

Hawaii

■ **STATE LABOR LAWS (*UNLAWFUL SUSPENSION OR DISCHARGE*)**

TERMS: It is illegal for an employer to suspend, fire or discriminate against a worker solely because the worker has suffered a work-related injury covered by the state workers' compensation law, unless the worker is no longer able to perform his or her normal job due to the injury and the employer has no other work which the worker is capable of performing.

Any worker who is dismissed because of work-related injury must be given first preference for re-employment by the employer in any job which the worker is capable of performing and which becomes available after the dismissal or until the worker finds new employment.

ENFORCEMENT: *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777).*

Idaho

■ **STATE LABOR LAWS (*EMPLOYMENT CONTRACTS*)**

TERMS: It is a criminal offense for an employer to dictate where a worker must live, to specify a particular store at which a worker must purchase goods, or to dictate how or where a worker's wages must be spent, as a condition for hiring or continued employment. It is also illegal for an employer to fire a worker for reasons related to where or with whom the worker lives, where the worker purchases goods, or how or where the worker spends his or her wages.

ENFORCEMENT: This provision is enforced by public prosecuting attorneys in criminal court.

Louisiana

■ STATE LABOR LAWS (*INDIVIDUAL RIGHTS*)

TERMS:

Political Rights — No employer who regularly employs 20 or more workers may forbid or prevent any such worker from participating in politics or running for public office, nor may such an employer control the political activities of any worker, or influence a worker's political activities, by threatening to fire the worker.

Political Opinions — It is illegal for any grower, manager, supervisor or other employer of laborers, regardless of number, to fire a worker before the job is finished on account of the worker's political opinions, or to control the vote or restrict the voting rights of a worker by any agreement or contract whatsoever.

Forced Purchases — An employer may not require any of his or her workers to purchase food, clothing or merchandise of any kind (other than work uniforms) from any particular person or store, or penalize any worker for failing to do so.

Retaliation — Employers in Louisiana are prohibited from firing or discriminating in any other way against a worker because the worker has testified in an investigation, hearing or trial concerning the enforcement of a state labor law.

ENFORCEMENT: *Office of Workforce Development, Louisiana Workforce Commission, Baton Rouge, Louisiana 70804 (225-342-2679)*. This agency may take legal action in district court to correct and prevent violations of these provisions.

With respect to a violation of the political rights described above, a worker has a right to file a civil suit against the employer involved for damages, using a private attorney or a public legal services program.

Michigan

■ HUMAN TRAFFICKING NOTIFICATION ACT

TERMS: The state transportation department is required to post a human trafficking notice conspicuously at each rest stop and welcome facility in Michigan, and each local unit of government that operates such a facility or that provides bus or rail transportation services to the public must also post the notice. The notice must meet certain format standards and be posted in English, Spanish and any other language determined appropriate by the state enforcement agency. The notice must read as follows:

"If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the National Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help and services. The victims of human trafficking are protected under U.S. laws and the laws of this state."

ENFORCEMENT: *Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243)*. Copies of the human trafficking poster — in English and Spanish — can be downloaded from the Department's website (www.michigan.gov/lara; search for "Trafficking") or sent by mail upon request.

Montana

■ **CONSTITUTION OF THE STATE OF MONTANA (*INDIVIDUAL DIGNITY*)**

TERMS: The state constitution prohibits anyone in the state from discriminating against an individual because of the individual's culture, political ideas, social origin, or social condition. This provision protects farmworkers in Montana, and applies to their employers, to the same extent as in non-agricultural, non-employment settings.

ENFORCEMENT: Workers who believe they have been discriminated against because of their culture, political ideas, or social origin or condition, may wish to consult with a private attorney or public legal services program about the possibility of legal action for any damages suffered as a result.

Nevada

■ MISCELLANEOUS EMPLOYMENT LAWS (*COMPULSORY TRADE*)

TERMS: It is a criminal offense for a farm operator, labor contractor or anyone else conducting business in Nevada to use force or threats to influence a worker to trade at a particular store or with a particular company.

ENFORCEMENT: These provisions are enforced by public prosecuting attorneys in criminal court. A worker who has been affected by a violation may wish to consult a private attorney or public legal services program about possible legal action in civil court against the person responsible.

Ohio

■ MISCELLANEOUS LABOR LAWS (*COMPULSORY SALES TO EMPLOYEES*)

TERMS: It is against the law for an employer or anyone else to force or attempt to force a worker to purchase goods or supplies from a particular person or company.

ENFORCEMENT: Using a private attorney or a public legal service provider, a worker forced to purchase tools, supplies or other goods in violation of this provision may file suit against the person responsible. The worker is entitled to recover *double* the amount of the charges made for the merchandise, or *double* the amount paid that exceeds the reasonable or current cash market value of the merchandise.

Puerto Rico

■ WAGE PAYMENT LAWS (*UNLAWFUL WAGE AND HOUSING RESTRICTIONS*)

TERMS: It is illegal for an employer to dictate where or how workers may spend their wages, or to fire workers for having spent their pay at a certain place, in a certain way, or with a specified person. Likewise, employers may not force their workers to live on the employer's property.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* A worker who is aggrieved by an alleged violation of these provisions may file a complaint with the Department, which is obliged to investigate and attempt to resolve the matter to the worker's satisfaction.

■ WAGE PAYMENT LAWS (*DISCHARGE WITHOUT GOOD CAUSE*)

TERMS:

Penalty for Firing Without Good Cause — In addition to any wages due, a worker who is fired without good cause is entitled to receive from the employer *both* of the following:

- (1) An additional 3 months' pay as restitution, provided the worker has completed the applicable probationary period.
- (2) Additional compensation equivalent to 2 weeks' pay for each accrued year of service.

In no case may the additional compensation exceed 9 months' pay.

Meaning of "Good Cause" — Discharge generally may not be deemed for good cause unless it is predicated on at least one of the following:

- (1) A pattern of improper or disorderly conduct by the worker.
- (2) Inefficient, negligent, tardy or poor job performance by the worker.
- (3) The worker's repeated violation of written work rules.
- (4) Full, temporary or partial closure of the employer's establishment.
- (5) Technological changes or reorganization of the establishment.
- (6) Changes in the product produced.
- (7) A general workforce reduction.

Burden of Proof — It is generally up to the worker to prove that termination was without just cause.

ENFORCEMENT: To collect the penalties for dismissal without good cause, a worker must take legal action against the employer involved within one year after the date of termination, using a private attorney or a public legal services program.

SPECIAL NOTE: The summary above includes certain changes in the law brought about by the Labor Transformation and Flexibility Act. Some of the changes apply only to workers hired after the new law went into effect, on January 26, 2017, but workers hired before that date generally are entitled to the same rights and benefits that applied to them before.

■ MISCELLANEOUS LABOR LAWS (*COMMISSARIES AND CASH ADVANCES*)

TERMS: In general, it is illegal for any person who employs more than 10 workers to operate or own any part of a business which sells food, clothing, tools or other goods to the person's employees. Likewise, an employer may not directly or indirectly make any loan or cash advance to a worker so that the worker can purchase goods from a particular store or business dictated by the employer.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* A worker who is forced by an employer to buy goods or merchandise from the employer, or from a particular establishment identified by the employer, should report the matter to the Department.

Tennessee

■ WAGE REGULATIONS (*COMPULSORY TRADE*)

TERMS: It is illegal for an employer who owns or controls a store, or the agent of such an employer, to persuade or force his or her workers to buy goods at the employer's store by withholding wages beyond the usual time of payment. It is also unlawful for an employer to require as a condition of employment, or continued employment, that a worker trade at a store specified by the employer.

ENFORCEMENT: *Labor Standards Unit, Regulations and Compliance Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-781-5343; toll-free 844-224-5818)*. This agency has authority to investigate worker complaints of forced trade under this provision, and to assist in prosecution of violations.

West Virginia

■ WAGE PAYMENT AND COLLECTION LAW (*COMPULSORY PURCHASES*)

TERMS: It is against the law for an employer to require a worker to buy goods or supplies, from any source, as a condition for payment of the worker's wages. Furthermore, if a worker is forced into such a purchase at a price higher than the reasonable or current market value, the employer is legally obligated to pay the worker *double* the difference between the price paid and fair value.

ENFORCEMENT: This provision is enforced in criminal court by public prosecuting attorneys. However, using a private attorney or public legal services program, a worker who has been victimized by a violation of this provision may collect the wages and excess cost involved by suing the employer in civil court.