66.8	66.8	66.7	66.6	66.5	66.6	66.5	66.3
Total employed ²	116,677	119,030	119,540	119,588	119,560	119,713	120,003	119,773	119,989	120,019	119,580	119,298	119,499	119,281	118,876
Employment-population ratio ⁴	62.6	63.3	63.3	63.3	63.3	63.3	63.4	63.3	63.3	63.3	63.0	62.8	62.9	62.7	62.5
Resident Armed Forces ¹	1,709	1,688	1,704	1,700	1,697	1,678	1,669	1,657	1,639	1,630	1,627	1,640	1,601	1,570	1,615
Civilian employed	114,968	117,342	117,836	117,888	117,863	118,035	118,334	118,116	118,350	118,389	117,953	117,658	117,898	117,711	117,261
Agriculture	3,169	3,199	3,160	3,197	3,134	3,079	3,200	3,133	3,305	3,348	3,085	3,137	3,181	3,167	3,190
Nonagricultural industries	111,800	114,142	114,676	114,691	114,728	114,957	115,133	114,983	115,045	115,041	114,867	114,521	114,717	114,545	114,071
Unemployed	6,701	6,528	6,652	6,658	6,535	6,594	6,495	6,770	6,653	6,447	6,814	7,003	7,069	7,073	7,355
Unemployment rate ⁵	5.4	5.2	5.3	5.3	5.2	5.2	5.1	5.3	5.3	5.1	5.4	5.5	5.6	5.6	5.8
Not in labor force	62,944	62,523	62,529	62,619	62,896	62,782	62,700	62,783	62,824	63,141	63,369	63,601	63,434	63,741	64,081
Men, 16 years and over															
Noninstitutional population ^{1, 2}	89,404	90,283	90,606	90,678	90,772	90,822	90,874	90,942	91,014	91,087	91,168	91,240	91,271	91,299	91,440
Labor force ²	68,474	69,360	69,635	69,725	69,539	69,639	69,712	69,779	69,737	69,599	69,544	69,459	69,809	69,780	69,874
Participation rate ³	76.6	76.8	76.9	76.9	76.6	76.7	76.7	76.7	76.6	76.4	76.3	76.1	76.5	76.4	76.4
Total employed ²	64,820	65,835	66,011	66,143	65,943	66,108	66,208	66,043	66,058	66,000	65,740	65,596	65,867	65,862	65,759
Employment-population ratio ⁴	72.5	72.9	72.9	72.9	72.6	72.8	72.9	72.6	72.6	72.5	72.1	71.9	72.2	72.1	71.9
Resident Armed Forces ¹	1,547	1,520	1,529	1,525	1,523	1,506	1,497	1,499	1,472	1,465	1,462	1,475	1,441	1,414	1,453
Civilian employed	63,273	64,315	64,482	64,618	64,420	64,602	64,711	64,544	64,586	64,535	64,278	64,121	64,426	64,448	64,306
Unemployed	3,655	3,525	3,624	3,582	3,597	3,530	3,505	3,735	3,679	3,599	3,804	3,863	3,943	3,918	4,116
Unemployment rate ⁵	5.3	5.1	5.2	5.1	5.2	5.1	5.0	5.4	5.3	5.2	5.5	5.6	5.6	5.6	5.9
Women, 16 years and over															
Noninstitutional population ^{1, 2}	96,918	97,798	98,115	98,187	98,218	98,268	98,324	98,383	98,453	98,520	98,595	98,661	98,731	98,796	98,872
Labor force ²	54,904	56,198	56,557	56,521	56,555	56,689	56,785	56,764	56,906	56,867	56,849	56,842	56,758	56,575	56,357
Participation rate ³	56.6	57.5	57.6	57.6	57.6	57.7	57.8	57.7	57.8	57.7	57.7	57.7	57.6	57.5	57.3
Total employed ²	51,858	53,195	53,529	53,445	53,617	53,605	53,795	53,729	53,931	54,019	53,839	53,702	53,632	53,419	53,117
Employment-population ratio ⁴	53.5	54.4	54.6	54.4	54.6	54.5	54.7	54.6	54.8	54.8	54.6	54.4	54.3	54.1	53.7
Resident Armed Forces ¹	162	168	175	175	174	172	172	158	167	165	165	165	160	156	162
Civilian employed	51,696	53,027	53,354	53,270	53,443	53,433	53,623	53,571	53,764	53,854	53,674	53,537	53,472	53,263	52,955
Unemployed	3,046	3,003	3,028	3,076	2,938	3,064	2,990	3,034	2,975	2,848	3,010	3,140	3,126	3,156	3,240
Unemployment rate ⁵	5.5	5.3	5.4	5.4	5.2	5.4	5.3	5.3	5.2	5.0	5.3	5.5	5.5	5.5	5.7

¹ The population and Armed Forces figures are not adjusted for seasonal variation.

² Includes members of the Armed Forces stationed in the United States.

³ Labor force as a percent of the noninstitutional population.

⁴ Total employed as a percent of the noninstitutional population.

⁵ Unemployment as a percent of the labor force (including the resident Armed Forces).

5. Employment status of the civilian population, by sex, age, race and Hispanic origin, monthly data seasonally adjusted

(Numbers in thousands)

Employment status	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
TOTAL															
Civilian noninstitutional population ¹	184,613	186,393	187,017	187,165	187,293	187,412	187,529	187,669	187,828	187,977	188,136	188,261	188,401	188,525	188,697
Civilian labor force	121,669	123,869	124,488	124,546	124,397	124,630	124,829	124,886	125,004	124,836	124,767	124,660	124,967	124,784	124,616
Participation rate	65.9	66.5	66.6	66.5	66.4	66.5	66.6	66.6	66.6	66.4	66.3	66.2	66.3	66.2	66.0
Employed	114,968	117,342	117,836	117,888	117,863	118,035	118,334	118,116	118,350	118,389	117,953	117,658	117,898	117,711	117,261
Employment-population ratio ²	62.3	63.0	63.0	63.0	62.9	63.0	63.1	62.9	63.0	63.0	62.7	62.5	62.6	62.4	62.1
Unemployed	6,701	6,528	6,652	6,658	6,535	6,594	6,495	6,770	6,653	6,447	6,814	7,003	7,069	7,073	7,355
Unemployment rate	5.5	5.3	5.3	5.3	5.3	5.3	5.2	5.4	5.3	5.2	5.5	5.6	5.7	5.7	5.9
Not in labor force	62,944	62,523	62,529	62,619	62,896	62,782	62,700	62,783	62,824	63,141	63,369	63,601	63,434	63,741	64,081
Men, 20 years and over															
Civilian noninstitutional population ¹	80,553	81,619	81,968	82,055	82,168	82,248	82,378	82,487	82,581	82,676	82,790	82,862	82,940	83,013	83,092
Civilian labor force	62,768	63,704	63,967	64,071	63,958	64,101	64,183	64,251	64,312	64,364	64,344	64,362	64,573	64,559	64,649
Participation rate	77.9	78.1	78.0	78.1	77.8	77.9	77.9	77.9	77.9	77.7	77.7	77.7	77.9	77.8	77.8
Employed	59,781	60,837	61,033	61,154	60,976	61,172	61,270	61,138	61,265	61,345	61,196	61,143	61,264	61,270	61,185
Employment-population ratio ²	74.2	74.5	74.5	74.5	74.2	74.4	74.4	74.1	74.2	74.2	73.9	73.8	73.9	73.8	73.6
Agriculture	2,271	2,307	2,292	2,293	2,269	2,254	2,268	2,258	2,388	2,400	2,262	2,246	2,295	2,271	2,305
Nonagricultural industries	57,510	58,530	58,741	58,861	58,706	58,918	59,002	58,879	58,876	58,945	58,934	58,897	58,969	58,999	58,880
Unemployed	2,987	2,867	2,934	2,917	2,983	2,929	2,913	3,113	3,047	3,019	3,148	3,219	3,309	3,289	3,464
Unemployment rate	4.8	4.5	4.6	4.6	4.7	4.6	4.5	4.8	4.7	4.7	4.9	5.0	5.1	5.1	5.4
Women, 20 years and over															
Civilian noninstitutional population ¹	89,532	90,550	90,952	91,042	91,091	91,157	91,237	91,330	91,414	91,495	91,581	91,688	91,765	91,857	91,963
Civilian labor force	50,870	52,212	52,541	52,586	52,686	52,814	52,800	52,954	53,146	53,174	53,211	53,315	53,121	52,983	52,830
Participation rate	56.8	57.7	57.8	57.8	57.8	57.9	57.9	58.0	58.1	58.1	58.1	58.1	57.9	57.7	57.4
Employed	48,383	49,745	50,043	50,048	50,255	50,287	50,344	50,427	50,709	50,776	50,719	50,699	50,489	50,370	50,119
Employment-population ratio ²	54.0	54.9	55.0	55.0	55.2	55.2	55.2	55.2	55.5	55.5	55.4	55.3	55.0	54.8	54.5
Agriculture	625	642	624	618	594	582	648	669	680	700	585	639	619	619	621
Nonagricultural industries	47,757	49,103	49,419	49,430	49,661	49,704	49,696	49,758	50,029	50,077	50,135	50,060	49,870	49,752	49,499
Unemployed	2,487	2,467	2,498	2,538	2,431	2,527	2,456	2,526	2,438	2,398	2,492	2,616	2,632	2,613	2,711
Unemployment rate	4.9	4.7	4.8	4.8	4.6	4.8	4.7	4.8	4.6	4.5	4.7	4.9	5.0	4.9	5.1
Both sexes, 16 to 19 years															
Civilian noninstitutional population ¹	14,527	14,223	14,097	14,067	14,034	14,008	13,914	13,852	13,832	13,806	13,764	13,711	13,696	13,655	13,642
Civilian labor force	8,031	7,954	7,980	7,889	7,752	7,715	7,846	7,681	7,545	7,298	7,212	6,983	7,272	7,243	7,138
Participation rate	55.3	55.9	56.6	56.1	55.2	55.1	56.4	55.4	54.6	52.9	52.4	50.9	53.1	53.0	52.3
Employed	6,805	6,759	6,760	6,686	6,631	6,577	6,720	6,551	6,376	6,268	6,038	5,815	6,144	6,071	5,957
Employment-population ratio ²	46.8	47.5	48.0	47.5	47.3	47.0	48.3	47.3	46.1	45.4	43.9	42.4	44.9	44.5	43.7
Agriculture	273	250	244	286	270	243	285	206	237	249	239	251	266	277	265
Nonagricultural industries	6,532	6,510	6,516	6,400	6,361	6,334	6,435	6,345	6,139	6,019	5,799	5,564	5,878	5,794	5,692
Unemployed	1,226	1,194	1,220	1,203	1,121	1,138	1,126	1,130	1,169	1,030	1,174	1,168	1,128	1,172	1,181
Unemployment rate	15.3	15.0	15.3	15.2	14.5	14.8	14.4	14.7	15.5	14.1	16.3	16.7	15.5	16.2	16.5
White															
Civilian noninstitutional population ¹	158,194	159,338	159,736	159,832	159,938	160,007	160,076	160,170	160,271	160,365	160,468	160,550	160,640	160,717	160,831
Civilian labor force	104,756	106,355	106,834	106,896	106,884	107,080	107,061	107,133	107,353	107,273	107,230	107,135	107,451	107,238	106,942
Participation rate	66.2	66.7	66.9	66.9	66.8	66.9	66.9	66.9	67.0	66.9	66.8	66.8	66.9	66.7	66.5
Employed	99,812	101,584	101,991	102,032	102,074	102,117	102,206	102,207	102,362	102,461	102,260	101,968	102,260	102,013	101,536
Employment-population ratio ²	63.1	63.8	63.8	63.8	63.8	63.8	63.8	63.7	63.9	63.9	63.7	63.5	63.7	63.5	63.1
Unemployed	4,944	4,770	4,843	4,864	4,811	4,962	4,856	5,106	4,991	4,812	4,970	5,167	5,190	5,225	5,406
Unemployment rate	4.7	4.5	4.5	4.6	4.5	4.6	4.5	4.8	4.6	4.5	4.6	4.8	4.8	4.9	5.1
Black															
Civilian noninstitutional population ¹	20,692	21,021	21,136	21,164	21,163	21,188	21,211	21,228	21,261	21,289	21,318	21,337	21,361	21,383	21,417
Civilian labor force	13,205	13,497	13,576	13,522	13,510	13,437	13,581	13,570	13,587	13,472	13,379	13,366	13,470	13,493	13,563
Participation rate	63.8	64.2	64.2	63.9	63.8	63.4	64.0	63.9	63.9	63.3	62.8	62.6	63.1	63.1	63.3
Employed	11,658	11,953	11,954	11,920	11,978	12,030	12,148	12,161	12,179	12,064	11,870	11,791	11,839	11,903	11,881
Employment-population ratio ²	56.3	56.9	56.6	56.3	56.6	56.8	57.3	57.3	57.3	56.7	55.7	55.3	55.4	55.7	55.5
Unemployed	1,547	1,544	1,622	1,602	1,532	1,407	1,433	1,409	1,408	1,407	1,510	1,575	1,631	1,590	1,683
Unemployment rate	11.7	11.4	11.9	11.8	11.3	10.5	10.6	10.4	10.4	10.4	11.3	11.8	12.1	11.8	12.4

See footnotes at end of table.

Current Labor Statistics: Employment Data

5. Continued— Employment status of the civilian population, by sex, age, race and Hispanic origin, monthly data seasonally adjusted

(Numbers in thousands)

Employment status	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Hispanic origin															
Civilian noninstitutional population ¹	13,325	13,791	13,977	14,019	14,080	14,119	14,159	14,198	14,238	14,277	14,317	14,356	14,396	14,435	14,474
Civilian labor force	8,982	9,323	9,424	9,495	9,440	9,400	9,565	9,618	9,669	9,651	9,665	9,707	9,643	9,557	9,452
Participation rate	67.4	67.6	67.4	67.7	67.0	66.6	67.6	67.7	67.9	67.6	67.5	67.6	67.0	66.2	65.3
Employed	8,250	8,573	8,672	8,691	8,769	8,666	8,831	8,850	8,927	8,967	8,899	8,951	8,808	8,783	8,639
Employment-population ratio ²	61.9	62.2	62.0	62.0	62.3	61.4	62.4	62.3	62.7	62.8	62.2	62.3	61.2	60.8	59.7
Unemployed	732	750	752	804	671	734	734	768	742	684	767	757	835	774	813
Unemployment rate	8.2	8.0	8.0	8.5	7.1	7.8	7.7	8.0	7.7	7.1	7.9	7.8	8.7	8.1	8.6

¹ The population figures are not seasonally adjusted.

² Civilian employment as a percent of the civilian noninstitutional population.

because data for the "other races" groups are not presented and Hispanics are included in both the white and black population groups.

NOTE: Detail for the above race and Hispanic-origin groups will not sum to totals

6. Selected employment indicators, monthly data seasonally adjusted

(In thousands)

Selected categories	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
CHARACTERISTIC															
Civilian employed, 16 years and over	114,968	117,342	117,836	117,888	117,863	118,035	118,334	118,116	118,350	118,389	117,953	117,658	117,898	117,711	117,261
Men	63,273	64,315	64,482	64,618	64,420	64,602	64,711	64,544	64,586	64,535	64,278	64,121	64,426	64,448	64,306
Women	51,696	53,027	53,354	53,270	53,443	53,433	53,623	53,571	53,764	53,854	53,674	53,537	53,472	53,263	52,955
Married men, spouse present ..	40,472	40,760	40,886	41,041	40,982	41,347	40,989	40,730	40,881	40,554	40,545	40,604	40,919	40,870	40,875
Married women, spouse present	28,756	29,404	29,767	29,695	29,897	29,704	29,618	29,742	30,046	29,856	29,909	29,949	29,780	29,772	29,621
Women who maintain families ..	6,211	6,338	6,351	6,349	6,215	6,378	6,291	6,325	6,400	6,467	6,380	6,365	6,382	6,342	6,325
MAJOR INDUSTRY AND CLASS OF WORKER															
Agriculture:															
Wage and salary workers	1,621	1,665	1,687	1,677	1,634	1,578	1,620	1,621	1,728	1,685	1,628	1,666	1,808	1,743	1,677
Self-employed workers	1,398	1,403	1,373	1,369	1,354	1,375	1,457	1,429	1,502	1,507	1,377	1,357	1,275	1,330	1,390
Unpaid family workers	150	131	122	125	107	118	115	112	101	106	96	93	112	96	127
Nonagricultural industries:															
Wage and salary workers	103,021	105,259	105,960	105,643	105,747	106,117	106,029	105,938	106,176	105,985	105,885	105,691	105,800	105,337	105,039
Government	17,114	17,469	17,681	17,728	17,626	17,607	17,724	17,816	18,113	17,863	17,788	17,842	17,555	17,679	17,611
Private industries	85,907	87,790	88,279	87,915	88,121	88,510	88,306	88,122	88,063	88,121	88,097	87,849	88,246	87,658	87,428
Private households	1,153	1,101	1,051	1,077	1,035	1,021	1,003	957	941	1,056	989	1,033	1,074	1,005	967
Other	84,754	86,689	87,228	86,838	87,086	87,489	87,302	87,165	87,122	87,065	87,108	86,816	87,171	86,653	86,462
Self-employed workers	8,519	8,605	8,528	8,653	8,733	8,628	8,852	8,716	8,783	8,759	8,709	8,629	8,810	8,880	8,775
Unpaid family workers	260	279	264	251	256	313	261	258	254	226	269	229	235	242	260
PERSONS AT WORK PART TIME¹															
All industries:															
Part time for economic reasons ..	5,206	4,894	4,803	4,802	4,983	4,887	5,004	4,871	4,831	5,013	4,870	5,036	5,365	5,462	5,450
Slack work	2,350	2,303	2,297	2,277	2,402	2,307	2,476	2,407	2,439	2,499	2,565	2,424	2,654	2,627	2,797
Could only find part-time work ..	2,487	2,233	2,162	2,106	2,255	2,211	2,127	2,138	2,052	2,224	2,070	2,123	2,462	2,403	2,377
Voluntary part time	14,963	15,393	15,254	15,388	14,931	15,381	15,464	15,193	15,592	15,125	15,311	15,377	15,283	15,105	14,953
Nonagricultural industries:															
Part time for economic reasons ..	4,965	4,657	4,552	4,554	4,729	4,703	4,747	4,630	4,666	4,734	4,710	4,780	5,093	5,182	5,201
Slack work	2,199	2,143	2,132	2,111	2,240	2,183	2,293	2,218	2,317	2,284	2,408	2,242	2,481	2,436	2,645
Could only find part-time work ..	2,408	2,166	2,097	2,051	2,172	2,173	2,050	2,096	2,004	2,141	2,048	2,069	2,386	2,333	2,296
Voluntary part time	14,509	14,963	14,805	14,983	14,515	14,924	14,975	14,804	15,064	14,627	14,922	14,899	14,858	14,688	14,559

¹ Excludes persons "with a job but not at work" during the survey period for such reasons as vacation, illness, or industrial disputes.

7. Selected unemployment indicators, monthly data seasonally adjusted

(Unemployment rates)

Selected categories	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
CHARACTERISTIC															
Total, all civilian workers	5.5	5.3	5.3	5.3	5.3	5.3	5.2	5.4	5.3	5.2	5.5	5.6	5.7	5.7	5.9
Both sexes, 16 to 19 years	15.3	15.0	15.3	15.2	14.5	14.8	14.4	14.7	15.5	14.1	16.3	16.7	15.5	16.2	16.5
Men, 20 years and over	4.8	4.5	4.6	4.6	4.7	4.6	4.5	4.8	4.7	4.7	4.9	5.0	5.1	5.1	5.4
Women, 20 years and over	4.9	4.7	4.8	4.8	4.6	4.8	4.7	4.8	4.6	4.5	4.7	4.9	5.0	4.9	5.1
White, total	4.7	4.5	4.5	4.6	4.5	4.6	4.5	4.8	4.6	4.5	4.6	4.8	4.8	4.9	5.1
Both sexes, 16 to 19 years	13.1	12.7	12.9	13.0	12.7	13.0	12.9	13.1	13.7	12.2	13.7	14.5	13.9	13.9	13.8
Men, 16 to 19 years	13.9	13.7	14.3	14.0	12.9	12.7	13.0	13.8	14.2	12.9	15.1	15.7	15.3	14.8	15.0
Women, 16 to 19 years	12.3	11.5	11.3	11.9	12.4	13.2	12.7	12.4	13.1	11.4	12.3	13.2	12.5	13.0	12.3
Men, 20 years and over	4.1	3.9	3.9	3.9	4.0	4.1	4.0	4.3	4.2	4.1	4.1	4.3	4.3	4.4	4.6
Women, 20 years and over	4.1	4.0	4.0	4.1	4.0	4.1	3.9	4.1	3.9	3.9	4.0	4.2	4.2	4.2	4.4
Black, total	11.7	11.4	11.9	11.8	11.3	10.5	10.6	10.4	10.4	10.4	11.3	11.8	12.1	11.8	12.4
Both sexes, 16 to 19 years	32.4	32.4	32.5	30.7	26.7	28.0	28.2	25.8	29.4	31.4	31.8	36.7	28.9	31.8	35.8
Men, 16 to 19 years	32.7	31.9	32.3	30.1	29.2	28.5	30.0	27.2	31.1	37.4	32.3	38.4	30.6	30.7	33.5
Women, 16 to 19 years	32.0	33.0	32.7	31.4	24.0	27.5	26.2	24.3	27.6	25.3	31.2	35.0	26.9	33.1	38.5
Men, 20 years and over	10.1	10.0	10.6	10.8	11.2	9.2	9.6	9.4	9.1	9.4	10.7	10.6	11.8	11.3	11.5
Women, 20 years and over	10.4	9.8	10.2	10.0	9.2	9.4	9.0	9.2	9.1	8.9	9.4	9.9	10.3	9.7	10.2
Hispanic origin, total	8.2	8.0	8.0	8.5	7.1	7.8	7.7	8.0	7.7	7.1	7.9	7.8	8.7	8.1	8.6
Married men, spouse present	3.3	3.0	3.1	3.0	3.4	3.0	3.2	3.3	3.3	3.2	3.3	3.5	3.4	3.5	3.8
Married women, spouse present	3.9	3.7	3.8	3.9	3.7	3.8	3.6	3.5	3.5	3.7	3.5	3.9	4.0	3.9	4.1
Women who maintain families	8.1	8.1	8.2	8.1	7.5	7.5	8.4	7.5	7.4	8.0	8.5	8.5	8.9	8.5	8.7
Full-time workers	5.2	4.9	5.0	5.0	5.0	4.9	4.9	5.1	4.9	4.8	5.0	5.2	5.4	5.5	5.7
Part-time workers	7.6	7.3	7.4	7.5	7.0	7.4	7.2	7.1	7.4	7.6	8.1	7.9	7.1	6.8	7.2
Unemployed 15 weeks and over	1.3	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.3	1.3	1.3	1.4
Labor force time lost ¹	6.3	5.9	5.9	6.0	6.0	5.9	5.9	6.2	6.0	5.9	6.0	6.3	6.4	6.6	6.8
INDUSTRY															
Nonagricultural private wage and salary workers	5.5	5.3	5.4	5.4	5.5	5.5	5.5	5.7	5.5	5.3	5.5	5.7	5.8	5.9	6.2
Mining	7.9	5.8	6.2	4.4	6.8	4.8	5.9	4.6	3.3	3.6	4.4	4.9	3.8	3.7	4.9
Construction	10.6	10.0	9.8	9.8	9.3	8.9	10.0	10.6	11.5	9.7	10.2	11.1	11.8	13.2	13.6
Manufacturing	5.3	5.1	5.4	5.6	5.9	5.9	5.5	5.9	5.4	4.9	5.7	5.8	5.7	5.7	6.6
Durable goods	5.0	4.8	5.4	5.4	5.8	5.5	5.3	5.7	5.5	4.9	5.6	5.9	6.0	5.8	7.1
Nondurable goods	5.7	5.5	5.3	5.9	5.9	6.4	5.9	6.3	5.2	5.0	5.7	5.6	5.3	5.6	5.8
Transportation and public utilities	3.9	3.9	3.6	3.4	4.3	4.0	3.4	4.3	3.2	3.0	3.7	4.1	3.9	4.1	4.2
Wholesale and retail trade	6.2	6.0	6.4	6.3	6.2	6.0	6.2	6.2	6.3	6.2	6.0	6.2	6.6	6.7	6.8
Finance and service industries	4.5	4.4	4.3	4.2	4.3	4.4	4.5	4.5	4.4	4.5	4.5	4.7	4.7	4.4	4.6
Government workers	2.8	2.7	2.7	2.6	2.4	2.5	2.3	2.1	2.5	2.9	2.8	2.8	2.9	2.8	2.8
Agricultural wage and salary workers	10.6	9.6	12.1	9.7	9.2	9.3	10.1	11.0	7.9	10.0	10.6	9.7	9.3	8.2	9.7

¹ Aggregate hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force hours.

Current Labor Statistics: Employment Data

8. Unemployment rates by sex and age, monthly data seasonally adjusted

(Civilian workers)

Sex and age	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Total, 16 years and over	5.5	5.3	5.3	5.3	5.3	5.3	5.2	5.4	5.3	5.2	5.5	5.6	5.7	5.7	5.9
16 to 24 years	11.0	10.9	11.3	11.2	10.6	10.7	10.5	11.2	11.0	10.3	11.0	11.5	11.6	11.8	11.6
16 to 19 years	15.3	15.0	15.3	15.2	14.5	14.8	14.4	14.7	15.5	14.1	16.3	16.7	15.5	16.2	16.5
16 to 17 years	17.4	17.2	17.4	18.1	14.8	16.8	16.9	17.4	20.0	16.1	17.4	19.2	18.4	18.8	18.6
18 to 19 years	13.8	13.6	13.8	13.4	14.2	13.0	12.9	13.0	12.8	13.4	15.2	15.0	14.4	14.6	15.2
20 to 24 years	8.7	8.6	9.0	8.9	8.5	8.4	8.3	9.3	8.5	8.2	8.3	8.8	9.6	9.6	9.1
25 years and over	4.3	4.0	4.1	4.1	4.2	4.2	4.1	4.2	4.1	4.1	4.3	4.4	4.5	4.4	4.8
25 to 54 years	4.5	4.2	4.2	4.3	4.3	4.3	4.3	4.4	4.3	4.4	4.5	4.6	4.7	4.6	5.0
55 years and over	3.1	3.1	3.2	3.2	3.4	3.4	3.3	3.3	3.0	2.8	3.2	3.5	3.3	3.6	3.4
Men, 16 years and over	5.5	5.2	5.3	5.3	5.3	5.2	5.1	5.5	5.4	5.3	5.6	5.7	5.8	5.7	6.0
16 to 24 years	11.4	11.4	12.0	11.8	11.2	10.9	10.9	11.8	11.2	11.1	11.6	11.6	12.0	12.0	12.2
16 to 19 years	16.0	15.9	16.7	16.1	15.1	14.9	14.7	15.4	16.0	15.4	17.5	17.8	16.7	16.5	17.3
16 to 17 years	18.2	18.6	19.0	19.6	14.2	16.5	16.9	18.1	20.6	16.4	18.4	21.5	18.8	18.1	19.2
18 to 19 years	14.6	14.2	15.1	13.8	15.6	13.7	13.6	13.8	13.4	14.8	16.3	15.5	16.2	15.7	16.1
20 to 24 years	8.9	8.8	9.4	9.5	8.9	8.6	8.8	9.8	8.6	8.9	8.5	8.5	9.5	9.7	9.6
25 years and over	4.2	3.9	4.0	3.9	4.2	4.1	4.0	4.2	4.1	4.1	4.4	4.6	4.6	4.5	4.8
25 to 54 years	4.4	4.1	4.1	4.0	4.3	4.2	4.2	4.4	4.3	4.3	4.5	4.6	4.7	4.7	5.1
55 years and over	3.3	3.2	3.5	3.6	3.6	3.5	3.4	3.5	3.4	3.1	3.6	3.8	3.8	4.1	3.9
Women, 16 years and over	5.6	5.4	5.4	5.5	5.2	5.4	5.3	5.4	5.2	5.0	5.3	5.5	5.5	5.6	5.8
16 to 24 years	10.6	10.4	10.4	10.4	10.1	10.4	10.0	10.5	10.7	9.3	10.4	11.4	11.2	11.6	10.9
16 to 19 years	14.4	14.0	13.8	14.3	13.7	14.6	14.0	13.9	14.9	12.8	14.9	15.6	14.2	15.8	15.7
16 to 17 years	16.6	15.7	15.7	16.5	15.5	17.3	16.9	16.7	19.4	15.9	16.4	16.6	17.9	19.6	17.9
18 to 19 years	12.9	13.0	12.3	13.0	12.6	12.3	12.0	12.1	12.2	11.9	13.9	14.4	12.6	13.4	14.3
20 to 24 years	8.5	8.3	8.5	8.2	8.0	8.1	7.7	8.7	8.4	7.5	8.0	9.3	9.6	9.4	8.5
25 years and over	4.3	4.2	4.2	4.3	4.1	4.3	4.2	4.2	4.1	4.1	4.2	4.3	4.4	4.3	4.7
25 to 54 years	4.6	4.4	4.4	4.6	4.3	4.5	4.4	4.4	4.4	4.4	4.4	4.5	4.6	4.5	4.9
55 years and over	2.8	2.8	2.9	2.7	3.3	3.3	3.3	2.9	2.5	2.4	2.6	3.1	2.6	3.0	2.7

9. Unemployed persons by reason for unemployment, monthly data seasonally adjusted

(Numbers in thousands)

Reason for unemployment	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Job losers	3,092	2,983	3,092	3,097	3,183	3,103	3,038	3,147	3,171	3,151	3,088	3,367	3,511	3,533	3,815
On layoff	851	850	969	957	1,033	964	941	999	979	918	960	973	1,127	1,020	1,177
Other job losers	2,241	2,133	2,123	2,140	2,150	2,139	2,097	2,148	2,192	2,233	2,128	2,394	2,384	2,513	2,639
Job leavers	983	1,024	1,049	1,055	1,016	1,006	1,014	1,179	1,148	995	1,027	984	934	970	994
Reentrants	1,809	1,843	1,845	1,853	1,730	1,805	1,859	1,780	1,820	1,789	1,960	1,879	1,985	1,904	1,914
New entrants	816	677	695	686	640	680	644	617	683	534	687	677	656	693	655
PERCENT OF UNEMPLOYED															
Job losers	46.1	45.7	46.3	46.3	48.5	47.1	46.3	46.8	47.4	48.7	45.7	48.7	49.5	49.8	51.7
On layoff	12.7	13.0	14.5	14.3	15.7	14.6	14.4	14.9	14.6	14.2	14.2	14.1	15.9	14.4	16.0
Other job losers	33.4	32.7	31.8	32.0	32.7	32.4	32.0	31.9	32.8	34.5	31.5	34.7	33.6	35.4	35.8
Job leavers	14.7	15.7	15.7	15.8	15.5	15.3	15.5	17.5	15.2	15.4	15.2	14.3	13.2	13.7	13.5
Reentrants	27.0	28.2	27.6	27.7	26.3	27.4	28.4	26.5	27.2	27.7	29.0	27.2	28.0	26.8	25.9
New entrants	12.2	10.4	10.4	10.3	9.7	10.3	9.8	9.2	10.2	8.3	10.2	9.8	9.3	9.8	8.9
PERCENT OF CIVILIAN LABOR FORCE															
Job losers	2.5	2.4	2.5	2.5	2.6	2.5	2.4	2.5	2.5	2.5	2.5	2.7	2.8	2.8	3.1
Job leavers .....	.8	.8	.8	.8	.8	.8	.8	.9	.8	.8	.8	.8	.7	.8	.8
Reentrants	1.5	1.5	1.5	1.5	1.4	1.4	1.5	1.4	1.5	1.4	1.6	1.5	1.6	1.5	1.5
New entrants .....	.7	.5	.6	.6	.5	.5	.5	.5	.5	.4	.6	.5	.5	.6	.5

10. Duration of unemployment, monthly data seasonally adjusted

(Numbers in thousands)

Weeks of unemployment	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Less than 5 weeks	3,084	3,174	3,258	3,302	3,119	3,159	3,194	3,204	3,026	3,046	3,120	3,325	3,044	3,101	3,323
5 to 14 weeks	2,007	1,978	1,991	2,013	2,012	2,079	2,044	2,175	2,236	2,049	2,159	2,048	2,479	2,405	2,308
15 weeks and over	1,610	1,375	1,422	1,362	1,430	1,369	1,333	1,386	1,374	1,406	1,513	1,609	1,620	1,581	1,776
25 to 26 weeks	801	730	765	730	777	731	702	697	764	763	809	845	872	896	960
17 weeks and over	809	646	657	632	653	638	631	688	610	643	704	764	748	685	815
Mean duration in weeks	13.5	11.9	11.6	11.5	12.1	11.7	12.0	12.1	11.6	12.0	12.0	12.3	12.5	11.9	12.4
Median duration in weeks	5.9	4.8	4.8	4.8	5.1	5.4	5.1	5.0	5.4	5.1	5.2	5.2	6.2	6.0	5.8

11. Unemployment rates of civilian workers by State, data not seasonally adjusted

State	Oct. 1989	Oct. 1990 ^P	State	Oct. 1989	Oct. 1990 ^P
Alabama	6.4	7.3	Montana	5.2	6.1
Alaska	6.4	6.4	Nebraska	2.8	2.0
Arizona	4.7	4.6	Nevada	4.7	5.3
Arkansas	6.1	6.1	New Hampshire	3.8	5.1
California	4.6	5.7			
			New Jersey	4.8	5.4
Colorado	4.9	4.1	New Mexico	5.9	5.5
Connecticut	3.9	4.8	New York	4.6	5.4
Delaware	3.6	5.4	North Carolina	3.1	4.4
District of Columbia	4.4	6.6	North Dakota	3.8	3.5
Florida	5.7	6.2			
			Ohio	5.6	5.6
Georgia	5.9	5.8	Oklahoma	4.9	5.0
Hawaii	2.4	2.8	Oregon	5.0	5.4
Idaho	4.1	4.6	Pennsylvania	4.4	5.9
Illinois	6.3	5.7	Rhode Island	4.3	5.5
Indiana	5.3	5.1			
			South Carolina	5.3	5.2
Iowa	4.2	4.1	South Dakota	3.8	3.6
Kansas	4.0	4.4	Tennessee	4.7	5.2
Kentucky	4.9	4.7	Texas	6.0	5.3
Louisiana	6.6	6.0	Utah	3.9	3.9
Maine	3.9	5.1			
			Vermont	3.4	4.4
Maryland	3.3	4.5	Virginia	4.2	4.2
Massachusetts	4.1	6.0	Washington	5.5	4.6
Michigan	7.7	7.2	West Virginia	9.4	8.1
Minnesota	3.8	4.2	Wisconsin	4.0	3.7
Mississippi	6.5	6.4			
Missouri	5.3	5.9	Wyoming	5.3	4.4

^P = preliminary

NOTE: Some data in this table may differ from data published elsewhere because of the continual updating of the database.

12. Employment of workers on nonfarm payrolls by State, data not seasonally adjusted

(In thousands)

State	Oct. 1989	Sept. 1990	Oct. 1990 ^P	State	Oct. 1989	Sept. 1990	Oct. 1990 ^P
Alabama	1,598.5	1,607.4	1,612.9	Nebraska	715.4	729.2	734.8
Alaska	230.9	245.2	235.2	Nevada	601.8	639.2	641.5
Arizona	1,483.5	1,509.8	1,527.1	New Hampshire	531.3	515.6	516.3
Arkansas	907.5	932.8	929.8				
California	12,662.5	12,820.1	12,863.8	New Jersey	3,724.7	3,715.4	3,713.9
				New Mexico	570.6	572.3	573.4
Colorado	1,482.1	1,508.4	1,513.1	New York	8,318.5	8,261.3	8,298.0
Connecticut	1,692.1	1,669.6	1,676.4	North Carolina	3,119.6	3,113.0	3,123.9
Delaware	344.6	346.9	347.3	North Dakota	265.5	268.5	270.9
District of Columbia	686.0	682.6	681.4				
Florida	5,327.4	5,467.5	5,484.7	Ohio	4,885.7	4,979.9	4,997.5
				Oklahoma	1,163.2	1,169.6	1,177.9
Georgia	2,983.4	3,006.2	3,009.1	Oregon	1,237.4	1,264.7	1,269.3
Hawaii	510.1	510.8	519.7	Pennsylvania	5,166.7	5,145.7	5,173.1
Idaho	383.2	398.2	396.8	Rhode Island	463.4	451.8	453.3
Illinois	5,230.5	5,217.2	5,248.2				
Indiana	2,504.8	2,549.6	2,550.6	South Carolina	1,521.8	1,571.4	1,576.0
				South Dakota	281.2	282.8	285.2
Iowa	1,224.9	1,235.2	1,243.4	Tennessee	2,187.4	2,196.7	2,191.0
Kansas	1,084.1	1,098.5	1,102.8	Texas	6,864.1	6,960.8	6,990.4
Kentucky	1,461.2	1,481.5	1,485.6	Utah	706.1	736.2	736.8
Louisiana	1,524.6	1,539.3	1,546.1				
Maine	554.1	537.1	536.9	Vermont	263.0	259.8	258.6
				Virginia	2,904.8	2,937.6	2,935.2
Maryland	2,165.6	2,174.6	2,181.1	Washington	2,100.0	2,172.6	2,177.9
Massachusetts	3,120.3	3,009.9	3,023.0	West Virginia	622.8	622.1	627.0
Michigan	3,956.9	3,918.5	3,945.2	Wisconsin	2,269.0	2,302.9	2,300.8
Minnesota	2,132.3	2,152.8	2,165.3				
Mississippi	937.2	941.1	943.6	Wyoming	197.8	203.7	200.5
Missouri	2,338.4	2,344.4	2,347.8	Puerto Rico	831.4	839.5	841.9
Montana	298.8	301.1	301.2	Virgin Islands	37.9	41.2	41.4

^P = preliminary

NOTE: Some data in this table may differ from data published elsewhere because of the continual updating of the database.

14. Average weekly hours of production or nonsupervisory workers on private nonfarm payrolls by industry, monthly data seasonally adjusted

Industry	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct. ^P	Nov. ^P
PRIVATE SECTOR	34.7	34.6	34.5	34.4	34.4	34.6	34.6	34.5	34.5	34.7	34.5	34.5	34.7	34.2	34.4
MINING	42.3	43.0	43.7	43.0	43.6	43.7	43.5	43.4	43.6	44.4	43.7	43.9	44.7	43.9	43.9
MANUFACTURING	41.1	41.0	40.7	40.6	40.7	40.8	40.8	40.7	40.9	41.0	40.9	41.0	41.0	40.7	40.5
Overtime hours	3.9	3.8	3.7	3.7	3.6	3.6	3.7	3.5	3.8	3.8	3.7	3.8	3.7	3.6	3.5
Durable goods	41.8	41.6	41.2	41.2	41.3	41.3	41.4	41.2	41.5	41.6	41.5	41.5	41.7	41.3	40.9
Overtime hours	4.1	3.9	3.7	3.7	3.6	3.6	3.8	3.5	3.9	3.9	3.8	3.9	3.8	3.6	3.5
Lumber and wood products	40.1	40.1	40.2	40.0	40.4	40.1	40.4	40.2	40.4	40.3	40.2	40.4	40.7	39.7	39.5
Furniture and fixtures	39.4	39.5	39.4	39.1	39.6	39.3	39.2	39.0	39.2	39.3	39.6	39.4	39.1	38.6	38.5
Stone, clay, and glass products	42.3	42.3	42.4	41.6	42.3	42.2	42.0	42.0	42.1	42.3	41.7	42.3	42.2	41.2	41.7
Primary metal industries	43.5	43.0	42.5	42.5	42.6	42.5	42.7	41.8	43.0	43.0	43.1	42.9	43.0	42.8	42.4
Blast furnaces and basic steel products	44.0	43.4	43.0	42.9	43.1	42.9	43.0	42.9	43.5	43.3	44.1	43.5	43.9	43.9	43.2
Fabricated metal products	41.9	41.6	41.3	41.2	41.1	41.4	41.5	41.2	41.7	41.6	41.7	41.6	41.6	41.2	40.7
Industrial machinery and equipment	42.7	42.4	42.2	42.1	42.1	42.1	42.0	41.8	42.1	42.0	42.0	42.1	42.1	42.1	41.9
Electronic and other electrical equipment	41.0	40.8	40.8	40.5	40.9	41.1	41.0	40.9	40.9	41.0	40.7	40.6	41.1	40.7	40.8
Transportation equipment	42.7	42.4	41.0	41.7	41.5	41.6	42.0	41.9	42.5	42.6	42.8	42.6	42.8	42.5	41.0
Motor vehicles and equipment	43.5	43.1	42.3	42.2	41.0	41.5	42.3	41.8	43.4	43.7	43.6	43.7	43.5	43.0	39.8
Instruments and related products	41.4	41.1	41.0	41.0	40.9	41.0	41.1	41.2	41.1	41.2	41.2	41.3	41.3	41.0	41.0
Miscellaneous manufacturing	39.2	39.4	39.7	39.3	39.5	39.5	39.4	39.2	39.4	39.4	39.5	39.9	39.9	39.8	40.0
Nondurable goods	40.2	40.2	40.1	40.0	40.0	40.0	40.0	40.0	40.1	40.3	40.1	40.2	40.2	40.0	39.9
Overtime hours	3.6	3.6	3.6	3.6	3.5	3.5	3.6	3.4	3.6	3.6	3.6	3.7	3.6	3.6	3.6
Food and kindred products	40.3	40.7	40.8	40.7	40.6	40.6	40.7	40.6	40.8	40.9	40.5	41.0	41.2	40.5	40.4
Textile mill products	41.0	40.9	40.4	40.2	40.3	40.2	40.0	40.0	40.2	40.4	40.2	40.0	40.0	39.8	39.6
Apparel and other textile products	37.0	36.9	36.8	36.4	36.6	36.6	36.3	36.4	36.6	36.7	36.6	36.6	36.6	36.4	36.4
Paper and allied products	43.3	43.3	43.4	43.2	43.2	43.1	43.2	43.3	43.3	43.5	43.5	43.5	43.2	43.6	43.5
Printing and publishing	38.0	37.9	37.9	37.7	37.9	37.9	38.0	37.8	37.9	38.0	38.0	38.2	38.0	38.0	37.7
Chemicals and allied products	42.2	42.4	42.4	42.6	42.7	42.4	42.5	42.6	42.6	42.6	42.4	42.3	42.7	42.7	42.6
Rubber and miscellaneous plastics products	41.7	41.4	41.1	40.9	40.8	41.2	41.4	40.9	41.4	41.6	41.5	41.3	41.4	41.0	41.0
Leather and leather products	37.5	37.9	37.6	37.4	37.4	37.7	37.7	37.5	37.4	37.5	37.4	37.7	37.5	36.9	36.7
TRANSPORTATION AND PUBLIC UTILITIES	38.8	38.9	38.6	38.6	38.3	38.7	39.0	39.0	39.1	39.2	39.0	38.9	39.1	38.5	38.7
WHOLESALE TRADE	38.1	38.0	38.1	38.1	38.0	38.0	38.1	38.1	38.0	38.1	38.1	38.1	38.2	37.9	38.1
RETAIL TRADE	29.1	28.9	28.8	28.8	28.8	28.9	29.0	29.0	29.0	29.0	28.9	28.7	28.9	28.4	28.7
SERVICES	32.6	32.6	32.6	32.6	32.5	32.6	32.5	32.6	32.5	32.6	32.6	32.5	32.8	32.3	32.5

^P = preliminary

NOTE: See "Notes on the data" for a description of the most recent benchmark adjustment.

15. Average hourly earnings of production or nonsupervisory workers on private nonfarm payrolls by industry, seasonally adjusted

Industry	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct. ^P	Nov. ^P
PRIVATE SECTOR (in current dollars)	\$9.28	\$9.66	\$9.78	\$9.83	\$9.82	\$9.88	\$9.93	\$9.96	\$9.98	\$10.03	\$10.07	\$10.09	\$10.13	\$10.12	\$10.13
Mining	12.80	13.25	13.32	13.40	13.33	13.33	13.51	13.59	13.58	13.73	13.79	13.73	13.83	13.82	13.82
Construction	13.08	13.52	13.66	13.76	13.55	13.63	13.66	13.62	13.71	13.73	13.76	13.78	13.82	13.80	13.76
Manufacturing	10.19	10.49	10.58	10.62	10.57	10.67	10.73	10.75	10.81	10.86	10.89	10.90	10.93	10.97	10.96
Excluding overtime	9.73	10.02	10.12	10.17	10.13	10.22	10.28	10.34	10.35	10.38	10.40	10.40	10.44	10.50	10.49
Transportation and public utilities	12.26	12.61	12.65	12.73	12.78	12.83	12.87	12.96	12.88	12.92	13.02	13.00	13.02	12.98	13.00
Wholesale trade	9.98	10.39	10.55	10.60	10.57	10.62	10.67	10.74	10.74	10.80	10.84	10.84	10.94	10.90	10.94
Retail trade	6.31	6.53	6.61	6.64	6.68	6.69	6.73	6.74	6.76	6.78	6.79	6.82	6.83	6.84	6.85
Finance, insurance, and real estate	9.06	9.54	9.66	9.75	9.73	9.77	9.82	9.88	9.87	9.98	10.08	10.06	10.17	10.10	10.11
Services	8.88	9.39	9.55	9.61	9.63	9.67	9.72	9.79	9.80	9.85	9.92	9.93	9.98	9.97	9.98
PRIVATE SECTOR (in constant (1982) dollars)	7.69	7.64	7.62	7.63	7.54	7.55	7.56	7.57	7.58	7.58	7.58	7.54	7.50	7.45	-

- Data not available.

^P = preliminary

NOTE: See "Notes on the data" for a description of the most recent benchmark revision.

16. Average hourly earnings of production or nonsupervisory workers on private nonfarm payrolls by industry

Industry	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct. ^P	Nov. ^P
PRIVATE SECTOR	\$9.28	\$9.66	\$9.81	\$9.84	\$9.87	\$9.91	\$9.93	\$9.97	\$9.97	\$9.98	\$10.00	\$10.00	\$10.16	\$10.15	\$10.16
MINING	12.80	13.25	13.27	13.46	13.46	13.46	13.57	13.66	13.56	13.66	13.69	13.63	13.82	13.72	13.76
CONSTRUCTION	13.08	13.52	13.69	13.84	13.59	13.59	13.63	13.58	13.68	13.63	13.70	13.74	13.92	13.90	13.79
MANUFACTURING	10.19	10.49	10.59	10.68	10.60	10.68	10.75	10.75	10.81	10.85	10.88	10.82	10.94	10.95	10.97
Durable goods	10.71	11.01	11.11	11.19	11.06	11.18	11.25	11.22	11.33	11.37	11.38	11.35	11.49	11.49	11.45
Lumber and wood products	8.59	8.84	8.96	9.01	9.00	8.95	9.05	9.09	9.11	9.09	9.16	9.14	9.22	9.13	9.10
Furniture and fixtures	7.95	8.26	8.41	8.43	8.45	8.42	8.43	8.42	8.47	8.52	8.50	8.56	8.64	8.62	8.64
Stone, clay, and glass products	10.56	10.83	10.95	10.96	10.96	10.93	11.03	11.18	11.15	11.17	11.21	11.17	11.27	11.22	11.28
Primary metal industries	12.16	12.42	12.57	12.59	12.56	12.66	12.71	12.86	12.82	12.90	13.04	12.94	13.04	13.05	13.10
Blast furnaces and basic steel products	13.98	14.25	14.50	14.43	14.47	14.62	14.56	14.84	14.71	14.74	14.95	14.86	14.98	15.03	15.07
Fabricated metal products	10.29	10.57	10.65	10.72	10.60	10.70	10.75	10.65	10.79	10.85	10.86	10.84	10.95	10.94	10.91
Industrial machinery and equipment	11.08	11.40	11.53	11.62	11.55	11.60	11.64	11.55	11.70	11.75	11.78	11.80	11.94	11.90	11.94
Electronic and other electrical equipment	9.79	10.05	10.11	10.14	10.13	10.16	10.17	10.17	10.22	10.27	10.34	10.33	10.42	10.47	10.52
Transportation equipment	13.29	13.68	13.83	13.91	13.55	13.88	14.02	13.89	14.14	14.20	14.06	14.07	14.31	14.40	14.16
Motor vehicles and equipment	13.99	14.25	14.43	14.46	13.72	14.30	14.59	14.41	14.75	14.85	14.59	14.54	14.86	15.01	14.57
Instruments and related products	10.60	10.83	10.99	11.10	11.09	11.13	11.19	11.20	11.23	11.27	11.37	11.35	11.47	11.47	11.48
Miscellaneous manufacturing	8.00	8.29	8.47	8.57	8.57	8.56	8.59	8.56	8.59	8.61	8.60	8.59	8.63	8.62	8.64
Nondurable goods	9.45	9.75	9.87	9.96	9.97	9.97	10.04	10.10	10.10	10.12	10.20	10.12	10.20	10.22	10.32
Food and kindred products	9.12	9.38	9.43	9.56	9.53	9.54	9.61	9.61	9.63	9.67	9.68	9.55	9.57	9.57	9.76
Tobacco products	14.67	15.36	15.01	15.33	15.49	15.73	16.46	17.09	17.17	17.24	17.42	16.34	16.12	16.03	16.74
Textile mill products	7.38	7.67	7.80	7.85	7.90	7.90	7.94	7.91	7.98	8.02	8.01	8.04	8.09	8.11	8.13
Apparel and other textile products	6.12	6.35	6.43	6.45	6.40	6.45	6.53	6.56	6.60	6.61	6.59	6.62	6.70	6.67	6.64
Paper and allied products	11.69	11.96	12.10	12.13	12.11	12.11	12.11	12.25	12.25	12.23	12.36	12.29	12.42	12.43	12.56
Printing and publishing	10.53	10.88	11.07	11.09	11.12	11.13	11.17	11.12	11.17	11.16	11.25	11.30	11.41	11.36	11.43
Chemicals and allied products	12.71	13.09	13.28	13.32	13.34	13.27	13.34	13.53	13.46	13.51	13.58	13.57	13.62	13.74	13.79
Petroleum and coal products	14.97	15.41	15.62	15.75	15.87	15.90	16.11	16.31	16.13	16.23	16.22	16.06	16.40	16.35	16.50
Rubber and miscellaneous plastics products	9.19	9.47	9.54	9.64	9.65	9.64	9.68	9.66	9.75	9.77	9.85	9.81	9.90	9.91	9.94
Leather and leather products	6.28	6.60	6.68	6.74	6.82	6.84	6.87	6.94	6.92	6.91	6.79	6.85	6.97	7.00	7.05
TRANSPORTATION AND PUBLIC UTILITIES	12.26	12.61	12.71	12.76	12.79	12.87	12.83	12.96	12.82	12.86	12.99	12.96	13.07	13.02	13.05
WHOLESALE TRADE	9.98	10.39	10.56	10.63	10.61	10.66	10.66	10.78	10.73	10.76	10.82	10.77	10.94	10.88	10.95
RETAIL TRADE	6.31	6.53	6.63	6.65	6.73	6.72	6.74	6.75	6.75	6.75	6.74	6.75	6.85	6.85	6.86
FINANCE, INSURANCE, AND REAL ESTATE	9.06	9.54	9.67	9.73	9.80	9.87	9.84	9.97	9.90	9.90	10.00	9.96	10.12	10.09	10.13
SERVICES	8.88	9.39	9.61	9.68	9.72	9.75	9.76	9.82	9.77	9.75	9.79	9.78	9.98	10.00	10.04

^P = preliminary

NOTE: See "Notes on the data" for a description of the most recent benchmark revision.

17. Average weekly earnings of production or nonsupervisory workers on private nonfarm payrolls by industry

Industry	Annual average		1989		1990										
	1988	1989	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct. ^P	Nov. ^P
PRIVATE SECTOR															
Current dollars	\$322.02	\$334.24	\$338.45	\$340.46	\$336.57	\$338.92	\$340.60	\$342.97	\$342.97	\$347.30	\$349.00	\$348.00	\$353.57	\$349.16	\$348.49
Seasonally adjusted	-	-	337.41	338.15	337.81	341.85	343.58	343.62	344.31	348.04	347.42	348.11	351.51	346.10	348.47
Constant (1982) dollars	266.79	264.22	263.59	264.74	259.10	259.91	259.60	261.01	260.62	262.31	262.80	259.51	261.32	256.55	-
MINING	541.44	569.75	581.23	588.20	586.86	582.82	583.51	588.75	585.79	606.50	596.88	599.72	623.28	610.54	605.44
CONSTRUCTION	495.73	512.41	520.22	512.08	510.98	506.91	516.58	506.53	522.58	532.93	524.71	535.86	542.88	528.20	528.16
MANUFACTURING															
Current dollars	418.81	430.09	435.25	441.08	430.36	431.47	437.53	427.85	442.13	445.94	440.64	441.46	451.82	447.86	447.58
Constant (1982) dollars	346.98	339.99	338.98	342.99	331.30	330.88	333.48	325.61	335.97	336.81	331.81	329.20	333.94	329.07	-
Durable goods	447.68	458.02	461.07	468.86	455.67	458.38	465.75	452.17	470.20	474.13	466.58	468.76	480.28	475.69	472.89
Lumber and wood products	344.46	354.48	359.30	362.20	359.10	351.74	363.81	364.51	369.87	370.87	366.40	371.08	377.10	366.11	358.54
Furniture and fixtures	313.23	326.27	334.72	338.89	332.09	326.70	328.77	319.96	328.64	333.98	330.65	338.98	343.01	337.90	336.10
Stone, clay, and glass products	446.69	458.11	466.47	453.74	453.74	448.13	457.75	467.32	472.76	476.96	470.82	476.96	481.23	470.12	472.63
Primary metal industries	528.96	534.06	536.74	541.37	536.31	535.52	542.72	534.98	551.26	557.28	558.11	549.95	563.33	557.24	558.06
Blast furnaces and basic steel products	615.12	618.45	623.50	623.38	625.10	624.27	624.62	635.15	641.36	645.61	659.30	641.95	657.62	655.31	651.02
Fabricated metal products	431.15	439.71	445.17	450.24	435.66	439.77	446.13	426.00	448.86	453.53	444.17	447.69	457.71	452.92	449.49
Industrial machinery and equipment	473.12	483.36	488.87	499.66	487.41	487.20	490.04	468.93	491.40	494.68	490.05	490.88	503.87	499.80	502.67
Electronic and other electrical equipment	401.39	410.04	416.53	420.81	415.33	415.54	416.97	402.73	414.93	421.07	414.63	417.33	429.30	428.22	433.42
Transportation equipment	567.48	580.03	571.18	591.18	560.97	574.63	593.05	566.71	605.19	607.76	589.11	588.13	613.90	612.00	584.81
Motor vehicles and equipment	608.57	614.18	619.05	620.33	559.78	589.16	622.99	589.37	647.53	653.40	617.16	616.50	653.84	651.43	588.63
Instruments and related products	438.84	445.11	454.99	463.98	454.69	456.33	461.03	451.36	458.18	464.32	461.62	464.22	473.71	470.27	475.27
Miscellaneous manufacturing	313.60	326.63	340.49	342.80	336.80	335.55	338.45	326.99	337.59	340.10	333.68	341.02	344.34	346.52	350.78
Nondurable goods	379.89	391.95	398.75	402.38	396.81	394.81	399.59	395.92	404.00	407.84	406.98	407.84	414.12	410.84	414.86
Food and kindred products	367.54	381.77	388.52	394.83	384.06	379.69	385.36	382.48	391.94	395.50	393.01	396.33	400.98	391.41	398.21
Tobacco products	583.87	591.36	585.39	584.07	582.42	593.02	638.65	651.13	673.06	680.98	672.41	643.80	659.31	655.63	681.32
Textile mill products	302.58	313.70	318.24	317.93	316.79	314.42	316.01	308.49	320.00	325.61	318.00	324.01	327.65	325.21	325.20
Apparel and other textile products	226.44	234.32	238.55	236.72	232.32	234.78	236.39	230.91	240.90	243.91	239.22	242.95	245.89	244.12	243.69
Paper and allied products	506.18	517.87	528.77	532.51	525.57	518.31	519.52	520.63	529.20	530.78	533.95	530.93	542.75	543.19	550.13
Printing and publishing	400.14	412.35	422.87	424.75	418.11	419.60	425.58	415.89	419.99	419.62	424.13	432.79	439.29	432.82	434.34
Chemicals and allied products	536.36	555.02	567.06	575.42	569.62	561.32	566.95	576.38	570.70	575.53	571.72	569.94	581.57	585.32	591.59
Petroleum and coal products	664.67	682.66	699.78	715.05	698.28	699.60	712.06	725.80	712.95	759.56	725.03	703.43	742.92	714.50	727.65
Rubber and miscellaneous plastics products	383.22	392.06	394.00	399.10	393.72	394.28	399.78	387.37	403.65	407.41	402.87	403.19	411.84	408.29	409.53
Leather and leather products	235.50	250.14	250.50	254.77	253.70	255.13	256.25	252.62	259.50	263.96	253.95	260.30	261.38	259.70	258.03
TRANSPORTATION AND PUBLIC UTILITIES	475.69	490.53	491.88	493.81	483.46	494.21	496.52	504.14	498.70	506.68	511.81	508.03	512.34	503.87	506.34
WHOLESALE TRADE	380.24	394.82	402.34	406.07	401.06	402.95	404.01	410.72	407.74	411.03	414.41	410.34	419.00	414.53	417.20
RETAIL TRADE	183.62	188.72	189.62	194.85	189.11	190.18	192.09	195.75	194.40	197.78	200.18	198.45	197.97	194.54	194.82
FINANCE, INSURANCE, AND REAL ESTATE	325.25	341.53	344.25	346.39	348.88	352.36	350.30	359.92	351.45	354.42	362.00	355.57	365.33	359.20	360.63
SERVICES	289.49	306.11	312.33	314.60	314.93	315.90	316.22	320.13	315.57	318.83	323.07	320.78	326.35	324.00	325.30

- Data not available.

^P = preliminary

NOTE: See "Notes on the data" for a description of the most recent benchmark revision.

Current Labor Statistics: Employment Data

18. Diffusion indexes of employment change, seasonally adjusted

(In percent)

Time span and year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Private nonfarm payrolls, 356 industries												
Over 1-month span:												
1989	64.5	58.7	58.0	57.0	55.6	57.3	55.8	57.7	50.0	55.2	59.6	56.6
1990	55.6	58.6	53.7	49.9	55.8	49.9	50.8	48.2	45.8	41.7	40.2	-
Over 3-month span:												
1989	65.3	64.2	60.0	60.1	59.7	58.3	59.7	54.5	55.2	55.8	57.7	60.3
1990	58.4	56.7	54.8	53.1	53.7	55.3	50.1	45.2	40.6	36.5	-	-
Over 6-month span:												
1989	67.6	65.4	65.0	61.0	61.2	58.7	57.0	58.1	56.2	58.3	57.4	58.4
1990	57.3	56.5	55.5	55.9	51.4	48.3	45.6	38.8	-	-	-	-
Over 12-month span:												
1989	67.1	67.7	65.3	64.6	64.9	61.2	60.0	59.8	58.6	57.3	56.7	56.0
1990	54.8	54.1	54.1	51.0	46.8	-	-	-	-	-	-	-
Manufacturing payrolls, 139 industries												
Over 1-month span:												
1989	60.4	48.6	50.4	47.1	45.3	45.7	45.0	45.7	34.2	48.6	43.5	48.2
1990	42.4	45.7	45.3	46.8	45.7	40.3	48.2	40.6	38.1	36.3	27.7	-
Over 3-month span:												
1989	54.0	54.7	45.3	43.9	43.2	42.8	41.7	33.1	36.3	34.9	41.7	39.2
1990	40.3	37.1	44.2	41.4	40.6	44.2	39.9	33.8	29.1	22.3	-	-
Over 6-month span:												
1989	56.5	49.6	49.3	43.5	42.1	37.1	36.7	34.9	34.2	35.3	33.1	36.0
1990	37.1	35.6	36.3	43.2	38.1	31.7	28.8	20.5	-	-	-	-
Over 12-month span:												
1989	53.6	55.0	49.3	45.3	43.9	39.9	37.1	35.6	33.8	32.4	30.9	31.7
1990	31.3	31.3	30.6	28.1	23.4	-	-	-	-	-	-	-

- Data not available.

NOTE: Figures are the percent of industries with employment increasing plus one-half of the industries with unchanged employment, where 50 percent indicates an equal balance between industries with increasing and decreasing

employment. Data for the 2 most recent months shown in each span are preliminary. See the "Definitions" in this section. See "Notes on the data" for a description of the most recent benchmark revision.

19. Annual data: Employment status of the noninstitutional population

(Numbers in thousands)

Employment status	1981	1982	1983	1984	1985	1986	1987	1988	1989
Noninstitutional population	171,775	173,939	175,891	178,080	179,912	182,293	184,490	186,322	188,081
Labor force:									
Total (number)	110,315	111,872	113,226	115,241	117,167	119,540	121,602	123,378	125,557
Percent of population	64.2	64.3	64.4	64.7	65.1	65.6	65.9	66.2	66.8
Employed:									
Total (number)	102,042	101,194	102,510	106,702	108,856	111,303	114,177	116,677	119,030
Percent of population	59.4	58.2	58.3	59.9	60.5	61.1	61.9	62.6	63.3
Resident Armed Forces	1,645	1,668	1,676	1,697	1,706	1,706	1,737	1,709	1,688
Civilian									
Total	100,397	99,526	100,834	105,005	107,150	109,597	112,440	114,968	117,342
Agriculture	3,368	3,401	3,383	3,321	3,179	3,163	3,208	3,169	3,199
Nonagricultural industries	97,030	96,125	97,450	101,685	103,971	106,434	109,232	111,800	114,142
Unemployed:									
Total (number)	8,273	10,678	10,717	8,539	8,312	8,237	7,425	6,701	6,528
Percent of labor force	7.5	9.5	9.5	7.4	7.1	6.9	6.1	5.4	5.2
Not in labor force (number)	61,460	62,067	62,665	62,839	62,744	62,752	62,888	62,944	62,523

20. Annual data: Employment levels by industry

(Numbers in thousands)

Industry	1981	1982	1983	1984	1985	1986	1987	1988	1989
Total employment	91,156	89,566	90,200	94,496	97,519	99,525	102,200	105,536	108,413
Private sector	75,126	73,729	74,330	78,472	81,125	82,832	85,190	88,150	90,644
Goods-producing	25,497	23,813	23,334	24,727	24,859	24,558	24,708	25,173	25,326
Mining	1,139	1,128	952	966	927	777	717	713	700
Construction	4,188	3,905	3,948	4,383	4,673	4,816	4,967	5,110	5,200
Manufacturing	20,170	18,781	18,434	19,378	19,260	18,965	19,024	19,350	19,426
Service-producing	65,659	65,753	66,866	69,769	72,660	74,967	77,492	80,363	83,087
Transportation and public utilities	5,165	5,082	4,954	5,159	5,238	5,255	5,372	5,527	5,648
Wholesale trade	5,376	5,296	5,286	5,574	5,736	5,774	5,865	6,055	6,271
Retail trade	15,172	15,161	15,595	16,526	17,336	17,909	18,462	19,077	19,580
Finance, insurance, and real estate	5,298	5,341	5,468	5,689	5,955	6,283	6,547	6,649	6,724
Services	18,619	19,036	19,694	20,797	21,999	23,053	24,235	25,669	27,096
Government	16,031	15,837	15,869	16,024	16,394	16,693	17,010	17,386	17,769
Federal	2,772	2,739	2,774	2,807	2,875	2,899	2,943	2,971	2,988
State	3,640	3,640	3,662	3,734	3,832	3,893	3,967	4,076	4,175
Local	9,619	9,458	9,434	9,482	9,687	9,901	10,100	10,339	10,606

NOTE: See "Notes on the data" for a description of the most recent benchmark revision.

21. Annual data: Average hours and earnings of production or nonsupervisory workers on nonfarm payrolls, by industry

Industry	1981	1982	1983	1984	1985	1986	1987	1988	1989
Private sector:									
Average weekly hours	35.2	34.8	35.0	35.2	34.9	34.8	34.8	34.7	34.6
Average hourly earnings (in dollars)	7.25	7.68	8.02	8.32	8.57	8.76	8.98	9.28	9.66
Average weekly earnings (in dollars)	255.20	267.26	280.70	292.86	299.09	304.85	312.50	322.02	334.24
Mining:									
Average weekly hours	43.7	42.7	42.5	43.3	43.4	42.2	42.4	42.3	43.0
Average hourly earnings (in dollars)	10.04	10.77	11.28	11.63	11.98	12.46	12.54	12.80	13.25
Average weekly earnings (in dollars)	438.75	459.88	479.40	503.58	519.93	525.81	531.70	541.44	569.75
Construction:									
Average weekly hours	36.9	36.7	37.1	37.8	37.7	37.4	37.8	37.9	37.9
Average hourly earnings (in dollars)	10.82	11.63	11.94	12.13	12.32	12.48	12.71	13.08	13.52
Average weekly earnings (in dollars)	399.26	426.82	442.97	458.51	464.46	466.75	480.44	495.73	512.41
Manufacturing:									
Average weekly hours	39.8	38.9	40.1	40.7	40.5	40.7	41.0	41.1	41.0
Average hourly earnings (in dollars)	7.99	8.49	8.83	9.19	9.54	9.73	9.91	10.19	10.49
Average weekly earnings (in dollars)	318.00	330.26	354.08	374.03	386.37	396.01	406.31	418.81	430.09
Transportation and public utilities:									
Average weekly hours	39.4	39.0	39.0	39.4	39.5	39.2	39.2	38.8	38.9
Average hourly earnings (in dollars)	9.70	10.32	10.79	11.12	11.40	11.70	12.03	12.26	12.61
Average weekly earnings (in dollars)	382.18	402.48	420.81	438.13	450.30	458.64	471.58	475.69	490.53
Wholesale trade:									
Average weekly hours	38.5	38.3	38.5	38.5	38.4	38.3	38.1	38.1	38.0
Average hourly earnings (in dollars)	7.55	8.08	8.54	8.88	9.15	9.34	9.59	9.98	10.39
Average weekly earnings (in dollars)	290.75	309.23	328.25	341.78	351.08	357.57	365.30	380.24	394.82
Retail trade:									
Average weekly hours	30.1	29.9	29.8	29.8	29.4	29.2	29.2	29.1	28.9
Average hourly earnings (in dollars)	5.25	5.48	5.74	5.85	5.94	6.03	6.12	6.31	6.53
Average weekly earnings (in dollars)	157.99	163.83	171.13	174.47	174.81	175.80	178.80	183.62	188.72
Finance, insurance, and real estate:									
Average weekly hours	36.3	36.2	36.2	36.5	36.4	36.4	36.3	35.9	35.8
Average hourly earnings (in dollars)	6.31	6.78	7.29	7.63	7.94	8.36	8.73	9.06	9.54
Average weekly earnings (in dollars)	228.73	245.68	263.68	278.04	289.20	304.49	316.37	325.25	341.53
Services:									
Average weekly hours	32.6	32.6	32.7	32.6	32.5	32.5	32.5	32.6	32.6
Average hourly earnings (in dollars)	6.41	6.92	7.31	7.59	7.90	8.18	8.49	8.88	9.39
Average weekly earnings (in dollars)	209.16	225.87	239.04	247.25	256.49	265.93	276.03	289.49	306.11

Current Labor Statistics: Compensation & Industrial Relations

22. Continued—Employment Cost Index, compensation,¹ by occupation and industry group

(June 1989=100)

Series	1988		1989				1990			Percent change	
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.	3	12
										months	months
										ended	ended
										Sept. 1990	
Finance, insurance, and real estate	92.9	96.2	98.3	100.0	100.4	101.4	102.6	104.4	105.4	1.0	5.0
Excluding sales occupations	95.4	97.1	98.5	100.0	100.1	101.0	103.5	104.7	106.3	1.5	6.2
Banking, savings and loan, and other credit agencies	97.0	97.8	98.8	100.0	100.6	100.7	102.1	104.1	104.4	.4	3.8
Insurance	95.8	97.0	98.3	100.0	99.9	101.0	103.2	105.2	106.5	1.2	6.6
Services	96.4	97.5	99.0	100.0	101.8	102.9	105.0	106.5	108.1	1.5	6.2
Business services	96.2	97.2	98.1	100.0	100.7	101.3	103.6	105.3	106.3	.9	5.6
Health services	95.6	97.0	98.9	100.0	101.9	103.7	105.8	107.1	109.0	1.8	7.0
Hospitals	95.2	96.6	98.8	100.0	101.9	103.5	105.4	106.6	108.9	2.2	6.9
Educational services	-	98.3	99.1	100.0	103.9	104.2	105.4	105.9	110.2	4.1	6.1
Colleges and universities	-	98.2	99.0	100.0	103.3	103.8	105.2	105.7	109.8	3.9	6.3
Nonmanufacturing	96.5	97.5	98.8	100.0	101.3	102.3	103.8	105.1	106.2	1.0	4.8
White-collar occupations	95.9	97.2	98.8	100.0	101.4	102.6	104.1	105.5	106.7	1.1	5.2
Excluding sales occupations	96.6	97.5	99.0	100.0	101.4	102.3	104.3	105.6	107.0	1.3	5.5
Blue-collar occupations	97.6	98.1	98.8	100.0	101.1	101.7	102.9	104.1	105.0	.9	3.9
Service occupations	97.1	98.3	99.2	100.0	101.0	102.4	103.9	105.0	105.8	.8	4.8
State and local government workers	97.1	98.2	99.4	100.0	103.3	104.3	105.8	106.5	109.4	2.7	5.9
Workers, by occupational group:											
White-collar workers	97.0	98.3	99.5	100.0	103.6	104.6	106.1	106.7	109.9	3.0	6.1
Professional specialty and technical	-	-	-	100.0	103.8	104.7	106.4	107.0	110.3	3.1	6.3
Executive, administrative, and managerial	-	-	-	100.0	103.1	104.1	105.7	106.4	109.3	2.7	6.0
Administrative support, including clerical	-	-	-	100.0	102.9	103.9	105.4	106.0	108.7	2.5	5.6
Blue-collar workers	97.0	97.5	99.3	100.0	102.1	103.7	105.5	106.3	108.2	1.8	6.0
Workers, by industry division:											
Services	97.0	98.5	99.5	100.0	103.8	104.7	106.1	106.8	110.2	3.2	6.2
Services excluding schools ⁵	96.5	97.8	99.1	100.0	102.5	103.2	105.4	106.4	108.8	2.3	6.1
Health services	96.5	97.3	98.8	100.0	103.1	104.2	106.2	106.9	109.9	2.8	6.6
Hospitals	97.0	97.6	98.6	100.0	103.2	104.5	106.0	107.0	109.8	2.6	6.4
Educational services	-	-	99.5	100.0	104.1	104.9	106.2	106.8	110.3	3.3	6.0
Schools	97.2	98.7	99.6	100.0	104.4	105.3	106.4	106.9	110.6	3.5	5.9
Elementary and secondary	97.4	99.1	99.6	100.0	104.6	105.5	106.5	107.1	111.1	3.7	6.2
Colleges and universities	-	-	99.6	100.0	103.4	104.7	106.1	106.3	109.2	2.7	5.6
Public administration ⁵	97.5	97.8	99.2	100.0	102.5	103.2	105.1	105.5	107.8	2.2	5.2

¹ Cost (cents per hour worked) measured in the Employment Cost Index consists of wages, salaries, and employer cost of employee benefits.

² Consist of private industry workers (excluding farm and household workers) and State and local government (excluding Federal Government) workers.

³ Consist of legislative, judicial, administrative, and regulatory activities.

⁴ This series has the same industry and occupational coverage as the Hourly Earnings Index, which was discontinued in January 1989.

⁵ Includes, for example, library, social, and health services.

- Data not available.

23. Employment Cost Index, wages and salaries, by occupation and industry group

(June 1989 = 100)

Series	1988		1989				1990			Percent change	
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.	3 months ended	12 months ended
										Sept. 1990	
Civilian workers ¹	97.2	98.1	99.2	100.0	101.6	102.4	103.6	104.7	106.0	1.2	4.3
Workers, by occupational group:											
White-collar workers	96.9	98.0	99.2	100.0	101.9	102.8	104.1	105.2	106.8	1.5	4.8
Professional specialty and technical	-	-	-	100.0	102.5	103.3	104.8	105.5	107.9	2.3	5.3
Executive, administrative, and managerial	-	-	-	100.0	101.1	101.8	103.6	105.0	106.5	1.4	5.3
Administrative support, including clerical	-	-	-	100.0	101.4	102.4	103.7	104.7	105.9	1.1	4.4
Blue-collar workers	97.4	98.1	99.0	100.0	101.0	101.7	102.8	103.9	104.7	.8	3.7
Service occupations	97.9	98.7	99.4	100.0	101.4	102.5	103.4	104.2	105.6	1.3	4.1
Workers, by industry division:											
Goods-producing	97.4	98.1	99.0	100.0	100.9	101.9	103.1	104.2	105.1	.9	4.2
Manufacturing	97.3	98.1	99.0	100.0	100.9	101.9	103.3	104.5	105.4	.9	4.5
Service-producing	97.0	98.0	99.2	100.0	101.8	102.7	103.8	104.9	106.5	1.5	4.6
Services	97.2	98.3	99.4	100.0	102.5	103.3	104.8	105.9	108.1	2.1	5.5
Health services	96.1	97.4	99.0	100.0	102.0	103.5	105.3	106.2	108.3	2.0	6.2
Hospitals	96.0	97.3	98.9	100.0	102.2	103.5	105.0	106.0	108.3	2.2	6.0
Educational services	-	-	99.5	100.0	103.8	104.4	105.4	105.8	109.6	3.6	5.6
Public administration ²	98.1	98.4	99.4	100.0	102.1	102.8	104.3	104.6	106.5	1.8	4.3
Nonmanufacturing	97.1	98.0	99.2	100.0	101.8	102.6	103.7	104.8	106.2	1.3	4.3
Private industry workers	97.0	98.0	99.0	100.0	101.2	102.0	103.2	104.5	105.4	.9	4.2
Excluding sales occupations	97.3	98.0	99.1	100.0	101.1	101.9	103.2	104.4	105.4	1.0	4.3
Workers, by occupational group:											
White-collar workers	96.7	97.8	99.0	100.0	101.4	102.4	103.6	104.9	106.0	1.0	4.5
Excluding sales occupations	97.1	98.0	99.2	100.0	101.2	102.1	103.7	104.8	106.2	1.3	4.9
Professional specialty and technical occupations	97.4	97.9	99.3	100.0	101.6	102.5	104.1	104.8	106.5	1.6	4.8
Executive, administrative, and managerial occupations	96.7	98.0	99.3	100.0	100.8	101.5	103.3	104.9	106.2	1.2	5.4
Sales occupations	94.8	96.9	98.6	100.0	102.1	103.7	103.3	105.3	105.4	.1	3.2
Administrative support occupations, including clerical	97.2	97.8	99.1	100.0	101.1	102.2	103.6	104.7	105.7	1.0	4.6
Blue-collar workers	97.4	98.2	99.0	100.0	101.0	101.6	102.7	103.8	104.6	.8	3.6
Precision production, craft, and repair occupations	97.2	97.9	98.8	100.0	101.0	101.6	102.5	103.6	104.4	.8	3.4
Machine operators, assemblers, and inspectors	97.1	98.1	99.0	100.0	100.6	101.6	103.0	104.2	104.9	.7	4.3
Transportation and material moving occupations	98.4	98.6	99.3	100.0	101.2	101.2	102.0	103.1	103.6	.5	2.4
Handlers, equipment cleaners, helpers, and laborers	97.6	98.3	99.1	100.0	101.1	102.0	103.0	104.4	105.3	.9	4.2
Service occupations	97.7	98.7	99.4	100.0	100.9	102.3	103.1	104.2	104.9	.7	4.0
Production and nonsupervisory occupations ³	97.0	97.9	99.0	100.0	101.3	102.2	103.2	104.3	105.2	.9	3.9
Workers, by industry division:											
Goods-producing	97.5	98.2	99.1	100.0	101.0	102.0	103.1	104.2	105.1	.9	4.1
Excluding sales occupations	97.4	98.2	99.1	100.0	101.0	102.0	103.0	104.2	105.0	.8	4.0
White-collar occupations	97.6	98.3	99.2	100.0	101.0	101.9	103.5	104.6	105.7	1.1	4.7
Excluding sales occupations	97.6	98.2	99.2	100.0	101.0	102.0	103.3	104.4	105.6	1.1	4.6
Blue-collar occupations	97.3	98.1	99.0	100.0	101.0	101.9	102.9	104.1	104.7	.6	3.7
Service occupations	96.9	97.8	99.0	100.0	100.7	101.9	102.7	103.0	104.3	1.3	3.6
Construction	97.7	98.3	99.1	100.0	101.1	101.7	102.0	102.9	103.5	.6	2.4
Manufacturing	97.3	98.1	99.0	100.0	100.9	101.9	103.3	104.5	105.4	.9	4.5
White-collar occupations	97.5	98.2	99.2	100.0	100.9	101.8	103.7	104.7	105.9	1.1	5.0
Excluding sales occupations	97.4	98.0	99.1	100.0	100.9	101.9	103.4	104.4	105.6	1.1	4.7
Blue-collar occupations	97.2	98.1	98.9	100.0	100.9	102.0	103.1	104.4	105.1	.7	4.2
Service occupations	97.2	98.1	98.9	100.0	100.7	102.0	102.9	103.2	104.1	.9	3.4
Durables	97.4	98.0	99.0	100.0	100.7	101.9	103.2	104.3	105.3	1.0	4.6
Nondurables	97.2	98.2	99.0	100.0	101.1	101.8	103.6	104.8	105.7	.9	4.5
Service-producing	96.7	97.8	99.1	100.0	101.4	102.2	103.3	104.6	105.7	1.1	4.2
Excluding sales occupations	97.1	98.0	99.2	100.0	101.2	101.8	103.4	104.5	105.8	1.2	4.5
White-collar occupations	96.3	97.5	99.0	100.0	101.5	102.5	103.6	105.0	106.1	1.0	4.5
Excluding sales occupations	96.9	97.9	99.2	100.0	101.3	102.1	103.8	105.0	106.4	1.3	5.0
Blue-collar occupations	97.5	98.0	99.0	100.0	100.9	100.9	102.1	103.3	104.2	.9	3.3
Service occupations	97.7	98.8	99.4	100.0	100.8	102.3	103.2	104.3	105.0	.7	4.2
Transportation and public utilities	98.7	98.6	99.5	100.0	100.7	101.2	102.6	103.2	104.1	.9	3.4
Transportation	99.0	98.7	99.4	100.0	100.6	100.7	102.3	102.3	103.3	1.0	2.7
Public utilities	98.3	98.7	99.5	100.0	101.1	101.8	103.0	104.1	105.0	.9	3.9
Communications	98.9	99.0	99.9	100.0	101.1	101.8	103.1	104.1	105.0	.9	3.9
Electric, gas, and sanitary services	97.3	98.2	99.0	100.0	101.0	101.7	103.0	104.2	105.0	.9	3.9

See footnotes at end of table.

23. Continued— Employment Cost Index, wages and salaries, by occupation and industry group

(June 1989=100)

Series	1988		1989				1990			Percent change	
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.	3 months ended	12 months ended
										Sept. 1990	
Wholesale and retail trade	97.2	97.9	99.1	100.0	101.6	102.7	103.3	104.6	105.1	0.5	3.4
Excluding sales occupations	97.5	98.4	99.4	100.0	101.1	101.9	102.6	104.2	104.9	.7	3.8
Wholesale trade	96.1	96.4	99.0	100.0	102.8	105.2	104.6	105.2	105.5	.3	2.6
Excluding sales occupations	97.7	98.3	99.2	100.0	101.7	102.5	103.2	104.7	105.2	.5	3.4
Retail trade	97.7	98.5	99.1	100.0	101.0	101.6	102.7	104.4	105.0	.6	4.0
Food stores	98.2	99.0	100.0	100.0	100.4	101.7	102.8	104.3	105.1	.8	4.7
General merchandise stores	97.0	98.2	99.2	100.0	100.3	101.4	102.4	105.2	105.6	.4	5.3
Finance, insurance, and real estate	92.9	96.3	98.3	100.0	100.6	101.3	101.8	103.5	104.9	1.4	4.3
Excluding sales occupations	95.3	97.1	98.4	100.0	100.2	100.9	103.0	103.9	105.8	1.8	5.6
Banking, savings and loan, and other credit agencies	97.0	97.8	98.8	100.0	101.1	100.9	101.6	103.6	103.9	.3	2.8
Insurance	96.2	97.4	98.5	100.0	99.6	100.8	102.3	104.1	105.8	1.6	6.2
Services	96.9	97.8	99.1	100.0	101.6	102.5	104.2	105.7	107.1	1.3	5.4
Business services	96.5	97.4	98.4	100.0	100.9	101.2	103.0	105.1	105.7	.6	4.8
Health services	96.0	97.3	99.1	100.0	101.9	103.5	105.3	106.3	108.1	1.7	6.1
Hospitals	95.6	96.9	98.9	100.0	101.9	103.3	105.0	106.0	108.2	2.1	6.2
Educational services	-	98.8	99.1	100.0	103.7	103.9	104.7	105.0	109.2	4.0	5.3
Colleges and universities	-	98.7	99.1	100.0	103.3	103.7	104.4	104.8	108.7	3.7	5.2
Nonmanufacturing	96.9	97.8	99.1	100.0	101.4	102.2	103.2	104.5	105.4	.9	3.9
White-collar occupations	96.4	97.6	99.1	100.0	101.5	102.5	103.6	105.0	106.1	1.0	4.5
Excluding sales occupations	97.0	97.9	99.2	100.0	101.3	102.0	103.8	105.0	106.3	1.2	4.9
Blue-collar occupations	97.7	98.1	99.0	100.0	101.0	101.3	102.2	103.2	104.0	.8	3.0
Service occupations	97.7	98.8	99.4	100.0	100.8	102.3	103.2	104.3	105.0	.7	4.2
State and local government workers	97.7	98.7	99.5	100.0	103.1	103.9	105.1	105.7	108.6	2.7	5.3
Workers, by occupational group:											
White-collar workers	97.6	98.8	99.6	100.0	103.4	104.2	105.5	106.0	109.2	3.0	5.6
Professional specialty and technical	-	-	-	100.0	103.7	104.4	105.8	106.3	109.8	3.3	5.9
Executive, administrative, and managerial	-	-	-	100.0	102.8	103.7	104.9	105.7	108.4	2.6	5.4
Administrative support, including clerical	-	-	-	100.0	102.4	103.0	104.4	104.8	107.2	2.3	4.7
Blue-collar workers	97.8	98.2	99.5	100.0	101.9	103.3	104.3	105.3	107.2	1.8	5.2
Workers, by industry division:											
Services	97.7	98.9	99.6	100.0	103.6	104.3	105.5	106.0	109.5	3.3	5.7
Services excluding schools ⁴	97.3	98.2	99.1	100.0	102.5	103.0	105.4	106.4	108.8	2.3	6.1
Health services	96.7	97.7	98.9	100.0	102.7	103.7	105.5	106.1	108.9	2.6	6.0
Hospitals	97.0	97.9	98.7	100.0	102.9	103.8	105.0	105.9	108.6	2.5	5.5
Educational services	-	-	99.6	100.0	103.8	104.5	105.5	106.0	109.7	3.5	5.7
Schools	97.7	99.1	99.7	100.0	104.0	104.7	105.5	105.9	109.7	3.6	5.5
Elementary and secondary	97.8	99.3	99.7	100.0	104.2	104.9	105.5	105.9	110.1	4.0	5.7
Colleges and universities	-	-	99.6	100.0	102.9	104.1	105.6	105.9	108.4	2.4	5.3
Public administration ²	98.1	98.4	99.4	100.0	102.1	102.8	104.3	104.6	106.5	1.8	4.3

¹ Consists of private industry workers (excluding farm and household workers) and State and local government (excluding Federal Government) workers.
² Consists of legislative, judicial, administrative, and regulatory activities.
³ This series has the same industry and occupational coverage as the Hourly

Earnings Index, which was discontinued in January 1989.
⁴ Includes, for example, library, social and health services.
 - Data not available.

24. Employment Cost Index, benefits, private industry workers by occupation and industry group

(June 1989 = 100)

Series	1988		1989				1990			Percent change	
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.	3 months ended	12 months ended
										Sept. 1990	
Private industry workers	95.7	96.7	98.4	100.0	101.4	102.6	105.5	106.9	108.3	1.3	6.8
Workers, by occupational group:											
White-collar workers	95.0	96.2	98.3	100.0	101.4	102.6	105.6	107.1	108.6	1.4	7.1
Blue-collar workers	96.5	97.4	98.6	100.0	101.4	102.6	105.2	106.6	107.9	1.2	6.4
Workers, by industry group:											
Goods-producing	96.5	97.3	98.7	100.0	101.5	102.6	105.7	107.2	108.7	1.4	7.1
Service-producing	94.9	96.1	98.2	100.0	101.4	102.6	105.3	106.6	107.9	1.2	6.4
Manufacturing	95.8	96.6	98.8	100.0	101.6	102.3	105.5	106.9	108.4	1.4	6.7
Nonmanufacturing	95.5	96.8	98.2	100.0	101.4	102.8	105.4	106.9	108.2	1.2	6.7

25. Employment Cost Index, private nonfarm workers, by bargaining status, region, and area size

(June 1989 = 100)

Series	1988		1989				1990			Percent change	
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.	3 months ended	12 months ended
										Sept. 1990	
COMPENSATION											
Workers, by bargaining status¹											
Union	97.7	98.2	99.0	100.0	100.9	101.8	103.3	104.1	105.1	1.0	4.2
Goods-producing	97.7	98.4	98.9	100.0	100.9	101.9	103.3	104.5	105.1	.6	4.2
Service-producing	97.6	97.9	99.1	100.0	100.8	101.7	103.2	103.6	104.9	1.3	4.1
Manufacturing	97.0	97.8	99.0	100.0	100.8	102.0	103.6	104.7	105.3	.6	4.5
Nonmanufacturing	98.3	98.5	98.9	100.0	100.8	101.6	103.0	103.7	104.9	1.2	4.1
Nonunion	96.3	97.4	98.8	100.0	101.4	102.4	104.1	105.5	106.6	1.0	5.1
Goods-producing	96.9	97.7	98.9	100.0	101.3	102.3	104.2	105.5	106.7	1.1	5.3
Service-producing	95.9	97.2	98.7	100.0	101.5	102.4	103.9	105.5	106.5	.9	4.9
Manufacturing	96.8	97.6	98.8	100.0	101.2	102.1	104.2	105.5	106.9	1.3	5.6
Nonmanufacturing	96.0	97.3	98.8	100.0	101.4	102.4	104.0	105.4	106.5	1.0	5.0
Workers, by region¹											
Northeast	95.0	96.7	98.7	100.0	101.8	102.9	104.4	105.3	106.5	1.1	4.6
South	97.4	98.1	99.0	100.0	101.2	102.2	104.0	105.7	106.3	.6	5.0
Midwest (formerly North Central)	97.0	97.9	98.9	100.0	101.0	101.9	103.5	104.8	106.3	1.4	5.2
West	97.0	97.7	98.8	100.0	101.0	101.8	103.3	104.5	105.6	1.1	4.6
Workers, by area size¹											
Metropolitan areas	96.3	97.4	98.8	100.0	101.4	102.2	103.9	105.1	106.3	1.1	4.8
Other areas	98.5	98.9	99.4	100.0	100.8	102.0	103.6	105.2	106.0	.8	5.2
WAGES AND SALARIES											
Workers, by bargaining status¹											
Union	98.2	98.5	99.2	100.0	100.6	101.6	102.6	103.3	104.2	.9	3.6
Goods-producing	97.8	98.4	99.0	100.0	100.6	101.6	102.3	103.5	104.0	.5	3.4
Service-producing	98.8	98.8	99.6	100.0	100.7	101.7	102.9	103.1	104.4	1.3	3.7
Manufacturing	97.5	98.3	99.0	100.0	100.5	101.7	102.6	103.8	104.3	.5	3.8
Nonmanufacturing	98.8	98.8	99.4	100.0	100.7	101.5	102.5	103.0	104.1	1.1	3.4
Nonunion	96.6	97.7	99.0	100.0	101.3	102.1	103.4	104.8	105.8	1.0	4.4
Goods-producing	97.3	98.1	99.1	100.0	101.1	102.1	103.5	104.5	105.5	1.0	4.4
Service-producing	96.3	97.6	98.9	100.0	101.4	102.2	103.4	104.9	105.9	1.0	4.4
Manufacturing	97.2	98.0	98.9	100.0	101.0	102.0	103.6	104.8	105.9	1.0	4.9
Nonmanufacturing	96.4	97.7	99.0	100.0	101.4	102.3	103.3	104.8	105.7	.9	4.2
Workers, by region¹											
Northeast	95.1	96.9	98.7	100.0	101.8	102.9	104.0	104.8	105.9	1.0	4.0
South	97.9	98.4	99.2	100.0	101.2	102.1	103.5	105.2	105.7	.5	4.4
Midwest (formerly North Central)	97.4	98.2	99.1	100.0	100.8	101.6	102.6	103.7	105.1	1.4	4.3
West	97.7	98.2	99.1	100.0	100.8	101.4	102.5	104.0	104.8	.8	4.0
Workers, by area size¹											
Metropolitan areas	96.7	97.8	99.0	100.0	101.3	102.1	103.3	104.4	105.4	1.0	4.0
Other areas	98.7	98.9	99.6	100.0	100.7	101.9	103.0	104.6	105.3	.7	4.6

¹ The indexes are calculated differently from those for the occupation and industry groups. For a detailed description of the index calculation, see the

Monthly Labor Review Technical Note, "Estimation procedures for the Employment Cost Index," May 1982.

26. Specified compensation and wage adjustments from contract settlements, and effective wage adjustments, private industry collective bargaining situations covering 1,000 workers or more (in percent)

Measure	Annual average		Quarterly average							
	1988	1989	1988	1989				1990		
				IV	I	II	III	IV	I ^P	II ^P
Specified adjustments:										
Total compensation ¹ adjustments, ² settlements covering 5,000 workers or more:										
First year of contract	3.1	4.5	3.5	3.2	5.1	3.9	5.3	4.6	5.8	4.0
Annual rate over life of contract	2.5	3.4	2.1	3.1	3.4	2.7	4.3	3.6	4.8	2.7
Wage adjustments, settlements covering 1,000 workers or more:										
First year of contract	2.5	4.0	2.6	3.2	3.9	3.6	4.9	3.7	4.5	3.7
Annual rate over life of contract	2.4	3.4	2.2	3.1	3.3	3.0	4.0	3.3	4.1	2.8
Effective adjustments:										
Total effective wage adjustment ³	2.6	3.2	.5	.5	1.0	1.0	.7	.6	1.1	1.1
From settlements reached in period .....	.7	1.2	.1	.1	.3	.4	.4	.2	.3	.6
Deferred from settlements reached in earlier periods	1.3	1.3	.2	.3	.5	.4	.2	.3	.6	.4
From cost-of-living-adjustments clauses .....	.6	.7	.2	.1	.2	.2	.1	.1	.3	.1

¹ Compensation includes wages, salaries, and employers' cost of employee benefits when contract is negotiated.

² Adjustments are the net result of increases, decreases, and no changes in

compensation or wages.

³ Because of rounding, total may not equal sum of parts.

^P = preliminary.

27. Average specified compensation and wage adjustments, major collective bargaining settlements in private industry situations covering 1,000 workers or more during 4-quarter periods (in percent)

Measure	Average for four quarters ending--							
	1988	1989				1990		
		IV	I	II	III	IV	I ^P	II ^P
Specified total compensation adjustments, settlements covering 5,000 workers or more, all industries:								
First year of contract	3.1	3.3	3.8	4.0	4.5	4.6	4.8	4.8
Annual rate over life of contract	2.5	2.6	3.0	2.8	3.4	3.5	3.7	3.6
Specified wage adjustments, settlements covering 1,000 workers or more:								
All industries:								
First year of contract	2.5	2.7	3.2	3.5	4.0	4.0	4.2	4.2
Contracts with COLA clauses	2.4	2.4	2.2	2.6	3.9	3.8	3.9	3.8
Contracts without COLA clauses	2.7	2.9	3.4	3.6	4.0	4.1	4.3	4.4
Annual rate over life of contract	2.4	2.5	2.9	3.0	3.4	3.4	3.6	3.5
Contracts with COLA clauses	1.8	1.8	1.8	2.0	2.8	2.7	2.7	2.5
Contracts without COLA clauses	2.8	2.9	3.2	3.2	3.5	3.6	3.8	4.1
Manufacturing:								
First year of contract	2.2	2.2	2.6	2.6	3.9	3.9	4.4	4.1
Contracts with COLA clauses	2.1	2.1	2.1	2.1	5.4	4.8	4.9	3.8
Contracts without COLA clauses	2.5	2.5	3.1	2.8	3.1	3.5	4.1	4.6
Annual rate over life of contract	2.1	2.2	2.4	2.5	3.2	3.2	3.4	2.5
Contracts with COLA clauses	1.8	1.8	1.7	1.7	3.5	3.1	3.1	1.9
Contracts without COLA clauses	2.6	2.8	3.1	2.9	3.0	3.3	3.5	3.7
Nonmanufacturing:								
First year of contract	2.8	3.0	3.5	3.8	4.0	4.1	4.1	4.2
Contracts with COLA clauses	2.9	2.9	3.0	3.0	3.2	3.2	3.3	3.9
Contracts without COLA clauses	2.7	3.0	3.5	3.9	4.2	4.3	4.3	4.3
Annual rate over life of contract	2.5	2.7	3.2	3.1	3.4	3.4	3.6	4.0
Contracts with COLA clauses	1.7	1.7	2.5	2.1	2.4	2.4	2.4	3.4
Contracts without COLA clauses	2.8	3.0	3.3	3.3	3.7	3.7	3.9	4.2
Construction:								
First year of contract	2.2	2.4	2.4	2.6	2.8	2.9	3.4	3.7
Contracts with COLA clauses	(¹)	(¹)	(²)	(²)	(²)	(²)	(²)	(²)
Contracts without COLA clauses	2.2	2.4	(²)	(²)	(²)	(²)	(²)	(²)
Annual rate over life of contract	2.6	2.7	2.9	2.9	3.0	3.1	3.9	4.2
Contracts with COLA clauses	(¹)	(¹)	(²)	(²)	(²)	(²)	(²)	(²)
Contracts without COLA clauses	2.6	2.7	(²)	(²)	(²)	(²)	(²)	(²)

¹ None of the settlements included COLA provisions.

² Data do not meet publication standards.

^P = preliminary.

28. Average effective wage adjustments, private industry collective bargaining situations covering 1,000 workers or more during 4-quarter periods (in percent)

Effective wage adjustment	Average for four quarters ending--						
	1989				1990		
	I	II	III	IV	I ^P	II ^P	III ^P
For all workers:¹							
Total	2.7	2.8	3.0	3.2	3.2	3.3	3.4
From settlements reached in period .....	.8	.7	.9	1.2	1.3	1.2	1.4
Deferred from settlements reached in earlier period	1.3	1.3	1.3	1.3	1.2	1.4	1.4
From cost-of-living-adjustments clauses .....	.6	.8	.8	.7	.7	.7	.6
For workers receiving changes:							
Total	3.5	3.8	4.0	4.0	4.0	4.1	4.2
From settlements reached in period	3.2	3.5	3.7	4.2	4.1	4.1	4.3
Deferred from settlements reached in earlier period	3.2	3.2	3.4	3.4	3.4	3.3	3.3
From cost-of-living-adjustments clauses	2.9	3.2	3.8	3.3	3.3	3.4	2.5

¹ Because of rounding, total may not equal sum of parts.

^P = preliminary.

29. Specified compensation and wage adjustments from contract settlements, and effective wage adjustments, State and local government collective bargaining situations covering 1,000 workers or more (in percent)

Measure	Annual average		
	1988	1989	First 6 months 1990
Specified adjustments:			
Total compensation ¹ adjustments, ² settlements covering 5,000 workers or more:			
First year of contract	5.4	5.1	5.5
Annual rate over life of contract	5.3	4.9	5.4
Wage adjustments, settlements covering 1,000 workers or more:			
First year of contract	5.1	5.1	5.1
Annual rate over life of contract	5.3	5.1	5.1
Effective adjustments:			
Total effective wage adjustment ³	4.7	5.1	1.7
From settlements reached in period	2.3	2.5	.4
Deferred from settlements reached in earlier periods	2.4	2.6	1.2
From cost-of-living-adjustment clauses	(⁴)	(⁴)	(⁴)

¹ Compensation includes wages, salaries, and employers' cost of employee benefits when contract is negotiated.

² Adjustments are the net result of increases, decreases, and no changes in

compensation or wages.

³ Because of rounding, total may not equal sum of parts.

⁴ Less than 0.05 percent.

30. Work stoppages involving 1,000 workers or more

Measure	Annual totals		1989		1990										
	1988	1989	Nov.	Dec.	Jan. ^P	Feb. ^P	Mar. ^P	Apr. ^P	May ^P	June ^P	July ^P	Aug. ^P	Sept. ^P	Oct. ^P	Nov. ^P
Number of stoppages:															
Beginning in period	40	51	5	1	3	3	5	5	4	5	1	5	4	2	2
In effect during period	43	52	14	9	9	7	8	12	11	9	8	9	9	8	8
Workers involved:															
Beginning in period (in thousands)	118.3	452.1	8.0	5.0	4.5	18.0	39.6	33.1	6.2	13.7	6.4	33.5	10.9	3.4	9.8
In effect during period (in thousands)	121.9	454.1	169.1	104.1	20.3	31.4	51.1	70.3	31.5	34.8	36.8	38.2	35.2	24.1	31.5
Days idle:															
Number (in thousands)	4,364.3	16,996.3	2,343.7	376.0	311.9	280.7	720.2	812.7	535.3	527.3	564.3	752.5	565.2	488.4	486.0
Percent of estimated working time ¹ .....	.02	.07	.11	.02	.01	.01	.03	.03	.02	.02	.03	.03	.03	.02	.02

¹ Agricultural and government employees are included in the total employed and total working time; private household, forestry, and fishery employees are excluded. An explanation of the measurement of idleness as a percentage of the total time worked is found

in "'Total economy' measure of strike idleness," *Monthly Labor Review*, October 1968, pp. 54-56.

^P = preliminary.

32. Consumer Price Index: U.S. city average and available local area data: all items

(1982-84=100, unless otherwise indicated)

Area ¹	Pricing schedule ²	All Urban Consumers							Urban Wage Earners						
		1989		1990					1989		1990				
		Nov.	Dec.	July	Aug.	Sept.	Oct.	Nov.	Nov.	Dec.	July	Aug.	Sept.	Oct.	Nov.
U.S. city average	M	125.9	126.1	130.4	131.6	132.7	133.5	133.8	124.4	124.6	128.7	129.9	131.1	131.9	132.2
Region and area size³															
Northeast urban	M	131.1	131.3	136.0	137.4	138.6	139.4	139.7	129.9	130.1	134.6	135.8	137.2	138.1	138.4
Size A - More than 1,200,000	M	131.6	131.6	136.7	138.0	139.1	139.9	140.1	129.5	129.5	134.3	135.5	136.8	137.7	137.9
Size B - 500,000 to 1,200,000	M	130.7	130.9	135.2	137.2	137.8	138.8	139.0	129.3	129.5	133.8	135.6	136.2	137.1	137.4
Size C - 50,000 to 500,000	M	129.7	130.7	133.9	134.6	137.3	137.8	138.9	132.3	133.1	136.1	136.8	139.6	140.1	141.2
North Central urban	M	123.2	123.2	126.9	128.4	129.4	130.0	130.4	121.2	121.1	124.7	126.3	127.4	128.0	128.3
Size A - More than 1,200,000	M	124.4	124.3	128.6	129.9	130.7	131.1	131.7	121.5	121.5	125.6	127.0	127.8	128.2	128.8
Size B - 360,000 to 1,200,000	M	123.0	123.0	125.8	127.6	128.3	129.1	128.9	120.5	120.4	123.2	125.2	126.0	126.8	126.5
Size C - 50,000 to 360,000	M	123.3	123.2	126.2	127.8	129.9	130.8	130.9	122.0	122.0	124.8	126.5	128.7	129.6	129.8
Size D - Nonmetropolitan (less than 50,000)	M	118.6	118.8	122.6	124.1	125.0	125.8	126.2	118.4	118.6	122.2	123.9	125.0	125.7	126.0
South urban	M	123.2	123.4	127.8	128.7	129.7	130.7	130.9	122.5	122.7	126.9	127.8	128.9	130.0	130.1
Size A - More than 1,200,000	M	124.0	124.0	128.6	129.0	130.2	131.5	131.4	123.0	123.0	127.3	127.8	129.2	130.5	130.4
Size B - 450,000 to 1,200,000	M	124.7	125.1	128.6	129.8	130.7	131.9	132.1	122.4	122.7	126.1	127.3	128.3	129.5	129.7
Size C - 50,000 to 450,000	M	121.6	122.0	126.0	127.6	128.5	129.3	129.6	122.1	122.5	126.3	128.0	129.0	129.9	130.1
Size D - Nonmetropolitan (less than 50,000)	M	121.3	121.4	128.0	128.5	128.8	129.0	129.7	122.0	122.1	128.4	129.0	129.5	129.8	130.4
West urban	M	126.3	126.8	131.3	132.2	133.5	134.3	134.5	124.8	125.3	129.6	130.4	131.7	132.6	132.7
Size A - More than 1,250,000	M	127.8	128.3	133.1	133.9	135.3	136.0	136.2	124.9	125.4	129.9	130.7	132.0	132.8	133.0
Size C - 50,000 to 330,000	M	124.5	125.3	128.8	130.0	131.4	132.1	131.8	123.7	124.4	127.8	129.1	130.4	131.1	130.9
Size classes:															
A (12/86=100)	M	114.3	114.4	118.7	119.6	120.6	121.3	121.5	114.1	114.2	118.3	119.3	120.3	121.1	121.3
B	M	125.6	125.9	129.6	130.8	131.7	132.8	132.9	124.0	124.3	127.8	129.2	130.1	131.2	131.4
C	M	124.1	124.5	128.0	129.4	131.0	131.7	132.1	124.3	124.7	128.0	129.5	131.2	132.0	132.3
D	M	121.8	122.0	127.2	128.2	129.1	129.6	130.0	122.1	122.4	127.1	128.2	129.2	129.8	130.2
Selected local areas															
Chicago, IL-Northwestern IN ...	M	126.7	126.5	132.0	133.2	133.8	133.3	134.2	122.9	122.8	128.0	129.3	129.9	129.4	130.3
Los Angeles-Long Beach, Anaheim, CA	M	130.0	130.6	135.6	136.3	137.7	138.7	138.9	126.4	127.0	131.6	132.3	133.5	134.5	134.8
New York, NY-Northeastern NJ	M	133.2	133.3	138.4	140.0	140.8	141.6	141.5	131.3	131.3	136.0	137.4	138.7	139.5	139.5
Philadelphia, PA-NJ	M	130.1	129.9	136.3	137.3	138.2	138.8	139.1	130.1	130.0	136.6	137.5	138.6	139.1	139.4
San Francisco-Oakland, CA	M	127.2	127.4	132.3	133.1	134.0	134.6	134.7	126.4	126.6	131.3	132.0	132.9	133.6	133.7
Baltimore, MD	M	126.6	-	130.2	-	132.9	-	133.9	126.0	-	129.5	-	132.3	-	133.2
Boston, MA	1	134.3	-	137.6	-	141.3	-	143.7	134.7	-	137.4	-	140.9	-	143.5
Cleveland, OH	1	123.4	-	128.8	-	131.1	-	131.7	118.0	-	122.7	-	125.0	-	125.8
Miami, FL	1	123.0	-	128.7	-	130.1	-	131.2	121.5	-	126.7	-	128.2	-	129.3
St. Louis, MO-IL	1	123.1	-	128.0	-	129.9	-	130.4	122.6	-	127.3	-	129.3	-	129.9
Washington, DC-MD-VA	1	130.5	-	135.7	-	138.0	-	138.4	129.6	-	134.6	-	136.9	-	137.2
Dallas-Ft. Worth, TX	1	-	120.5	-	126.0	-	129.5	-	-	120.1	-	125.4	-	128.8	-
Detroit, MI	2	-	124.4	-	129.4	-	131.8	-	-	121.4	-	126.5	-	128.7	-
Houston, TX	2	-	115.5	-	121.5	-	124.0	-	-	115.8	-	121.9	-	124.7	-
Pittsburgh, PA	2	-	121.8	-	127.1	-	129.6	-	-	117.1	-	122.0	-	124.6	-

¹ Area is the Consolidated Metropolitan Statistical Area (CMSA), exclusive of farms and military. Area definitions are those established by the Office of Management and Budget in 1983, except for Boston-Lawrence-Salem, MA-NH Area (excludes Monroe County); and Milwaukee, WI Area (includes only the Milwaukee MSA). Definitions do not include revisions made since 1983.

² Foods, fuels, and several other items priced every month in all areas; most other goods and services priced as indicated.

M - Every month.

1 - January, March, May, July, September, and November.

2 - February, April, June, August, October, and December.

³ Regions are defined as the four Census regions.

- Data not available.

NOTE: Local area CPI indexes are byproducts of the national CPI program. Because each local index is a small subset of the national index, it has a smaller sample size and is, therefore, subject to substantially more sampling and other measurement error than the national index. As a result, local area indexes show greater volatility than the national index, although their long-term trends are quite similar. Therefore, the Bureau of Labor Statistics strongly urges users to consider adopting the national average CPI for use in escalator clauses.

33. Annual data: Consumer Price Index, U.S. city average, all items and major groups

(1982-84 = 100)

Series	1981	1982	1983	1984	1985	1986	1987	1988	1989
Consumer Price Index for All Urban Consumers:									
All items:									
Index	90.9	96.5	99.6	103.9	107.6	109.6	113.6	118.3	124.0
Percent change	10.3	6.2	3.2	4.3	3.6	1.9	3.6	4.1	4.8
Food and beverages:									
Index	93.5	97.3	99.5	103.2	105.6	109.1	113.5	118.2	124.9
Percent change	7.8	4.1	2.3	3.7	2.3	3.3	4.0	4.1	5.7
Housing:									
Index	90.4	96.9	99.5	103.6	107.7	110.9	114.2	118.5	123.0
Percent change	11.5	7.2	2.7	4.1	4.0	3.0	3.0	3.8	3.8
Apparel and upkeep:									
Index	95.3	97.8	100.2	102.1	105.0	105.9	110.6	115.4	118.6
Percent change	4.8	2.6	2.5	1.9	2.8	.9	4.4	4.3	2.8
Transportation:									
Index	93.2	97.0	99.3	103.7	106.4	102.3	105.4	108.7	114.1
Percent change	12.2	4.1	2.4	4.4	2.6	-3.9	3.0	3.1	5.0
Medical care:									
Index	82.9	92.5	100.6	106.8	113.5	122.0	130.1	138.6	149.3
Percent change	10.7	11.6	8.8	6.2	6.3	7.5	6.6	6.5	7.7
Entertainment:									
Index	90.1	96.0	100.1	103.8	107.9	111.6	115.3	120.3	126.5
Percent change	7.8	6.5	4.3	3.7	3.9	3.4	3.3	4.3	5.2
Other goods and services:									
Index	82.6	91.1	101.1	107.9	114.5	121.4	128.5	137.0	147.7
Percent change	9.8	10.3	11.0	6.7	6.1	6.0	5.8	6.6	7.8
Consumer Price Index for Urban Wage Earners and Clerical Workers:									
All items:									
Index	91.4	96.9	99.8	103.3	106.9	108.6	112.5	117.0	122.6
Percent change	10.3	6.0	3.0	3.5	3.5	1.6	3.6	4.0	4.8

34. Producer Price Indexes, by stage of processing

(1982=100)

Grouping	Annual average		1989	1990										
	1988	1989	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Finished goods	108.0	113.6	115.4	117.6	117.4	117.2	117.2	117.7	117.8	118.2	119.2	120.3	122.3	122.9
Finished consumer goods	106.2	112.1	113.9	116.7	116.4	115.9	115.8	116.5	116.6	117.0	118.4	119.8	121.9	122.6
Finished consumer foods	112.6	118.7	121.1	123.9	124.6	124.4	123.2	124.5	124.2	124.9	125.0	124.1	124.6	125.1
Finished consumer goods excluding foods	103.1	108.9	110.4	113.2	112.4	111.8	112.2	112.7	112.9	113.2	115.1	117.7	120.6	121.3
Nondurable goods less food	97.3	103.8	105.0	109.2	107.9	107.1	107.7	108.3	108.3	108.6	111.5	115.1	118.0	119.0
Durable goods	113.8	117.6	119.7	119.1	119.4	119.2	119.3	119.4	120.3	120.4	120.0	119.9	122.6	122.8
Capital equipment	114.3	118.8	120.8	121.2	121.6	121.9	122.2	122.2	122.5	122.8	122.9	122.9	124.5	124.7
Intermediate materials, supplies, and components	107.1	112.0	111.9	113.4	112.5	112.4	112.8	113.1	113.1	113.1	114.4	116.3	117.8	117.8
Materials and components for manufacturing	113.2	118.1	117.4	117.6	117.5	117.9	118.2	118.4	118.3	118.5	118.7	119.3	120.0	120.1
Materials for food manufacturing	106.0	112.7	115.5	115.5	114.9	115.8	117.2	120.4	121.0	120.8	120.5	118.8	117.2	116.0
Materials for nondurable manufacturing	112.9	118.5	116.6	116.7	117.1	117.0	117.0	117.0	117.0	116.9	116.7	118.7	120.3	121.3
Materials for durable manufacturing	118.7	123.6	120.3	120.1	119.0	120.0	120.8	120.7	119.8	120.3	121.6	122.2	122.8	121.5
Components for manufacturing	112.3	116.4	117.4	118.1	118.2	118.5	118.7	118.7	118.8	119.0	118.9	119.1	119.4	119.7
Materials and components for construction	116.1	121.3	121.7	121.8	121.9	122.5	123.0	123.2	122.8	123.0	122.9	123.2	123.5	123.4
Processed fuels and lubricants	71.2	76.4	77.3	84.2	79.4	77.8	78.0	78.4	79.4	78.7	85.7	94.0	100.4	99.9
Containers	120.1	125.4	126.7	127.3	127.4	127.4	127.8	127.7	127.6	127.5	127.6	127.6	127.7	128.2
Supplies	113.7	118.1	118.3	118.8	118.5	118.7	118.9	119.4	119.2	119.5	119.3	119.7	120.0	120.1
Crude materials for further processing ...	96.0	103.1	104.2	106.5	106.8	105.6	103.0	104.7	101.2	101.4	110.2	115.1	124.6	116.8
Foodstuffs and feedstuffs	106.1	111.2	112.6	113.5	113.9	115.3	115.1	117.0	115.6	115.4	113.5	110.8	110.9	108.6
Crude nonfood materials	85.5	93.4	94.3	97.5	97.6	94.9	91.0	92.5	88.0	88.3	103.2	112.4	127.2	116.5
Special groupings:														
Finished goods, excluding foods	106.5	111.8	113.5	115.5	115.1	114.8	115.2	115.5	115.7	116.0	117.3	119.1	121.5	122.1
Finished energy goods	59.8	65.7	64.8	72.7	69.2	67.0	68.0	68.5	67.6	68.1	74.4	82.0	88.1	89.4
Finished goods less energy	115.8	121.2	123.5	124.6	125.1	125.2	125.0	125.6	125.9	126.2	126.2	126.1	127.2	127.6
Finished consumer goods less energy	116.3	122.1	124.5	125.9	126.5	126.5	126.1	126.8	127.2	127.6	127.5	127.2	128.2	128.7
Finished goods less food and energy	117.0	122.1	124.4	124.8	125.2	125.4	125.6	125.9	126.4	126.7	126.6	126.8	128.1	128.5
Finished consumer goods less food and energy	118.5	124.0	126.5	127.0	127.4	127.5	127.7	128.1	128.8	129.0	128.9	129.0	130.3	130.8
Consumer nondurable goods less food and energy	122.0	128.8	131.6	132.7	133.2	133.5	133.8	134.4	135.0	135.3	135.3	135.7	136.0	136.6
Intermediate materials less foods and feeds	106.9	111.9	111.9	113.4	112.5	112.5	112.8	112.9	113.0	113.0	114.4	116.4	118.1	118.2
Intermediate foods and feeds	109.5	113.8	113.0	113.2	111.0	111.4	112.5	115.9	115.5	116.0	115.0	113.9	113.0	111.3
Intermediate energy goods	70.9	76.1	76.9	83.7	79.0	77.4	77.7	78.0	79.0	78.4	85.3	93.5	99.9	99.6
Intermediate goods less energy	114.6	119.5	119.2	119.5	119.4	119.7	120.1	120.4	120.2	120.3	120.4	120.9	121.4	121.5
Intermediate materials less foods and energy	115.2	120.2	119.7	120.0	120.0	120.3	120.6	120.7	120.5	120.6	120.8	121.4	122.1	122.2
Crude energy materials	67.7	75.9	78.5	82.3	82.6	78.6	73.1	74.5	69.4	69.7	87.1	97.9	116.2	104.2
Crude materials less energy	112.6	117.7	117.1	117.8	117.9	119.7	120.5	122.1	120.9	120.8	119.9	118.1	117.4	114.9
Crude nonfood materials less energy	133.0	137.9	132.0	132.1	131.3	134.2	137.8	138.8	137.8	138.2	139.9	140.6	137.9	134.8

35. Producer Price indexes, by durability of product

(1982=100)

Grouping	Annual average		1989	1990										
	1988	1989	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Total durable goods	114.7	119.0	119.7	120.0	120.0	120.4	120.9	120.9	121.0	121.2	121.5	121.6	122.5	122.3
Total nondurable goods	101.1	107.1	107.9	110.7	109.9	109.3	108.9	109.7	109.2	109.3	112.3	115.2	118.7	117.8
Total manufactures	109.1	114.3	115.2	116.6	116.0	116.1	116.6	117.1	117.0	117.0	118.2	119.7	121.3	121.4
Durable	114.1	118.3	119.3	119.6	119.6	120.0	120.3	120.4	120.4	120.7	120.8	121.0	121.9	121.9
Nondurable	104.1	110.2	111.0	113.3	112.1	112.2	112.8	113.5	113.3	113.2	115.3	117.9	120.1	120.3
Total raw or slightly processed goods	95.9	101.3	101.8	105.5	105.6	103.8	101.2	102.2	101.0	101.7	106.6	110.1	116.4	112.6
Durable	148.0	151.6	138.0	138.7	136.0	140.7	146.0	147.7	145.7	146.0	150.7	152.6	148.6	144.4
Nondurable	93.4	98.9	100.1	103.9	104.1	102.0	99.1	100.1	98.8	99.6	104.5	108.1	114.8	111.0

36. Producer price indexes for the net output of major industry groups

(December 1984=100, unless otherwise indicated)

Industry	SIC	Annual average		1989											
		1988	1989	1990											
				Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Total mining industries		70.6	76.4	77.6	81.0	81.1	78.1	74.8	75.3	72.2	74.1	80.5	86.7	96.4	92.2
Metal mining	10	100.7	100.3	93.6	89.2	86.1	90.9	92.6	91.3	92.1	96.6	96.1	102.0	99.1	98.0
Anthracite mining (12/85=100)	11	100.2	102.7	103.2	105.0	105.0	105.0	104.4	103.6	103.6	103.6	104.2	104.0	105.1	107.8
Bituminous coal and lignite mining (12/85=100)	12	94.6	94.3	95.6	95.6	95.2	95.4	96.0	97.0	97.0	96.9	96.4	96.4	97.0	96.7
Oil and gas extraction (12/85=100)	13	68.5	75.7	77.3	82.0	82.3	77.9	73.1	73.8	69.4	71.8	80.9	89.3	102.7	96.9
Mining and quarrying of nonmetallic minerals, except fuels	14	108.0	111.2	111.2	111.7	112.3	113.2	113.4	113.8	113.5	113.7	114.0	114.3	114.5	115.1
Total manufacturing industries		104.4	109.6	111.0	112.7	112.2	112.3	112.6	113.1	113.1	113.2	114.6	116.2	118.1	118.2
Food and kindred products	20	107.1	112.2	113.7	114.4	114.6	115.2	115.4	116.9	116.9	117.3	117.3	116.9	117.0	116.6
Tobacco manufactures	21	141.8	161.4	173.8	175.8	176.1	176.1	176.1	179.6	185.9	186.0	186.0	186.2	185.8	190.2
Textile mill products	22	106.8	109.3	110.0	111.0	111.3	111.5	111.7	111.6	111.5	111.6	111.8	111.7	111.6	111.8
Apparel and other finished products made from fabrics and similar materials	23	107.2	110.2	111.6	112.3	112.3	112.5	112.7	112.7	113.0	113.3	113.5	113.6	114.0	114.3
Lumber and wood products, except furniture	24	109.2	115.3	116.1	116.3	116.9	117.6	119.2	118.8	117.7	118.1	117.1	116.7	115.5	115.1
Furniture and fixtures	25	111.4	115.6	117.2	117.7	118.0	118.1	118.5	119.0	119.2	119.2	119.3	119.5	120.0	120.2
Paper and allied products	26	113.7	120.8	121.6	121.6	121.6	121.5	121.9	121.8	121.7	121.7	121.8	122.0	122.3	122.6
Printing, publishing, and allied industries	27	118.2	124.7	126.4	128.2	128.7	129.1	129.4	129.9	130.1	130.5	130.8	131.3	132.1	132.7
Chemicals and allied products	28	113.0	119.6	118.6	119.0	119.5	119.8	120.0	120.1	120.1	120.3	120.5	121.6	122.5	123.7
Petroleum refining and related products	29	67.7	75.7	76.0	87.4	80.3	78.5	79.9	80.2	78.7	77.1	90.3	104.6	116.8	116.7
Rubber and miscellaneous plastic products	30	106.7	110.2	110.5	110.9	110.7	111.0	111.0	111.3	111.1	111.0	110.9	111.1	111.6	112.2
Leather and leather products	31	113.4	118.0	120.2	121.1	121.8	122.5	122.3	123.0	122.8	122.8	123.0	123.3	122.8	122.9
Stone, clay, glass, and concrete products ..	32	105.8	107.9	108.6	109.3	109.5	109.7	109.9	110.0	110.2	110.0	110.3	110.4	110.6	110.6
Primary metal industries	33	113.0	118.8	116.6	116.1	115.2	116.3	116.6	116.7	116.0	116.4	117.3	117.7	117.9	116.6
Fabricated metal products, except machinery and transportation equipment	34	107.4	112.6	113.9	114.3	114.5	114.6	114.7	114.9	114.9	115.2	115.3	115.4	115.6	115.8
Machinery, except electrical	35	106.4	110.7	112.2	112.8	113.0	113.3	113.5	113.7	113.9	113.9	114.1	114.4	114.6	114.9
Electrical and electronic machinery, equipment, and supplies	36	104.6	107.1	107.8	108.4	108.4	108.5	108.6	108.6	108.8	109.0	108.9	108.9	109.1	109.3
Transportation equipment	37	107.8	112.1	114.6	114.2	114.5	114.4	114.5	114.4	115.1	115.3	115.0	114.7	118.1	118.3
Measuring and controlling instruments; photographic, medical, optical goods; watches, clocks	38	107.0	110.8	112.4	113.3	113.6	114.0	114.3	114.5	114.6	114.8	114.8	115.0	115.2	115.3
Miscellaneous manufacturing industries (12/85=100)	39	107.5	111.8	113.1	113.7	114.3	114.5	114.5	114.6	114.8	114.8	115.3	115.3	115.6	115.7
Service industries:															
Pipelines, except natural gas (12/86=100) ..	46	94.8	94.4	94.4	95.5	95.5	95.5	95.5	95.5	95.8	95.8	96.2	96.2	96.2	96.2

37. Annual data: Producer Price Indexes, by stage of processing

(1982=100)

Index	1981	1982	1983	1984	1985	1986	1987	1988	1989
Finished goods:									
Total	96.1	100.0	101.6	103.7	104.7	103.2	105.4	108.0	113.6
Consumer goods	96.6	100.0	101.3	103.3	103.8	101.4	103.6	106.2	112.1
Capital equipment	94.6	100.0	102.8	105.2	107.5	109.7	111.7	114.3	118.8
Intermediate materials, supplies, and components:									
Total	98.6	100.0	100.6	103.1	102.7	99.1	101.5	107.1	112.0
Materials and components for manufacturing	98.7	100.0	101.2	104.1	103.3	102.2	105.3	113.2	118.1
Materials and components for construction ..	97.9	100.0	102.8	105.6	107.3	108.1	109.8	116.1	121.3
Processed fuels and lubricants	100.6	100.0	95.4	95.7	92.8	72.7	73.3	71.2	76.4
Containers	96.7	100.0	100.4	105.9	109.0	110.3	114.5	120.1	125.4
Supplies	96.9	100.0	101.8	104.1	104.4	105.6	107.7	113.7	118.1
Crude materials for further processing:									
Total	103.0	100.0	101.3	103.5	95.8	87.7	93.7	96.0	103.1
Foodstuffs and feedstuffs	103.9	100.0	101.8	104.7	94.8	93.2	96.2	106.1	111.2
Nonfood materials except fuel	101.8	100.0	100.7	102.2	96.9	81.6	87.9	85.5	93.4
Fuel	84.8	100.0	105.1	105.1	102.7	92.2	84.1	82.1	85.3

39. U.S. import price indexes by Standard International Trade Classification

(1985=100, unless otherwise indicated)

Category	1974 SITC	1988		1989				1990		
		Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.
ALL COMMODITIES		115.3	117.6	119.7	119.8	118.4	119.9	121.0	118.9	126.7
ALL COMMODITIES, EXCLUDING FUELS		126.1	129.1	129.6	128.5	127.6	128.5	129.7	129.2	130.9
Food and live animals	0	112.7	114.3	114.1	111.3	106.1	108.2	111.6	111.9	114.0
Meat and meat preparations	01	111.2	108.7	111.2	109.7	124.1	134.1	130.4	136.5	140.4
Dairy products and eggs	02	122.2	125.8	124.0	120.2	120.3	123.2	129.2	132.6	135.2
Fish and crustaceans	03	125.9	126.7	127.0	122.7	121.6	122.1	125.9	126.2	132.3
Bakery goods, pasta products, grain, and grain preparations	04	136.9	142.2	140.4	140.2	141.6	142.9	148.5	151.7	150.8
Fruits and vegetables	05	123.7	127.7	123.4	123.2	119.1	128.2	131.3	125.9	120.8
Sugar, sugar preparations, and honey	06	112.1	110.8	109.8	111.8	114.4	117.0	116.2	116.7	117.2
Coffee, tea, cocoa	07	87.4	90.6	91.2	85.3	62.5	57.3	65.2	66.3	69.5
Beverages and tobacco	1	115.3	116.2	117.0	117.2	120.7	122.4	124.7	127.6	129.5
Beverages	11	118.9	119.9	120.7	120.7	122.9	124.1	126.9	129.5	131.4
Crude materials	2	135.4	143.2	146.2	144.3	137.2	136.1	133.1	131.7	128.3
Crude rubber (including synthetic and reclaimed)	23	133.3	121.5	123.0	103.4	98.3	98.5	101.0	104.0	104.5
Cork and wood	24	109.7	107.8	112.1	112.4	113.5	111.6	114.0	115.1	114.2
Pulp and waste paper	25	169.6	174.7	184.7	190.0	190.1	189.6	186.9	183.3	176.7
Textile fibers	26	141.9	145.6	151.5	145.4	141.7	140.2	133.9	121.4	119.1
Crude fertilizers and crude minerals	27	97.2	100.2	103.3	104.7	101.2	98.0	96.8	97.5	98.5
Metalliferous ores and metal scrap	28	172.2	205.4	204.3	212.3	183.4	176.6	168.1	160.7	155.4
Crude animal and vegetable materials, n.e.s.	29	122.0	139.5	138.5	110.3	108.6	127.7	111.9	117.4	107.7
Fuels and related products	3	57.7	56.4	66.8	73.3	68.8	74.0	74.9	63.7	103.7
Crude petroleum and petroleum products	33	57.7	56.1	67.3	74.4	69.5	74.8	75.3	64.0	107.1
Fats and oils	4	114.0	112.3	112.5	117.4	106.7	100.7	98.3	95.7	90.9
Fixed vegetable oils and fats (9/87=100)	42	119.2	117.4	117.3	122.6	110.7	104.2	101.5	98.4	92.7
Chemicals and related products	5	119.2	122.2	123.6	120.4	117.7	118.9	118.9	118.2	119.8
Organic chemicals	51	111.3	115.1	117.6	114.0	110.3	112.7	114.2	113.4	115.6
Inorganic chemicals	52	93.0	96.1	93.1	86.6	85.7	86.0	84.4	84.7	85.8
Medicinal and pharmaceutical products	54	145.4	146.4	154.9	153.5	149.2	149.7	152.3	152.5	154.3
Essential oils and perfumes	55	127.5	130.5	130.3	130.2	127.2	135.3	131.3	132.9	133.7
Manufactured fertilizers	56	136.5	139.9	143.5	142.1	132.4	130.5	129.3	129.0	133.3
Artificial resins and plastics and cellulose	58	127.6	129.5	129.5	129.8	130.8	130.6	129.4	129.7	130.8
Chemical materials and products, n.e.s.	59	153.4	156.5	154.8	151.6	150.2	150.9	150.2	143.7	141.5
Intermediate manufactured products	6	132.3	135.0	137.3	136.1	135.3	134.0	133.8	135.0	137.8
Leather and furskins	61	136.6	134.9	134.6	133.8	133.9	133.4	141.1	143.8	145.9
Rubber manufactures, n.e.s.	62	109.1	111.1	111.7	112.2	113.7	114.0	115.1	115.6	115.6
Cork and wood manufactures	63	136.1	134.1	136.9	139.8	140.8	140.5	141.6	144.4	146.5
Paper and paperboard products	64	119.5	119.9	120.6	120.8	119.7	118.8	117.5	121.2	121.9
Textiles	65	119.1	120.5	120.5	122.1	121.7	122.8	124.8	125.8	129.2
Nonmetallic mineral manufactures, n.e.s.	66	139.7	141.9	147.5	149.5	151.7	153.1	157.6	159.9	161.4
Iron and steel	67	129.9	130.7	132.6	133.6	133.7	130.9	128.7	125.9	124.5
Nonferrous metals	68	158.9	169.1	172.8	158.6	150.7	144.1	137.8	143.3	157.4
Metal manufactures	69	127.5	130.7	132.4	132.6	133.2	133.8	135.6	134.6	136.8
Machinery and transport equipment	7	126.7	129.9	130.1	129.2	129.0	130.2	131.2	130.1	131.5
Machinery (including SITC 71-77)	7hyb	125.9	128.7	129.2	128.4	127.8	128.1	129.8	129.2	130.7
Machinery specialized for particular industries	72	143.7	150.8	149.1	145.7	145.7	148.2	157.4	158.8	165.2
Metalworking machinery	73	139.7	144.1	142.9	139.5	143.9	144.2	148.0	149.6	152.0
General industrial machinery and parts, n.e.s.	74	139.6	144.2	144.7	143.0	143.7	145.5	151.1	153.0	158.8
Office machines and automatic data processing equipment	75	118.7	118.7	119.6	119.3	117.2	117.9	117.0	115.7	115.0
Telecommunications, sound recording and reproducing apparatus	76	113.9	115.5	115.7	115.7	115.0	113.9	112.9	111.4	110.2
Electrical machinery and equipment	77	125.9	129.3	130.5	129.6	128.7	129.0	129.8	127.8	129.4
Road vehicles and parts	78	127.1	130.8	130.5	129.6	129.5	131.9	131.3	129.5	130.9
Miscellaneous manufactured articles	8	124.2	126.6	126.6	126.6	127.2	128.7	131.7	132.0	134.1
Plumbing, heating, and lighting fixtures	81	124.5	127.2	130.0	131.5	133.0	136.6	141.9	140.8	143.9
Furniture and parts	82	128.0	129.1	127.2	127.9	128.8	130.9	135.7	137.6	140.0
Travel goods, handbags, and similar goods (6/85=100)	83	111.3	115.1	117.6	114.0	110.3	112.7	114.2	113.4	115.6
Clothing	84	116.7	117.2	118.5	119.9	120.8	121.7	121.7	122.8	122.9
Footwear	85	128.0	129.1	127.2	127.9	128.8	130.9	135.7	137.6	140.0
Professional, scientific, and controlling instruments and apparatus	87	135.8	141.9	141.1	136.5	136.3	137.1	143.3	145.5	150.2
Photographic apparatus and supplies, optical goods, watches, and clocks	88	125.4	130.6	130.2	127.9	126.3	128.7	131.4	131.8	136.0
Miscellaneous manufactured articles, n.e.s.	89	128.2	131.4	131.7	131.4	131.9	133.8	139.2	137.3	140.6

40. U.S. export price indexes by end-use category

(1985 = 100 unless otherwise indicated)

Category	1988		1989				1990		
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.
Foods, feeds, and beverages	124.5	117.4	120.8	117.2	110.3	108.2	107.3	108.8	104.5
Industrial supplies and materials	118.7	118.6	120.7	120.9	119.5	118.7	118.7	118.1	122.2
Capital goods	104.9	105.7	106.7	107.4	108.2	108.8	109.9	110.6	111.2
Automotive	106.5	107.7	108.1	108.6	109.4	110.7	111.2	111.7	112.3
Consumer goods	111.3	112.9	115.3	115.6	116.5	117.1	118.9	119.5	120.1
Consumer nondurables, manufactured, except rugs	109.3	110.0	111.4	111.5	111.7	112.7	114.2	114.9	114.9
Consumer durables, manufactured	110.7	112.6	115.4	115.4	116.5	116.8	118.6	119.3	120.3
Agricultural (9/88=100)	120.6	114.0	117.7	116.1	111.2	109.8	109.5	111.4	107.0
All exports, excluding agricultural (9/88=100)	110.8	111.6	112.9	113.1	113.0	113.1	113.7	113.8	115.9

41. U.S. import price indexes by end-use category

(1985 = 100)

Category	1988		1989				1990		
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.
All imports, excluding petroleum (6/88=100)	125.4	128.3	129.0	128.0	127.1	128.0	129.2	128.6	130.3
Foods, feeds, and beverages	112.7	114.2	113.8	111.7	107.1	109.0	112.0	112.6	114.3
Industrial supplies and materials	95.2	96.4	102.1	104.2	100.6	102.7	102.6	97.0	117.4
Petroleum and petroleum products, excluding natural gas	57.5	56.2	67.2	74.1	69.1	74.6	75.2	64.1	106.6
Industrial supplies and materials, excluding petroleum	126.4	129.6	131.2	129.4	126.9	126.2	125.5	124.4	126.4
Capital goods, except automotive	129.0	132.3	132.4	131.0	130.6	131.5	134.4	134.1	136.5
Automotive vehicles, parts and engines	126.0	129.2	129.1	128.2	128.2	130.0	129.9	128.2	129.5
Consumer goods except automotive	125.0	127.4	128.7	129.1	129.5	130.8	133.0	133.3	134.3
Nondurables, manufactured	123.8	125.4	126.5	127.5	128.5	129.9	132.7	133.6	134.7
Durables, manufactured	124.5	127.4	127.9	127.9	127.8	128.6	130.4	129.7	130.9

42. U.S. export price indexes by Standard Industrial Classification¹

(1985 = 100)

Industry group	1988		1989				1990		
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.
Manufacturing:									
Food and kindred products	128.9	123.5	124.5	122.7	119.5	117.2	118.7	117.8	115.4
Lumber and wood products, except furniture	146.1	144.0	151.7	164.4	171.2	170.7	173.5	172.4	167.6
Furniture and fixtures	112.9	115.3	115.2	116.0	116.5	118.1	119.6	120.5	121.4
Paper and allied products	133.1	135.6	139.9	141.4	141.6	140.4	137.7	134.0	131.8
Chemicals and allied products	125.4	125.5	125.9	122.5	118.5	115.9	116.6	117.1	120.6
Petroleum and coal products	73.7	75.4	79.8	86.9	88.7	94.4	90.4	85.2	112.2
Primary metal products	133.5	133.6	130.8	125.7	122.5	122.9	122.5	119.5	123.7
Machinery, except electrical	102.2	102.8	103.4	103.7	104.4	105.2	106.3	106.6	107.2
Electrical machinery	104.9	105.4	106.3	106.8	107.5	107.7	108.3	108.7	108.6
Transportation equipment	109.4	110.9	111.8	112.7	113.4	114.5	115.1	116.7	117.0
Scientific instruments; optical goods; clocks	112.0	113.4	114.5	116.7	117.7	119.7	120.0	121.4	124.0

¹ SIC-based classification.

43. U.S. import price indexes by Standard Industrial Classification ¹

(1985=100)

Industry group	1988		1989				1990		
	Sept.	Dec.	Mar.	June	Sept.	Dec.	Mar.	June	Sept.
Manufacturing:									
Food and kindred products	115.0	115.4	114.9	114.0	114.8	115.9	118.7	121.0	122.5
Textile mill products	127.0	127.8	139.0	139.8	137.5	138.8	141.1	140.9	145.7
Apparel and related products	117.0	117.5	118.9	120.3	121.2	122.1	122.3	123.7	123.5
Lumber and wood products, except furniture	118.6	117.0	120.5	122.2	123.3	122.1	124.0	125.9	125.8
Furniture and fixtures	124.8	128.0	126.3	126.1	128.7	128.6	130.9	132.2	133.5
Paper and allied products	123.8	125.2	127.4	128.2	127.3	126.6	125.1	127.6	126.9
Chemicals and allied products	123.5	130.6	130.7	130.0	123.9	123.7	123.6	121.4	121.3
Petroleum refining and allied products	110.8	111.6	121.3	139.1	128.0	134.9	139.0	131.2	183.4
Rubber and miscellaneous plastics products	117.7	122.6	122.3	123.1	124.2	125.2	125.4	124.5	125.5
Leather and leather products	123.7	124.0	122.8	123.5	124.6	126.0	130.3	131.8	133.7
Stone, clay, glass, and concrete products	140.5	144.3	145.1	144.8	147.4	148.0	152.4	152.5	154.3
Primary metal products	136.2	140.2	140.6	135.2	132.0	129.6	127.2	126.0	132.0
Fabricated metal products	133.0	136.3	138.9	140.3	141.3	142.0	144.4	144.1	146.2
Machinery, except electrical	135.0	138.4	138.6	136.7	135.8	137.8	141.8	142.4	146.0
Electrical machinery and supplies	116.7	119.0	119.7	119.4	118.9	118.5	118.8	117.3	117.5
Transportation equipment	129.3	132.8	132.6	131.9	132.0	134.1	134.2	132.6	133.9
Scientific instruments; optical goods; clocks	132.2	137.7	136.7	133.8	132.8	134.2	137.8	138.4	141.5
Miscellaneous manufactured commodities	130.6	132.2	136.6	137.7	138.4	139.8	143.5	143.2	145.0

¹ SIC - based classification.

44. Indexes of productivity, hourly compensation, and unit costs, quarterly data seasonally adjusted

(1982=100)

Item	Quarterly Indexes											
	1988				1989				1990			
	I	II	III	IV	I	II	III	IV	I	II	III	
Business:												
Output per hour of all persons	113.2	112.9	113.6	113.1	113.0	113.0	112.6	111.9	111.7	111.9	112.0	
Compensation per hour	126.3	127.9	129.7	130.8	131.8	132.7	133.1	133.8	135.3	137.0	138.5	
Real compensation per hour	104.7	104.9	105.1	104.9	104.3	103.5	103.1	102.6	101.7	102.1	101.7	
Unit labor costs	111.5	113.3	114.2	115.6	116.7	117.4	118.2	119.5	121.1	122.5	123.7	
Unit nonlabor payments	125.8	126.4	128.8	130.2	130.9	133.3	133.9	134.5	135.5	137.0	137.8	
Implicit price deflator	116.2	117.5	118.9	120.3	121.2	122.5	123.3	124.3	125.8	127.2	128.3	
Nonfarm business:												
Output per hour of all persons	112.2	112.0	112.8	112.9	112.1	112.0	111.7	111.0	110.7	110.7	110.8	
Compensation per hour	125.5	127.1	128.8	130.0	131.0	131.6	132.1	132.9	134.2	135.8	137.3	
Real compensation per hour	104.1	104.3	104.4	104.2	103.7	102.6	102.3	101.9	100.9	101.2	100.8	
Unit labor costs	111.9	113.5	114.2	115.2	116.9	117.5	118.3	119.7	121.3	122.7	124.0	
Unit nonlabor payments	126.9	127.2	128.8	132.1	131.0	134.0	134.8	135.4	135.7	137.5	138.3	
Implicit price deflator	116.6	117.8	118.8	120.5	121.4	122.7	123.5	124.7	125.8	127.3	128.5	
Nonfinancial corporations:												
Output per hour of all employees	113.6	113.6	113.4	113.0	111.9	111.6	111.8	110.5	110.1	110.6	110.3	
Compensation per hour	122.9	124.4	125.9	126.9	128.3	128.8	129.3	130.0	130.9	133.0	134.4	
Real compensation per hour	101.9	102.1	102.1	101.7	101.5	100.5	100.2	99.7	98.4	99.1	98.6	
Total unit costs	107.1	108.2	109.7	110.9	112.7	114.1	115.0	117.0	118.1	119.1	121.0	
Unit labor costs	108.1	109.6	111.1	112.3	114.6	115.4	115.7	117.6	118.9	120.2	121.8	
Unit nonlabor costs	104.2	104.6	106.0	107.3	108.0	110.6	113.3	115.2	116.2	116.2	118.7	
Unit profits	176.6	178.1	171.4	179.1	162.3	162.9	159.3	147.2	147.6	153.9	140.2	
Unit nonlabor payments	118.2	118.8	118.6	121.2	118.5	120.7	122.2	121.4	122.3	123.5	122.8	
Implicit price deflator	111.4	112.6	113.5	115.2	115.9	117.1	117.8	118.9	120.0	121.3	122.2	
Manufacturing:												
Output per hour of all persons	126.2	127.3	128.8	129.3	130.2	131.4	131.1	131.9	133.5	134.5	136.2	
Compensation per hour	121.1	122.1	123.6	125.0	126.7	127.1	128.2	128.9	129.7	131.2	132.4	
Real compensation per hour	100.5	100.2	100.1	100.3	100.2	99.1	99.3	98.9	97.5	97.8	97.2	
Unit labor costs	96.0	95.9	95.9	96.7	97.3	96.7	97.8	97.8	97.1	97.5	97.2	

48. Unemployment rates, approximating U.S. concepts, in nine countries, quarterly data seasonally adjusted

Country	Annual average		1989				1990		
	1988	1989	I	II	III	IV	I	II	III
Total labor force basis									
United States	5.4	5.2	5.1	5.2	5.2	5.3	5.2	5.2	5.5
Canada	7.7	7.5	7.5	7.5	7.4	7.6	7.5	7.4	8.1
Australia	7.2	6.1	6.6	6.1	6.0	5.9	6.2	6.4	7.2
Japan	2.5	2.3	2.3	2.3	2.2	2.2	2.1	2.1	2.1
France	10.0	9.5	9.6	9.5	9.5	9.4	9.3	9.3	9.3
Germany	6.2	5.6	5.8	5.6	5.6	5.5	5.3	5.2	5.1
Italy ^{1, 2}	7.8	7.7	7.6	7.8	7.7	7.5	7.2	6.6	6.9
Sweden	1.6	1.3	1.4	1.3	1.3	1.4	1.3	1.3	1.5
United Kingdom	8.5	6.9	7.5	7.1	6.7	6.3	6.2	6.2	6.3
Civilian labor force basis									
United States	5.5	5.3	5.2	5.3	5.3	5.3	5.2	5.3	5.6
Canada	7.8	7.5	7.5	7.6	7.4	7.6	7.6	7.4	8.2
Australia	7.2	6.2	6.6	6.1	6.1	5.9	6.2	6.4	7.2
Japan	2.5	2.3	2.4	2.3	2.3	2.2	2.1	2.1	2.1
France	10.2	9.7	9.8	9.7	9.7	9.6	9.5	9.5	9.5
Germany	6.3	5.7	5.9	5.7	5.7	5.6	5.4	5.3	5.2
Italy ^{1, 2}	7.9	7.8	7.8	8.0	7.8	7.7	7.4	6.8	7.0
Sweden	1.6	1.3	1.4	1.3	1.3	1.4	1.4	1.3	1.6
United Kingdom	8.6	7.0	7.6	7.2	6.7	6.4	6.3	6.2	6.4

¹ Quarterly rates are for the first month of the quarter.

² Many Italians reported as unemployed did not actively seek work in the past 30 days, and they have been excluded for comparability with U.S. concepts. Inclusion of such persons would about double the Italian unemployment rate in 1985 and earlier years and increase it to 11-12 per-

cent for 1986 onward.

NOTE: Quarterly figures for France, Germany, and the United Kingdom are calculated by applying annual adjustment factors to current published data and therefore should be viewed as less precise indicators of unemployment under U.S. concepts than the annual figures.

51. Occupational injury and illness incidence rates by industry,¹ United States

Industry and type of case ²	Incidence rates per 100 full-time workers ³									
	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989 ¹
PRIVATE SECTOR⁴										
Total cases	8.7	8.3	7.7	7.6	8.0	7.9	7.9	8.3	8.6	8.6
Lost workday cases	4.0	3.8	3.5	3.4	3.7	3.6	3.6	3.8	4.0	4.0
Lost workdays	65.2	61.7	58.7	58.5	63.4	64.9	65.8	69.9	76.1	78.7
Agriculture, forestry, and fishing¹										
Total cases	11.9	12.3	11.8	11.9	12.0	11.4	11.2	11.2	10.9	10.9
Lost workday cases	5.8	5.9	5.9	6.1	6.1	5.7	5.6	5.7	5.6	5.7
Lost workdays	82.7	82.8	86.0	90.8	90.7	91.3	93.6	94.1	101.8	100.9
Mining										
Total cases	11.2	11.6	10.5	8.4	9.7	8.4	7.4	8.5	8.8	8.5
Lost workday cases	6.5	6.2	5.4	4.5	5.3	4.8	4.1	4.9	5.1	4.8
Lost workdays	163.6	146.4	137.3	125.1	160.2	145.3	125.9	144.0	152.1	137.2
Construction										
Total cases	15.7	15.1	14.6	14.8	15.5	15.2	15.2	14.7	14.6	14.3
Lost workday cases	6.5	6.3	6.0	6.3	6.9	6.8	6.9	6.8	6.8	6.8
Lost workdays	117.0	113.1	115.7	118.2	128.1	128.9	134.5	135.8	142.2	143.3
General building contractors:										
Total cases	15.5	15.1	14.1	14.4	15.4	15.2	14.9	14.2	14.0	13.9
Lost workday cases	6.5	6.1	5.9	6.2	6.9	6.8	6.6	6.5	6.4	6.5
Lost workdays	113.0	107.1	112.0	113.0	121.3	120.4	122.7	134.0	132.2	137.3
Heavy construction, except building:										
Total cases	16.3	14.9	15.1	15.4	14.9	14.5	14.7	14.5	15.1	13.8
Lost workday cases	6.3	6.0	5.8	6.2	6.4	6.3	6.3	6.4	7.0	6.5
Lost workdays	117.6	106.0	113.1	122.4	131.7	127.3	132.9	139.1	162.3	147.1
Special trade contractors:										
Total cases	15.5	15.2	14.7	14.8	15.8	15.4	15.6	15.0	14.7	14.6
Lost workday cases	6.7	6.6	6.2	6.4	7.1	7.0	7.2	7.1	7.0	6.9
Lost workdays	118.9	119.3	118.6	119.0	130.1	133.3	140.4	135.7	141.1	144.9
Manufacturing										
Total cases	12.2	11.5	10.2	10.0	10.6	10.4	10.6	11.9	13.1	13.1
Lost workday cases	5.4	5.1	4.4	4.3	4.7	4.6	4.7	5.3	5.7	5.8
Lost workdays	86.7	82.0	75.0	73.5	77.9	80.2	85.2	95.5	107.4	113.0
Durable goods:										
Total cases	12.9	12.1	10.6	10.3	11.1	10.9	11.0	12.5	14.2	14.1
Lost workday cases	5.6	5.3	4.5	4.3	4.8	4.7	4.8	5.4	5.9	6.0
Lost workdays	90.9	84.9	76.1	73.4	79.9	82.0	87.1	96.8	111.1	116.5
Lumber and wood products:										
Total cases	18.6	17.6	16.9	18.3	19.6	18.5	18.9	18.9	19.5	18.4
Lost workday cases	9.5	9.0	8.3	9.2	9.9	9.3	9.7	9.6	10.0	9.4
Lost workdays	171.8	158.4	153.3	163.5	172.0	171.4	177.2	176.5	189.1	177.5
Furniture and fixtures:										
Total cases	16.0	15.1	13.9	14.1	15.3	15.0	15.2	15.4	16.6	16.1
Lost workday cases	6.6	6.2	5.5	5.7	6.4	6.3	6.3	6.7	7.3	7.2
Lost workdays	97.6	91.9	85.6	83.0	101.5	100.4	103.0	103.6	115.7	124.9
Stone, clay, and glass products:										
Total cases	15.0	14.1	13.0	13.1	13.6	13.9	13.6	14.9	16.0	15.5
Lost workday cases	7.1	6.9	6.1	6.0	6.6	6.7	6.5	7.1	7.5	7.4
Lost workdays	128.1	122.2	112.2	112.0	120.8	127.8	126.0	135.8	141.0	149.8
Primary metal industries:										
Total cases	15.2	14.4	12.4	12.4	13.3	12.6	13.6	17.0	19.4	18.7
Lost workday cases	7.1	6.7	5.4	5.4	6.1	5.7	6.1	7.4	8.2	8.1
Lost workdays	128.3	121.3	101.6	103.4	115.3	113.8	125.5	145.8	161.3	168.3
Fabricated metal products:										
Total cases	18.5	17.5	15.3	15.1	16.1	16.3	16.0	17.0	18.8	18.5
Lost workday cases	8.0	7.5	6.4	6.1	6.7	6.9	6.8	7.2	8.0	7.9
Lost workdays	118.4	109.9	102.5	96.5	104.9	110.1	115.5	121.9	138.8	147.6
Industrial machinery and equipment:										
Total cases	13.7	12.9	10.7	9.8	10.7	10.8	10.7	11.3	12.1	12.1
Lost workday cases	5.5	5.1	4.2	3.6	4.1	4.2	4.2	4.4	4.7	4.8
Lost workdays	81.3	74.9	66.0	58.1	65.8	69.3	72.0	72.7	82.8	86.8
Electronic and other electrical equipment:										
Total cases	8.0	7.4	6.5	6.3	6.8	6.4	6.4	7.2	8.0	9.1
Lost workday cases	3.3	3.1	2.7	2.6	2.8	2.7	2.7	3.1	3.3	3.9
Lost workdays	51.8	48.4	42.2	41.4	45.0	45.7	49.8	55.9	64.6	77.5
Transportation equipment:										
Total cases	10.6	9.8	9.2	8.4	9.3	9.0	9.6	13.5	17.7	17.7
Lost workday cases	4.9	4.6	4.0	3.6	4.2	3.9	4.1	5.7	6.6	6.8
Lost workdays	82.4	78.1	72.2	64.5	68.8	71.6	79.1	105.7	134.2	138.6
Instruments and related products:										
Total cases	6.8	6.5	5.6	5.2	5.4	5.2	5.3	5.8	6.1	5.6
Lost workday cases	2.7	2.7	2.3	2.1	2.2	2.2	2.3	2.4	2.6	2.5
Lost workdays	41.8	39.2	37.0	35.6	37.5	37.9	42.2	43.9	51.5	55.4
Miscellaneous manufacturing industries:										
Total cases	10.9	10.7	9.9	9.9	10.5	9.7	10.2	10.7	11.3	11.1
Lost workday cases	4.4	4.4	4.1	4.0	4.3	4.2	4.3	4.6	5.1	5.1
Lost workdays	67.9	68.3	69.9	66.3	70.2	73.2	70.9	81.5	91.0	97.6
Nondurable goods:										
Total cases	11.1	10.5	9.7	9.6	9.8	9.6	10.0	11.1	11.4	11.6

See footnotes at end of table.

51. Continued— Occupational injury and illness incidence rates by industry,¹ United States

Industry and type of case ²	Incidence rates per 100 full-time workers ³									
	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989 ⁴
Total workday cases	5.0	4.8	4.3	4.3	4.4	4.4	4.6	5.1	5.4	5.5
Total workdays	80.4	77.4	73.5	73.6	74.9	77.6	82.3	93.5	101.7	107.8
Food and kindred products:										
Total cases	18.7	17.8	16.7	16.5	16.7	16.7	16.5	17.7	18.5	18.5
Lost workday cases	9.0	8.6	8.0	7.9	8.1	8.1	8.0	8.6	9.2	9.3
Lost workdays	136.8	130.7	129.3	131.2	131.6	138.0	137.8	153.7	169.7	174.7
Tobacco products:										
Total cases	8.1	8.2	7.2	6.5	7.7	7.3	6.7	8.6	9.3	8.7
Lost workday cases	3.8	3.9	3.2	3.0	3.2	3.0	2.5	2.5	2.9	3.4
Lost workdays	45.8	56.8	44.6	42.8	51.7	51.7	45.6	46.4	53.0	64.2
Textile mill products:										
Total cases	9.1	8.8	7.6	7.4	8.0	7.5	7.8	9.0	9.6	10.3
Lost workday cases	3.3	3.2	2.8	2.8	3.0	3.0	3.1	3.6	4.0	4.2
Lost workdays	62.8	59.2	53.8	51.4	54.0	57.4	59.3	65.9	78.8	81.4
Apparel and other textile products:										
Total cases	6.4	6.3	6.0	6.4	6.7	6.7	6.7	7.4	8.1	8.6
Lost workday cases	2.2	2.2	2.1	2.4	2.5	2.6	2.7	3.1	3.5	3.8
Lost workdays	34.9	35.0	36.4	40.6	40.9	44.1	49.4	59.5	68.2	80.5
Paper and allied products:										
Total cases	12.7	11.6	10.6	10.0	10.4	10.2	10.5	12.8	13.1	12.7
Lost workday cases	5.8	5.4	4.9	4.5	4.7	4.7	4.7	5.8	5.9	5.8
Lost workdays	112.3	103.6	99.1	90.3	93.8	94.6	99.5	122.3	124.3	132.9
Printing and publishing:										
Total cases	6.9	6.7	6.6	6.6	6.5	6.3	6.5	6.7	6.6	6.9
Lost workday cases	3.1	3.0	2.8	2.9	2.9	2.9	2.9	3.1	3.2	3.3
Lost workdays	46.5	47.4	45.7	44.6	46.0	49.2	50.8	55.1	59.8	63.8
Chemicals and allied products:										
Total cases	6.8	6.6	5.7	5.5	5.3	5.1	6.3	7.0	7.0	7.0
Lost workday cases	3.1	3.0	2.5	2.5	2.4	2.3	2.7	3.1	3.3	3.2
Lost workdays	50.3	48.1	39.4	42.3	40.8	38.8	49.4	58.8	59.0	63.4
Petroleum and coal products:										
Total cases	7.2	6.7	5.3	5.5	5.1	5.1	7.1	7.3	7.0	6.6
Lost workday cases	3.5	2.9	2.5	2.4	2.4	2.4	3.2	3.1	3.2	3.3
Lost workdays	59.1	51.2	46.4	46.8	53.5	49.9	67.5	65.9	68.4	68.1
Rubber and miscellaneous plastics products:										
Total cases	15.5	14.6	12.7	13.0	13.6	13.4	14.0	15.9	16.3	16.2
Lost workday cases	7.4	7.2	6.0	6.2	6.4	6.3	6.6	7.6	8.1	8.0
Lost workdays	118.6	117.4	100.9	101.4	104.3	107.4	118.2	130.8	142.9	147.2
Leather and leather products:										
Total cases	11.7	11.5	9.9	10.0	10.5	10.3	10.5	12.4	11.4	13.6
Lost workday cases	5.0	5.1	4.5	4.4	4.7	4.6	4.8	5.8	5.6	6.5
Lost workdays	82.7	82.6	86.5	87.3	94.4	88.3	83.4	114.5	128.2	130.4
Transportation and public utilities										
Total cases	9.4	9.0	8.5	8.2	8.8	8.6	8.2	8.4	8.9	9.2
Lost workday cases	5.5	5.3	4.9	4.7	5.2	5.0	4.8	4.9	5.1	5.3
Lost workdays	104.5	100.6	96.7	94.9	105.1	107.1	102.1	108.1	118.6	121.5
Wholesale and retail trade										
Total cases	7.4	7.3	7.2	7.2	7.4	7.4	7.7	7.7	7.8	8.0
Lost workday cases	3.2	3.1	3.1	3.1	3.3	3.2	3.3	3.4	3.5	3.6
Lost workdays	48.7	45.3	45.5	47.8	50.5	50.7	54.0	56.1	60.9	63.5
Wholesale trade:										
Total cases	8.2	7.7	7.1	7.0	7.2	7.2	7.2	7.4	7.6	7.7
Lost workday cases	3.9	3.6	3.4	3.2	3.5	3.5	3.6	3.7	3.8	4.0
Lost workdays	58.2	54.7	52.1	50.6	55.5	59.8	62.5	64.0	69.2	71.9
Retail trade:										
Total cases	7.1	7.1	7.2	7.3	7.5	7.5	7.8	7.8	7.9	8.1
Lost workday cases	2.9	2.9	2.9	3.0	3.2	3.1	3.2	3.3	3.4	3.4
Lost workdays	44.5	41.1	42.6	46.7	48.4	47.0	50.5	52.9	57.6	60.0
Finance, insurance, and real estate										
Total cases	2.0	1.9	2.0	2.0	1.9	2.0	2.0	2.0	2.0	2.0
Lost workday cases .....	.8	.8	.9	.9	.9	.9	.9	.9	.9	.9
Lost workdays	12.2	11.6	13.2	12.8	13.6	15.4	17.1	14.3	17.2	17.6
Services										
Total cases	5.2	5.0	4.9	5.1	5.2	5.4	5.3	5.5	5.4	5.5
Lost workday cases	2.3	2.3	2.3	2.4	2.5	2.6	2.5	2.7	2.6	2.7
Lost workdays	35.8	35.9	35.8	37.0	41.1	45.4	43.0	45.8	47.7	51.2

¹ The 1989 data in this table are based on the *Standard Industrial Classification Manual*, 1987 Edition. For this reason, they are not strictly comparable with data for the years 1981-88, which were based on the *Standard Industrial Classification Manual*, 1972 Edition, 1977 Supplement.

² Total cases include fatalities.

³ The incidence rates represent the number of injuries and illnesses or lost workdays per 100 full-time workers and were calculated as:

(N/EH) X 200,000, where:

N = number of injuries and illnesses or lost workdays.

EH = total hours worked by all employees during calendar year.

200,000 = base for 100 full-time equivalent workers (working 40 hours per week, 50 weeks per year.)

⁴ Excludes farms with fewer than 11 employees since 1976.



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