Legislative History for Connecticut Act

SB985 PA683 1959

House: P. 6085-6087

Senate: P. 3094-3096, 3352-3354, 3410-3411

Labor: P. 57, 77-109

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1959

VOL. 8
PART 13
5565-6111

DBK
A-187

MR. GOOGEL: (New Britain)

I move suspension of the rules for immediate transmittal of this bill to the Senate.

THE SPEAKER:

Question is on suspension of the rules for immediate transmittal to the Senate of all business acted upon since the last time some were transmitted? The 'ayes' have it. Rules are suspended.

Question now is on transmittal? The 'ayes' have it. Bill s will be transmitted.

THE CLERK:

Cal. 1947 File 1416

Sub. for S.B. 985. Extending the coverage of the Minimum Wage Law. As amended by Sen. Amend. Sched. "A"& "B". Committee on Labor.

MRS. TEMKIN: (Torrington)

Are the amends. printed in the file?

THE SPEAKER:

Question is on the adoption of Sen. Amend. "A".

THE CLERK:

Sen. Amend. Sched."A", it is printed in the file.

Sen. Amend. Sched. "B" is not printed.

MRS. TEMKIN: (Torrington)

I move adoption of Sen. Amend. Sched. "A".

BK
-188

THE SPEAKER:

Question is on the adoption of Sen. Amend. Sched. "A"? The 'ayes' have it. The amend. is adopted.

Question now is on the adoption of Sen. Amend. Sched. "B".

THE CLERK:

In line 4, sec. 5, delete the brackets around the words "under or".

In line 4, sec. 5, after the word "under" insert the words "this act".

In line 12, sec. 5, after the word "entitled" add the following: "under this act or".

THE SPEAKER:

Question is on the adoption of Sen.Amend. Sched. "B" ? The 'ayes' have it. The amend. is adopted.

Question now is on the acceptance and passage of the bill as amended by Sen. Amend. Sched. "A" and "B" in concurrence with the Senate. The Chair recognizes the lady from Torrington.

MRS. TEMKIN:

This bill has two purposes to correct certain inequities which exist under the present Min. Wage Laws of the state and to make some technical corrections in the present law which would aid in its administration. One inequity concerns restaurant and hotel employees. This bill proposes to bring them within the min. wage rate of $1 an hour. Restaurant and

DBK
A-189

hotel workers were included when the statutory rates were fixed at 75¢ an hr. in 1951, but were excluded when it was raised to $1 in 1957. The committee feels there is no reason for excepting these workers from the full raise and the exclusion from this law is discriminatory!

Another inequity rises from the gap between the coverage of the Fed. Fair Labor Standards Act and the State Law. At the present time Conn.'s min. wage law exempts from its coverage all classes of employees who are covered by the Fed.Law. However, certain classes of workers are exempted from the Fed. Law and have no protection whatsoever.

I move passage of this bill.

THE SPEAKER:

Gentleman from East Haddam.

MR. BANNER:

Speaking in behalf of this bill I want to state that the restaurant industry wants this bill, so do the hotels and the Labor Commissioner!

THE SPEAKER:

Remark further. All in favor say 'aye'; opposed? The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1969 File 1383

S.B. 1290. Concerning tax relief for Connecticut Bus Companies. As amended by Sen. Amend. Sched. "A" and House Amend. Sched. "A" previously adopted.

S-35

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1959

VOL. 8
PART 7
2776-3624

No. 985. An Act extending the Coverage of the Minimum Wage Law.

Favorable report of the Committee on Labor.

SENATOR MILLER:

Mr. President....

THE CHAIR:

Senator from the 13th.

SENATOR MILLER:

The Clerk has an amendment. It has been approved by the majority and minority leaders. We can take it up at this time.

THE CLERK:

Senate Amendment Schedule "A", file No. 1199 for Senate Bill No. 985 offered by Senator Miller. In section 1, lines 26 and 27, delete the following words which are in italics: "or as a counsellor in a camp operated by a nonprofit organization"; in line 27, delete the bracket after the word "organization"; in line 28, delete the bracket after the word "year"; in line 30, delete the brackets around the word "or"; in line 31, delete the words "or custodial". In section 3, in line 13, after the word "administrative" insert the word "or" and after the word "professional" delet the words "or custodial". Delete all of section 7.

SENATOR MILLER:

Mr. President....

THE CHAIR:

Senator from the 13th.

SENATOR MILLER:

I move for adoption of the amendment.

THE CHAIR:

The question is on the adoption of the amendment. Will you remark?

SENATOR MILLER:

Mr. President, under the present law, camps and resorts open six months or less are exempt from the minimum wage law. The proposed bill would include these camps and resorts and the amendment takes them out again. I hope the amendment passes.

THE CHAIR:

Will you remark further?

SENATOR MARIANI:

May I ask the Chairman of the Committee if that amendment includes camps operated by private entities as well as public entities or so-called nonprofit entities? Does it include all camps?

THE CHAIR:

Senator from the 13th care to answer?

SENATOR MILLER:

It includes all camps. The law under the amendment will remain as it is today.

THE CHAIR:

Will you remark further? If not, all those in favor of the amendment will signify by saying "aye", those opposed "no". The "ayes" have it. The amendment is ordered adopted. Action on the bill is suspended and the matter referred to the legislative commissioner's office for further action.

SENATOR HEALEY:

Mr. President....

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

May we turn to page sixteen? May the Clerk call up Calendar 1459?

THE CLERK:

Calendar No. 1459. File No. 964. Substitute for House Bill No. 2392. An Act authorizing Reginald Mitchell to Sue the State of Connecticut and the Highway Commissioner for the State of Connecticut.

Favorable report of the Committee on Claims.

SENATOR CALDWELL:

Mr. President....

THE CHAIR:

Senator from the 23rd.

SENATOR CALDWELL:

I move for the acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark?

SENATOR CALDWELL:

Mr. President, this merely is permissive in nature and would allow Reginald Mitchell to bring an action against the state of Connecticut for injuries sustained by him when he fell on state property in Seymour. I urge passage of this bill.

THE CHAIR:

funds and further purchase annuities for actual payment of the pensions when they become due. I urge passage of the bill.

THE CHAIR:

Will you remark further? If not all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

SENATOR HEALEY:

Mr. President..

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

With reference to Cal. No. 1448, if suspension is needed I so move to consider this.

THE CHAIR:

Question is on suspension of the rules for immediate consideration. Is there any objection? Appears to be none, the rules are suspended.

THE CLERK:

Cal. No. 1448. File No. 1119 and 1416. Substitute for Senate Bill No. 985. An Act extending the Coverage of the Minimum Wage Law. Senate Amendment Schedule "A" adopted May 26, 1959. Favorable report of the Committee on Labor.

SENATOR MILLER:

Mr. President..

THE CHAIR:

Senator from the 13th.

THURSDAY MAY 28, 1959.

SENATOR MILLER:

The Clerk has another amendment.

THE CLERK:

Senate Amendment Schedule "B". File No. 1416. Substitute for Senate Bill No. 985.

In line 4 of section 5, delete the brackets around the words "under or".

In line 4 of section 5, after the word "under" insert the words "this act".

In line 12 of section 5, after the word "entitled" add the following: "under this act or".

SENATOR MILLER:

Mr. President..

THE CHAIR:

Senator from the 13th.

SENATOR MILLER:

I move for adoption of the amendment.

THE CHAIR:

Question is on adoption of the amendment. Will you remark?

SENATOR MILLER:

In looking over the file copy we found that 'under this act' was missing in two places. I urge adoption of the amendment.

THE CHAIR:

Question is on adoption for the amendment. Will you remark further? If not all those in favor will signify by saying "aye". Those opposed "no". The "ayes" have it. The amendment is

ordered adopted.

SENATOR MILLER:

Mr. President, it was agreed by the distinguished minority leader from the 18th and the majority leader to waive the printing on this. So after we get it okayed it'll be back with us.

THE CHAIR:

The Chair will rule that action on this will be suspended and the matter referred to the legislative commissioner's office for further action.

THE CLERK:

Cal. No. 1511. File No. 917. House Bill No. 3939. An Act concerning Veterans' Housing in the Town of Fairfield. Favorable report of the Committee on Judiciary and Governmental Functions.

THE CHAIR:

Senator from the 25th.

SENATOR HEWITT:

Mr. President, the Clerk has an amendment.

THE CLERK:

Senate Amendment Schedule "A". File No.917. House Bill No. 3939.

In line 4, delete "1963" and substitute therefor "1961" and delete "1964" and substitute therefor "1962".

SENATOR HEWITT:

Mr. President..

THE CHAIR:

Senator from the 25th.

THURSDAY MAY 28, 1959.

THE CLERK:

Cal. No. 1448. File Nos. 1199 and 1416. Substitute for Senate Bill No. 985. An Act extending the Coverage of the Minimum Wage Law. Senate Amendment Schedule "A" adopted May 26, 1959. Senate Amendment Schedule "B" adopted May 28, 1959.

SENATOR MILLER:

Mr. President..

THE CHAIR:

Senator from the 13th.

SENATOR MILLER:

I move for acceptance of the committee's favorable report and passage of the bill as amended by Schedules A and B.

THE CHAIR:

Question is on the adoption of the committee's favorable report and passage of the bill as amended by Schedules A and B. Will you remark?

SENATOR MILLER:

The way the bill stands now it includes hotels and restaurants on the wages of 65 cents and 35 cents for gratuities. It does not include camps and resorts that are open six months or less. They're still exempt from the law. But also clarifies who is covered and who is under the federal law. I urge its passage.

THE CHAIR:

Will you remark further? If not all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed as amended.

THURSDAY MAY 28, 1959.

SENATOR HEALEY:

Mr. President..

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

May we return to page 11 and may the Clerk call up Cal. No. 1605?

THE CLERK:

Cal. No. 1605. File No. 1123. Substitute for House Bill No. 3008. An Act concerning the Retirement Credit of Clarence E. Costales under the Municipal Employees' Retirement System. Favorable report of the Committee on Cities and Boroughs.

SENATOR FALSEY:

Mr. President..

THE CHAIR:

I move for the approval of the committee's favorable report and passage of this bill.

THE CHAIR:

Question is on acceptance of the committee's favorable report and passage of the bill. Will You remark?

SENATOR FALSEY:

Mr. President, this bill would remove the defect in Mr. Costales' plan for retirement and the nature of the defect is his service was not completely continuous. I urge passage of the bill.

THE CHAIR:

Will you remark further? If not all those in favor will

JOINT
STANDING
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HEARINGS

LABOR

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GENERAL
ASSEMBLY
1959

protect the people's health. They're not put on the job if they're incapacitated. They fit the man or woman for the job they are physically able or assigned to do.

Chr. Miller: I think the point that trying to be brought out is that regardless of age, you have a physical examination, you can turn someone down from a job because they're physically unable to do the job regardless of age so any of these bills if passed would not hurt the thing that you were bringing up while you were here.

Mr. Snoke: With one exception-you could re-write the examination. If a fellow had a heart murmur-I had the flu in 1918. Every doctor who has examined me since siad I had the flu but a young doctor today who didn't know what that was, he would think I had a heart murmur. I might be discriminated against bedause of it.

Chr. Miller: If there's no one else in opposition to the provisions of the discriminations because of age, we'll go on to the Mimimum Wages which are: S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW, H. B. No. 3089 (Rep. Marsters) COVERAGE OF CERTAIN AGRICULTURAL WORKERS UNDER THE MINIMUM WAGE LAW AND ABOLISHING WAGE BOARDS, H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS, H. B. No. 3095 (Rep. Griffith) MINIMUM WAGES-WAGE BOARD and H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES. Is there anyone who wishes to speak in favor of any of these bills? Commissioner Ricciuti.

Comm. Ricciuti: Mr. Chairman, testifying in favor of S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, I don't know if all of you are familiar with the developments in the last session of the General Assembly but, during that session, the Statutory Minimum Wage in Connecticut was increased from 75¢ to $1.00. The restaurants and hotels were excluded and kept at 75¢. Camps and resorts were excluded completely from coverage of minimum wage so that, at present, there is no minimum wage in this state which applies to camps and resorts. This bill makes the $1.00 minimum wage mandatory for hotels and restaurants, inns and taverns which were not covered the last time and removes the exemption from the minimum wage completely which existed for camps and resorts so that for all intra-state occupations which were previously covered by the 75¢ minimum wage, the $1.00 will be effective.

Now, during the interim period, between Legislatures, I convened a Wage Board in this state

for the purpose of studying the minimum wage for restaurants' occupations. That Board has made a report, recommending that the minimum wage be increased to $1.00 and it was put into effect as of December 1st last year. That is in 1958. There are some occupations which the restaurants in hotels have gone into court to test the validity of the minimum wage-the Board's recommendation as it applies to them. For that matter, it is now in the Courts but for all restaurant occupations, the $1.00 minimum is now in effect. However, we did have quite a struggle which lasted quite a long time and, as I say, the matter is still in the Courts at the present time and I think that if this bill and all its provisions pass that I would recommend that we do away with this very cumbersome and costly, might I say, provision which we now have to leave minimum wage up to Wage Boards. I would rather see it done by the Legislature, including a statutory minimum for all occupations.

This bill also adds coverage for agriculture workers who work for employers who have three or more employees which is a new coverage. I don't particularly see why these employees should not be covered along with the other occupations, particularly in this State where agriculture has come to be somewhat commercial, largely commercial, as a matter of fact. There is a nationwide campaign to get agricultural workers under the minimum wage law. I notice that the Secretary of Labor, nationally is in favor of such coverage. I might point that the minimum wage law does make it possible for allowances for room and board for instance and workers who, for instance, are provided with that type of facility by the employers, certainly some allowances could be made for them. I also might say that while we ask for coverage under the $1.00 minimum, it's entirely possible that we might accept a lower minimum for agriculture workers under certain circumstances.

The bill also seeks to eliminate from the minimum wage law the provision under which the employers can deduct from the minimum wage for gratuities-that is for tips. I might say, briefly, that the situation is now in those occupations-restaurant occupations-where the $1.00 minimum wage is in effect, the cash wage after the allowed deduction for tips, is not $1.00 but 65¢ and, of course, meals can also be deducted and that can be deducted up to 15¢ an hour. So, between deducting for tips and deducting for meals, the cash wage for the employee now could get down as low as 50¢ because the deduction for tips is 35¢-the deduction for meals' allowance is 15¢ an hour.

Now, I have never understood why it is that this restaurant and hotel business, too, which should be, in effect, subsidized by the public since when you go into a restaurant or I go into a restaurant, we give a tip because we feel we've enjoyed good service from the employee involved, why that tip should indirectly go into the pockets of the employer is beyond me and this bill would eliminate the provision of the Minimum Wage Law which now makes it possible.

I might tell you that we are now engaged in a controversy with one employer - this has come up many times. The waiters themselves have 35¢ an hour deducted for gratuities per hour. These waiters have the services of busboys who help them clear tables and bring the dessert or something like that. In addition to having the 35¢ deducted from their wages, the waiters also have to pay for the tips which go to the busboys. In other words, they're getting a double deduction. Not only their own tip but also additional money to pay for the busboy in order to make up the $1.00 which must be paid to the busboy. The waiters themselves are getting a double deduction. That is not allowable under the present law, I might say, but we're still having the controversy about it and trying to straighten it out. Of course, if this provision in the law was eliminated, that would no longer be possible.

This bill also provides for an automatic increase in the Connecticut Minimum Wage Law if the Federal Minimum Wage goes up so that if Congress should pass and the President should sign an increase in the minimum wage above the present National $1.00 minimum, the Secretary of State would inform the Governor and the Governor, by proclamation, would change the Connecticut minimum.

It also provides for time and one-half for overtime after forty hours. This is now done by wage order in this State and I might say that the mercantile wage order is now time and one-half after forty-four hours-the beauty shops also. Time and a half after forty-five hours is in effect for cleaning and dyeing occupations and time and a half after forty-eight hours for restaurant employees.

If this bill passed in its present form, then there would be no need for Wage Boards. If parts of the bill passed and others did not, it may be necessary, in order to cover whatever is left out, to have the Wage Boards but I want to emphasize again that the Wage Board

procedure is cumbersome. We are constantly having to make compromises, as a matter of fact, in order to try and prevent appeals to the courts because, not because we fear the courts but we know that it does take time to get something through the courts.

Now, in closing, I want to emphasize again that what we are talking about is the $1.00 minimum and that while the Legislature saw fit, in the last session of the Legislature, to raise it to $1.00, there were some occupations excluded and I think that for this very low figure, in this day and age, when prices are so high, when we're talking about a bill which would make clear that Connecticut workers-Connecticut intra-state workers, would get at least $40.00 a week for forty hours. I think it's high time that we made sure that every worker in Connecticut is covered by these provisions.

Now, there are some technical provisions of the bill which I'd like to have our Minimum Wage Director testify on. If there are any questions on the features which I have covered, I'll be glad to answer them. I might say that Representative Marsters has a bill here. He has had some experience with our Wage Boards and he has incorporated in his bill some of the things that we've advocated and I think that he could give some expert testimony on the matter of the Wage Board. Are there any questions?

Rep. Marsters: Litchfield — You flatter me as far as the expert testimony goes, Commissioner. I do have one question here. Would you state the specific for and effect of dropping the exemption of and I quote: "any individual subject to the Fair Labor Standards Act".

Mr. Riccuiti: Well, some employers in this state-this matter is now in the courts-had said because in some way, their employees come under the Federal Fair Labor Standards, that our Minimum Wage Law does not apply and I think that, for instance, a driver who, under the Federal Fair Labor Standards Act is not subject to its overtime provision, but might be under the provisions of our Act but because the language reads that anybody who is subject to the provisions of the Fair Labor Standards Act is excluded, we would be unable to take any action for that particular worker. Does that answer the-- We've had some controversy about that and I think it - the only reason for it is to make it clear that it's possible that a worker may be covered by certain features of the Fair Labor Standards Act and still covered by the

Connecticut Minimum Wage Law.

Chr. Miller: Do you have a question?

Rep. Farren: Naugatuck Yes, Mr. Riccuiti, don't you think $1.00 minimum wage is too low for industry?

Mr. Riccuiti: Well, since the Connecticut Minimum Wage Law does not cover inter-state workers and that's the type of legislation that industrial workers would not be involved in, I don't see that the question is particularly relevant to this discussion but if you're talking about a Federal minimum for industrial workers, I would say that that's too low - yes, but this law does not involve people who work in factories which would come under the Fair Labor Standards Act.

Rep. Earle: Wilton Commissioner, with regard to the definitions of bonafide executive administrative and professional people, why is Connecticut going into that field. What's the matter with the Federal regulations defining that?

Mr. Riccuiti: Well, of course the Federal definition, we'd be glad to have. That's what we're trying to do. I mean you have to remember that this is a state law and we have to define it-define executive administrative and professional ourselves. The Federal Government did have a problem along these lines and this definition is now made by the Secretary of Labor. Now, what happened here in the state was that, well, we had one particular case. A fellow who was a clerk at a motel-he protested to the Minimum Wage Department that he was not receiving the minimum wage. I don't remember the details exactly but I think that he got down to about 30¢ an hour and when we started to process the case, the owners of this motel said that he was an executive and, thereby was not subject to the Connecticut Minimum Wage Law and this case is now in court and this case is one of the reasons why we seek to define executive, administrative and professional employees in the act so that employers cannot circumvent the Minimum Wage Law by making claims which are not correct.

Rep. Earle: But you intend to follow the Federal regulations?

Mr. Ricciuti: Absolutely. We'd be glad to have the yardsticks that they now set up.

Chr. Miller: Thank you, Commissioner. Now, you have someone else to speak?

Jesse Baldwin: I don't know how much I can add to this without going through the whole law piece by piece. If you have some questions on it- some of the

technicalities here, I'd be happy to try to enlighten you on them. I could go a little further on this exclusion of those in the Fair Labor Standards Act. Another case that we have has appealed to the Supreme Court now-one of their claims was a gas station was covered was subject to the provisions of the Fair Labor Standards Act. Now, one of the things we're concerned with is how far can they extend that? Can everyone be considered to be subject and therefore, exempt from our state laws? Well, it's probably something for the Court to decide. I don't think it was the intent of the last Legislature to have it that way-worded so that it would be interpreted that way but to prevent any controversy, I can't see any reason why that should be in there at all-that exemption. Actually, it is the same as ours. As a matter of fact, they go a little further than the state law so there wouldn't be any dual coverage or any concern such as that. Is there any questions that any one may have on any parts of this?

Rep. Earle: Wilton — Well, on this particular point, what do you envisage in the way of enforcement?

Jesse Baldwin: We will continue enforcing the same as we are now-visiting the establishments that are covered by intra-state.

Rep. Earle: Well, how about the inter-state ones?

Jesse Baldwin: We wouldn't go into that because normally they are covered by the Federal and wehad this coverage before and there was no difficulty between the two agents whatsoever. As a matter of fact, I had discussed this with Mr. Hedberg who was in charge in the Connecticut office and he's all in favor of this section, too.

Chr. Griffith: I'd like to tell the Commissioner we've agreed on the Committee to ask as few questions as possible to expedite the meeting. Anyone else in favor?

J. Kavanaugh: I wish to go on record in favor of this legislation.

Margaret Driscoll: We wish to support all of S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW except for the provision eliminating the Minimum Wage Boards. We think the provisions with regard to establishing a minimum which will be changed to conform with the Fair Labor Standards Act is a good one. We agree with the gentleman from Naugatuck that a dollar is too low but we also believe that we should not raise it unless the Federal is raised because of the possible excuse given by some em-

ployers that this would be a reason for leaving the state where the minimum here was higher than elsewhere.

As far as the other provisions are concerned, we believe the provisions concerning overtime should certainly be a standard provision as the Commissioner pointed out, under Wage Board regulations now, the overtime is required but after a varying number of hours-not uniform. It would seem that it ought to be uniform and it ought to be in conformity with the Federal law so that you're not discriminating between those who happen to be employed in inter-state industry and those who happen to be employed in intra-state industry. The two should be on an equal basis. There's no reason and logic or an economy for making a difference.

As far as the extension of coverage is concerned, we certainly agree that the agricultural establishments employing three or more and we would hope that it would be interpreted to mean that it would particularly apply to establishments which employ migratory workers because there are certainly problems in that field which it has been indicated by study made recently in New Haven on Porto Rican migratory workers.

We believe that the elimination of deductions, as a part of a method of computing the minimum wage, is certainly a step forward. It seems ridiculous, indeed, to establish a minimum for everybody in the state and then say but for people who work in which they do, are required to wear particular clothes and are required to remain in the establishment and have their meals there and are required, as part of their work and as part of the inducement to accept the job are told; well you're going to get so much in tips because of the nature of the establishment, that those effects should be included in determining the amount of wages the employer pays. This was, as the Commissioner points out, particularly hard to understand and in the case of tips, where the person paying the tip isn't paying the employer. He believes he is paying the employee because of the particular type of service that individual employee happened to render as an individual and the amount of the tip varies with the kind of service that is rendered and why that should go back into the pocket of the employer so that he doesn't have to pay anything out-or very little out-in the form of wages is very difficult to understand and that would be eliminated in the computation of the minimum by this bill.

Now, just a word about the Wage Boards. We believe that, at the present time, it would seem

on the surface, if this bill particularly is passed that the need for Wage Boards might be less than it has been previously. But, even in the last couple of years, apparently the Wage Board was necessary in order to get an increased minimum wage in the restaurant industry. I think that points up the kind of place that the Wage Board has. It's only supposed to be used in particular industries where there are specified needs, needs which can be determined by the Commissioner or can be brought to his attention by the citizens who are effected and in industries where a higher minimum than that established by law is feasible, there ought to be a machinery for providing it and the Wage Boards do provide that machinery. Maybe it's expensive. Maybe it's cumbersome. Well, the machinery can be changed. It can be amended. It can be tailor-made. The expenditures can be reduced by streamlining the machinery but I don't think that the mere fact that it is cumbersome and it does move slowly is sufficient reason for eliminating what can be a valuable device for providing for reasonably minimum standards in industries which can well afford to pay above the minimum as established for other industries within the state.

Chr. Griffith: Any others in favor of the Minimum Wage Laws?

Wm. Maskiell: U.S.W.of Am. I wish to go on record in favor of these bills. There isn't much I can say except in support of both the Commissioner and Mrs. Driscoll. They have gone over it very exclusively and I think it's a good bill.

Chr. Griffith: Are there any others in favor? If not, those opposed.

Frank Morris: V.P.Conn.Hotel Association I'm personally opposed, in principle, to S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW and H. B. No. 2776 (Rep. Kelly) PREVENTION OF CONTINUED VIOLATION OF PREVAILING RATES OF WAGE STATUTES, H. B. No. 3089 (Rep. Marsters) COVERAGE OF CERTAIN AGRICULTURAL WORKERS UNDER THE MINIMUM WAGE LAW AND ABOLISHING WAGE BOARDS, H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS, H. B. No. 3095 (Rep. Griffith) MINIMUM WAGES-WAGE BOARD and H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW. I say that because they limit the scope and the area of management and labor unions to negotiate wages, hours and certain working conditions. Also, I say this in particular because as it applies to the employees in the gratuitous category. That is persons who work for wages and for tips. Where we differ actually is in the amount of uniform and meal allowance and in the case of resorts, credits that are

given for rooms that are occupied by employees. We have other members today from the Connecticut Hotel Association who will get into it in a more detailed manner.

William Taburri: Conn. Hotel Association — Mr. Chairman, (the first few sentences here were unintelligible) not only to our industry but to the general economy of the state. I think that we can all expect, under the expert leadership of our Governor, in promoting not only industry but our particular industry which is the hotel, vacation, tourist field that these bills are certainly not in thinking or not in keeping with his thinking along these lines. We have many members here that can detail some of the points of these bills and I might add that in all my experience up at this Legislature, I have never seen a group of bills that were so carefully drawn, well thought out insofar as labor is concerned, but certainly to the detriment of management. There seems to me to be no area there of any compromise and that is my personal strong objection to this blanket of bills on the minimum wage. Thank you.

Chr. Griffith: Just a minute, please. There's a lady on the Committee who would like to ask you a question.

Rep. Tracy: Sir, much to my surprise, I have eaten in a lot of restaurants throughout the country. This is the first time that I fully realize that all the time I thought I was leaving a tip for the waitress that sometimes hotels and these places take these tips. The waitress does not get it?

Mr. Taburri: I didn't mean to get into this. It is absolutely not so. It is not true. You gentlemen on this Committee are all (unintelligible) Does anybody furnish you any free food or meals? You have to go out and pay for them. Why should we in this industry---

Rep. Tracy: Pardon me, sir. I hate to interrupt you. I asked one question and I just want a "yes" or a "no". Are tips ---

Mr. Taburri: No.

Rep. Tracy: Never? No organization-no restaurant to the best of your knowledge takes the tips. The waitress and everybody always gets it. Never does the owner or the restaurant ever take that tip?

Mr. Taburri: That's right.

Rep. Badolato: New Britain — I have a question along those same lines. I had an individual in New Britain approach me on this same problem. I apporached the Co-

mmissioner on it. This individual, after she received her pay, found that she was only receiving fifty cents an hour so that the tips were deducted from her earnings-her meals were deducted. Her take home was fifty cents an hour.

Mr. Taburri: Unintelligible.

Rep. Badolato: It doesn't answer my question but it points up that what the lady asked is true that there are restaurant owners that are deducting the tips and taking advantage of it and giving them a minimum wage of fifty cents an hour.

Mr. Taburri: Well, when you say taking advantage of them (unintelligible)

Rep. Tracy: Sir, then I'll put my question a little differently. In paying a waitress-I'll cite a waitress as an example-in totalling up her weekly salary, do you, in any way, take into consideration the amount of tips she has received during the week?

Mr. Taburri: Unintelligible.

Rep. Tracy: In other words, if she has received $10.00 in tips, you deduct $10.00 from her wages?

Mr. Taburri: No.

Chr. Miller: Commissioner Ricciuti, would you explain the Wage Order again please.

Comm. Ricciuti: Well, the explanation is very simple as far as gratuities are concerned and I want to make it clear that my position is-on eliminating these considerations is not room and board obtained by the employees. I'm talking about, gratuities and the way the gratuities works is that if your wage is $1.00 an hour and you receive tips, 35¢ an hour is deducted from the minimum wage for each hour, up to 35¢ in order to make up the $1.00 so that it is possible for an employer to deduct from the $1.00, 35¢ for each hour, making the cash wage 65¢. It does not mean that they can deduct the full gratuities which are obtained by the employee but up to 35¢, they can and do deduct and this is the part of the tip which comes from the person who pays the check. Does that explain it?

Chr. Miller: Thank you, Commissioner. Another question.

Sen. Buzaid: Commissioner, I have a question. So, if a worker or a waitress got 20¢ an hour in tips, she would only get 65¢ an hour in wages.

Comm. Ricciuti: Well, no, that's not true because the way the provision now works, the employee is supposed to certify that they get up to 35¢. I suppose there are cases where they don't actually get it and we don't catch up with it but that's the way the law is set up. Anything else?

Chr. Miller: Thank you, Commissioner.

H. A. Genlot: Conn. Rest. Association: I would like to go back a few years while we've had Wage Boards. At the last Session of the Legislature when the dollar minimum came up, the Committee agreed that the operation of the restaurant industry was a specialized field, with different types of workers and they couldn't see how they could just put a flat dollar minimum. So they turned it over to the Wage Board. Now the Wage Board spent a great deal of time with men experienced in the business, with waiters and waitresses and three men from the public and, understand, all of these nine people were not selected by industry or by labor. We had the right to present a certain number of names and then the Labor Commissioner and the Labor Commissioner alone said: "These are the nine men or women that will serve on this Board." Now, they spent a great many hours going over this, only December 1st this came into effect, and now the Labor Commissioner to a Labor Committee here that hasn't the time to go into all the details of the operation of this business and asks you to do what he couldn't do with his own Wage Board. Now, he has dwelled principally on gratuities. Now this dollar minimum-countermen, chefs, cooks-there's no question about that dollar minimum. The fly in the ointment is on waiters. Now, in answering the man from New Britain, I'm going to ask him in a restaurant like Henrico's in New Britain that he is familiar with. I eat there. A party of five of us, just a short time ago, that time the tip was $5.00 for five people and do you think that those men in Henrico's work for that 35¢ an hour gratuity? Of course they won't. And as far as the 48 hour week coming down to a 40 hour week, that was all discussed with the Wage Board. It's not like a factory where you say you'll work 48 hours or you'll cut it down to 36 hours. We have our periods where people are busy-waiters and waitresses- and those are the particular people that they're trying to cover under this thing-the waiters and waitresses. There's no question about countermen, cooks or anything else. Now, you know the waiters and waitresses are busy during meal hours. No question about bartenders where liquor is sold. The chef has to know his work. The bartender has to know how to mix his drinks. The waiter brings this in and he serves it to you and when you are talking about doing away with

gratuities, you're doing away with something that is not only a Connecticut practice, a national practice but an international practice. Now, anybody coming into this state here from the outside, we'd have to increase the price of our meals. Well, they'd still feel that they'd have to pay the gratuity because anywhere they are coming from whether it's Massachusetts, New York, Rhode Island or anywhere going through our state, they're going to figure they have to pay these gratuities. You do it on trains. You do it on boats. You do it on hotels. You do it everywhere. It's nothing that's an isolated case in Connecticut. As I say, it's Connecticut, it's national-it's international. Gratuities.

And now on the 48 hour week, cutting it down to 40 hours a week. They just got this whole thing in the Wage Board. They spent plenty of time on it and why should this Committee or this Legislature be asked to do something that has been specifically gone over item by item. They spent all kinds of time on it. We're opposed to all of these same bills that the hotels are opposed to.

Now, I'll be glad to answer any questions on gratuities and anything else.

Rep. Temkin: Torrington — Did I understand you to say, sir, that the Wage Board and Commissioner Ricciuti had not agreed about this?

Mr. Genlot: They agreed on it. They spent hours and hours sitting in on this and, as I say, with nine people that were selected by the Commissioner himself. It was his own selection of these nine people. They went into it in detail with the very able chairman of it, Chief Justice Maltby, the past-Chief Justice Maltby. They went through this whole thing and they spent hours and hours and they had people up there testifying on this thing and now they want to come in here and just ask this Committee that has not had the time. They have not had the experience and they want you to pass on something which you haven't had the time to study and they've gone all through it and it became effective only December 1st.

Rep. Temkin: But they did agree?

Mr. Genlot: That's right.

Chr. Miller: Thank you. Anyone else?

Joel Haas: Westleigh Inn Litchfield — Having listened to Margaret Driscoll, Mr. Ricciuti and Mr. Baldwin talk on the subject, I begin to realize that many of you people have no conception of the difference between industry, as we talk about it where people

are working an eight hour shift and a service industry such as ours.

Now, I know that you gentlemen are under great pressures from various political affiliations as well as labor groups. Nevertheless, I have come to beg you to exclude the Hotel Industry from the present labor laws as written and those to be written until a just and equitable law can be enacted to fit our industry, one in whose framework we can operate. To order us to operate within the framework of the present law is not only vicious, gentlemen, but it is immoral. It not only imposes an unlawful burden on the employer--it also cuts seriously into the earning capacity of the employees. Let me show you by example what I mean.

We, with the help of our families, and the direct financial assistance of many of the people of the town, who felt the need of an inn in Litchfield, opened Westleigh Inn. It is open 365 days a year for the convenience of the public and is a bona fide inn. It serves a full breakfast from 8 until 10, luncheon from 12 until 2:15, and dinner from 6 until 9. On Sundays we serve dinner from 12:30 until 8. Because we have only 10 rooms, we depend heavily on our dining rooms for our income and have been able to build up a good reputation for the quality of our food and services.

With this background, let me introduce as an example, a waitress named Margaret. Margaret serves breakfast, luncheon, afternoon tea and cocktails, and she is on the job from 8 to 4:30. I say "on the job" intentionally, because out of those hours she may only work 4 or 5 hours and take home in tips alone, anywhere from $2 to $20 a day in the winter and more in the summer. This is what has happened to Margaret. Last year she and her husband bought a home. In the fall her husband lost his job and Margaret asked my permission to go home for the afternoon and work the dinner hours. This left us with no help on the floor except ourselves and our immediate families, but because winter was coming on, and because the tips at dinner are greater than at the other hours, we let her do it anyway. She did not do it every day, but watched for the evenings when there were a good many reservations or company entertaining parties. Because of the 48 hour injunction, gentlemen, I have had to stop this, while I don't know how much she is losing, t be quite a bit judging from the rumblings oing on.

to her regular day, as I say, she , makes the coffee, has some toast

and coffee herself and reads the paper until the first guests come down, which may not be until 9:30 or, on the other hand, may be sharply at 8 o'clock. We may only have permanent and simi-permanent guests in the house who never have breakfast until after 9 o'clock. You can say to me "On days like that why don't you tell her and the cook not to come in until 9 o'clock?" Gentlemen, we are a service industry. During the night I may have to get up and register 2, 4, 6 or 8 people who have been stranded by rain, snow or sheer tiredness or a group of people may stop for breakfast in the morning. We never know when we will or will not have business--we are completely at the mercy of the public and the weather. The waiters and waitresses never know when they will take home $45.00 or $140.00 in tips in one week. These are the extremes but they are, nevertheless, true figures.

Between 9:30 and 11:30 then, Margaret manages to have breakfast and perform the duties assigned to her. At 11:30 she has lunch, and then waits for her first party. Depending on her position in the line-up for the day, she may decide to repaint her nails, read the papers, do a cross-word puzzle, or just sit and "chew the rag" with any others who are not working at the moment. After the luncheon hour she may decide to do some job scheduled for a day or two later, or she may knit for a while, or she may become busy serving tea or cocktails. In any case, she manages to have at least two good coffee breaks with either pie or cookies.

Chr. Miller: Sir, how many more sheets have you got there?

Mr. Haas: I just have three more, sir, and it takes exactly ten minutes.

Chr. Miller: Well, you're talking almost ten minutes now and I asked you at the beginning ofthe hearing if you would summarize, if you had a prepared statement, we would take your prepared statement, make it official and put it in the record.

Mr. Haas: Sir, I would like to read this. Mr. Ricciuti and everyone else has been given more than 15 minutes--

Chr. Miller: Mr. Ricciuti is the Head-the Administrator of the Labor Department of the State of Connecticut and as far as I'm concerned, as far as any Committee that was ever here in Hartford, they always gave them the opportunity to say everything, regardless of the time that it took. Now, for the general public, we put a ten minute limit on it and we're going to hold at that.

If you can't make it brief-Well, I'm going to ask you to make it brief because if you don't stop in ten minutes, I'm going to cut you off.

Mr. Haas: I haven't spoke for five minutes yet, sir. I will make it brief. Alright, sir. Thank you.

Chr. Miller: You've got about three minutes.

Mr. Haas: She is already asking me what I'm going to do about all the Saturday weddings, which under the present law, I cannot let her work on, because they never finish on time and I may find her putting in 52 or 58 hours. In refusing to let her work the wedding, I may be cutting her out of a tip of $20, $30, $40 or $50. You may say, "Why don't you let her off a couple of afternoons during the week?" In the summertime, gentlemen, I have to stick to a rigid basic regimen. Because we are far in the country, we can't get extra help quickly, and our regular part time people are not available during the week days. They all have regular jobs, or are housewives with children. Margaret is already pointing out that, a part-time waitress (who may be working 60 hours a week between her two jobs) will be walking away with what she calls "all the gravy." She is demanding that I let her clock out while she is doing nothing. Your law does not permit this. Is it just for you to enact legislation that is so obviously unfair? Can we not have a law that takes into consideration the unproductive and non-working hours that are so integral a part of our service industry? We cannot help them, nor can our employees. They are an unfortunate evil in our business.

Last November, many of the waiters left for Florida. The winter in Litchfield, gentlemen, is tough. But because of the exodus of the number of waiters, I was forced to hire a trainee, one Ray Murtha, a former Marine. He is prepared to appear before you and swear that during his first week as an apprentice waiter, that is, from December 3rd to December 8th, he made $61.92 in tips alone. And yet, gentlemen, I am being forced to pay this man overtime during distressed months. Can you imagine what the summer will do to me, even though the waiters and waitresses will be making $80 to $140 per week in tips during the summer?

Let me explain why this overtime rule is also vicious and--

Chr. Miller: You've got one minute to finish up.

Mr. Haas: Under the circumstances, gentleman, may I just file this with you then because I can't finish in just one minute--

Chr. Miller: I wish you did it at the beginning and I'm going to ask anyone else that has a lengthy statement like that one to please hand it in and we'll make it a part of the record.

Mr. Hass' statement continued:- immoral. Ray comes on duty at 10 o'clock. He arrives a little earlier and has his breakfast if he wishes. Between 10 and 11:30 he does the work that he has been assigned to do. At 11:30 he has lunch and then waits for customers. Let us say his last party arrives at 1:45 or 2 and may sit over coffee and liquors until 3 or 3:30. This is happening to the others also, but none want to leave because each feels that his tip will be greater if he gives his personal service to the customer. If he had no late parties he could have left by 2:15 or 2:30. He arrives back at 5 o'clock, checks the condiments and relishes and has his dinner. We start serving at 6, and he again may not have a party until 7, but again, his last parties are not in a hurry and sit talking over coffee until 10, 11 or 12 o'clock. Meantime, Ray and the others are sitting over coffee and pie in the kitchen while they wait for their parties to leave. All these coffee breaks are paid for by the Inn, incidentally.

Now, from this first day of his week I have begun to pay him overtime, because he knows, and I know, that I cannot morally refuse to let him work his full six days. However, if we are forced to operate under the present laws, I will be forced to stop him at the end of his registered 48 hours, even though he may actually have worked only 25 of these hours. He will then be cheated out of the tips from whatever good parties are coming up. He doesn't like this at all. He insists that he be permitted to "clock out" when not working. Your law expressly forbids this.

We hired and trained a local boy, Bob Bailey, as a bus boy. Bob has been able to afford to return to college. He is prepared to swear that between June 14 and November 13 (4 months) he made $975.00 in tips alone. During that time we gave him his meals and $18.00 per week, which used to be a bus boy's pay. Under your law we can no longer afford a bus boy. This does not make the waiters and waitresses very happy because they depend on the bus boy to help them give better service and receive better tips. Although they paid him part of their tips, they never begrudged it. They now claim that since he would be working for them, I should hire a

new boy and only pay him for the time he works for me. Your law forbinds this.

A waiter last summer complained that he had only made $125. Since I paid him an additional $25 per week, plus his room and board, I thought he had done rather well and told him so. He told me that on his previous job, he had made $190 and had never gone below $150. This is in tips remember. I asked him why he didn't stay there. His laconic response was "Oh, the boss went broke." This also carries a grave message to all in our industry.

These examples should give you some of the employees views of this law and the way it is cutting into their earnings. The same feeling and resentment goes throughout the inn. The housekeeper, who is paid more, but who also receives tips, would like to "clock out" when she has only two or three rooms to do, but has to wait for a guest to leave (some leave in A. M., some in P. M.) She would like to come in on the 7th day, because that day the house may be full. Although she has had financial reverses and needs the money desperately, your law forbids this.

The same holds true of the non-service employees in the kitchen, neither they nor the waiters can cover for one another, nor can the waitresses cover for the pantry women, because some of them would be working a seventh day or because of the 48 hour law for women, or because of the overtime clause. These are the ways in which the present labor laws mitigate against the employees. Under it, however, I am permitted to drastically cut the wages I pay to the non-service employees--those working on salary alone. These are the reasons why I claim that the present labor laws are vicious when applied to our type of service industry. We are not a factory that can tell a few weeks in advance what its income will be and what labor force it will need or can lay off. We don't know from one 15 minute period to the next what will happen. We are not a restaurant that may open only for its productive hours, whether this be lunch time or dinner time, and can cue the guests when it is time to leave by starting to turn out lights. For thousands of years an inn has traditionally taken care of the wayfarer by serving 3 meals a day, whether they be profitable or not, and if we started to turn out lights to cue the dinner guests, every house guest would check out in a huff.

As far as we, the owners, are concerned, gentlemen, I don't have to say anything. My financial statements are here for any of you to inspect after this hearing. They cover the

period from 1953 through 1957. Because of our location far from any city, and because of a lack of local labor, we were forced in 1954 to start paying higher wages than is usual in our industry. By 1955 we were forced to go beyond the danger point and the number of thousands of dollars we lost are shown here. I don't care to make them public property. I will also bring with me all of our books for this period to any meeting, and on any day that you select. My financial statement for 1958 is not yet complete, but by cutting the line very fine, and by having myself and my associates assume extra duties, I have been able to cut $3000 from the payroll for that year.

My reason for quoting these facts and figures are twofold. The first is an effort to prove the sincerity of our arguments and not be accused of singing a "hearts and flowers" song, as Mr. Mac Chamberlain of the Wake Robin Inn was accused after a similar hearing last year.

My second reason is to try to give you an accurate picture of what compliance with this law will mean to us and to beg you to exclude us from any and all labor laws as has been the custom in other years in this state, and is still the custom in many other states. If we must have a law, let it be one that recognizes the abilities as well as the limitations in our industry. Let it be one under which we can operate. Thank you.

Chr. Miller: Mr. Quinlan.

Rep. Quinlan: Mr. Chairman, Members of the Committee, if Mr. Haas spoke a little lengthily, perhaps it's because I advised him to. We timed it. It took ten minutes to read. I'm very sorry the Committee didn't have the courtesy to allow Mr. Haas to finish.

Chr. Miller: Do you wish to speak on the bills, sir?

Rep. Quinlan: Yes.

Chr. Miller: Well, please confine your remarks to the bills.

Rep. Quinlan: I wish to speak specifically on the Minimum Wage Bills-S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW and H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS. I direct my remarks to the minimum wage bills in principle and, in general, I want to speak specifically against the ones I enumerated.

Two years ago, before this house at the General Assembly, I presented a bill which would abolish

the Minimum Wage Act and I did it for good reason. I have probably studied this problem much more than many of you although some of you may have devoted much time to it, I would say that I have devoted equally as much time, perhaps more. Furthermore, I have practical experience as an employer. I employ 25 to 30 people in a seasonal operation.

All of us, at one time or another, have been wage earners, but not all of us have had the good opportunity that America offers us to be business men and employers. Now, I wish that you would perhaps listen to me and even more so, I don't want to take the Committee's time up. That's why I presented to you certain written remarks which I did last week and put in the hands of the members of the Committee. I urge you to read them. I will , subsequently present further facts and figures and information to each individual member of the Labor Committee and ask that you read them if possible.

Now, one of the biggest things I'd like to bring out in this matter of minimum wage is the fact that the possible economic disaster-the disaster's economic effects that any compulsory minimum wage increase or extension of coverage of the act in the face of the continued grave employment in this state. To put it bluntly, it has been shown from experience and it has been argued successfully by reputable economists for years that the ultimate effect of a compulsory minimum wage law is to create unemployment. Now, to support this theory, I again call your attention to the present unemployment, not only in Connecticut but in the country at large. I urge you to do some reading and research on this matter because I'm sure you wouldn't want to do anything that might help to destroy job opportunities in the state.

On the surface and theoretically, the minimum wage law sounds beautiful but we must remember that economics has been called the science of secondaryeffects. When you pass laws contrary to the economic law of supply and demand and human nature, you must expect the inevitable results which are principally inflation, unemployment and bankrupt businesses. Now, the direct casual relation between the increasing of a mini--of compulsory minimum wage laws or extending its coverage to additional workers is the loss of job opportunities and increased unemployment.

I want to further call your attention, once again to the inflationary effect of any increase in wages without a corresponding increase in productivity whether it be by collective bargaining or by legislative means.

Now, finally, I submit that we are not being humanitarian. We're not being progressive and we're not being enlightened. Enlightening to be--to adhere to a legislative labor policy that flies in the face of the economic facts or the facts of economic life. Life is the work in the free market economy. Thank you.

Chr. Miller: Thank you. Anyone else?

J. Ordeleva: West Haven Mr. Chairman, Members of the Committee, I want to go on record as being opposed to all six bills that have been already enumerated. I'd like to make an observation, Mr. Chairman. It has been said many times that all ambitions are lawful with the exceptions of those that climb upward on the miseries and credulities of mankind and I have in mind particularly the people of the state, the employees of the state. There is no one that could question the possible motives that the individuals that got these six bills up may have had in their minds. You will find, if you will question every employer in the state and question them, carefully, that they will go along with anything that is equitable and fair.

It is a source of never-ending amazement why people will compound error upon error-build towers of battle. Two years ago, I had reason to make a remark in this particular room and call the Committee's attention, at that time, to the fact that the galleries were empty. Not one waiter-not one waitress. Had they been here, they would have laughed at some of the remarks that were made here that particular afternoon as far as their earnings were concerned. Is it conceivable to anyone present-is it conceivable to anyone on the hearing-on the Committee that we, in this state, who enjoy the highest average, $2.04 or 5¢ per hour that we would have anyone working in any restaurant, inn or hotel or resort or any way that didn't approximate that or better still, gentlemen, exceed it?

I am a small resort operator. I operate only two months in the year. Two years ago, other resort operators together with myself, brought out a very important point. We don't have employees that we keep on our records for fifty-two weeks a year. Consequently, we cannot pay an employee to keep our books as we would like to have them kept and as the state would like to have us keep them. Consequently, we do our own bookkeeping and due to the fine thinking that prevailed at that time, and gentlemen, I am quite sure there are as equally as intelligent as those that are sitting here this afternoon-resorts were exempt. Gentlemen, look carefully

into the reasons why they saw fit to exclude resorts. We have a Governor, a fine Governor in this state who saw fit, several years ago, to set up a budget for the State Development Commission to advertise the state-to whom? To us? No. We live here. Advertise to whom? To people who live all over the country. By getting those people to come to this state and leaving their dollars here. The state profits by it in excess taxes--excise taxes-in sales taxes and all the other taxes that we have and every time that dollar that is brought into this state is turned over the state gets three cents. You've all got pencils. You've all got minds. Figure it out and see what figures you get and see what the State Development Commission tells them and find out if that doesn't fit in with what we've been trying to do and I refer specifically to resorts who spend thousands of dollars to get people to come into this state.

Any enactment of any legislation such as the six bills that are here before you this afternoon would provide a disservice to the employees of this state. How? Well, you provide a disservice to the people of this state. How can we possibly compete with other states and get people to come to this state. Who publicizes the state? The Labor Commissioner? It's the State Development Commissioner and it's the resorts. Gentlemen, we cannot exist in business.

I would like to close with just one observation. The gentleman from the Restaurant Association brought out the fact that last December 1st, the Wage Board came down with an order that was applied to restaurants and the Labor Commissioner saw fit to apply that also, together with the Wage Board, to hotels. That is now in court. The outcome of which is yet to be determined. However, gentlemen, that hasn't been determined. I beg of you-read that Wage Order. Read the terminology. Determine if it isn't the Power of Babel. Determine if those laws are truly workable. I say they're not and I don't want to take the time of this hearing any further this afternoon other than concluding with a report that is a very brief one, Mr. Chairman. I beg your indulgence and those of the Committee.

Our Association saw fit to send out a questionnaire. It went to our entire membership. I refer specifically to the Connecticut Hotel Association-in which four questions were asked-the number of meals that were served on a weekly basis and, of those that received them, 36 replied which is well over half of our membership, indicating that over 10,000 meals were served,

together with those that were served on a 35¢ per meal basis. These are credits, incidentally hotels, by law, are entitled to. That meant that the average operation of 36 served 400 meals per week. I'm going to jump ahead and disregard the rest of the statistics and close with just one observation. These people were asked, specifically how many people they provided accommodations for, single and double-what their value was on the accommodations that these people occupied-not what the income would be on these rooms were they rented to guests and it became my laborious task to analyze these figures and discount the fact that some of them said: "I could rent the room and get $120.00 a week". This is with meals, of course and, gentlemen, of the 47 that wrote in, 37 saw fit to fill in that particular box. Their figures and their returns are here. Anyone here is welcome to them. Their figures come to $2.51 per day per room when multiplied by seven. That's $17.50 a week and again, gentlemen, specifically, I refer you to the Wage Order that has been handed down that says that we can only take credit for three and four and take credit only for 60¢ per meal, mind you, with no provision for rising costs of living. We have living costs agreements whereby wages go up. Where is any such agreement. It's flat-60¢. Now, it seems to me, gentlemen, there's quite a spread between what the Commissioner of Labor claims is a reasonable rate-for dollars per week--three dollars per week per room and what men in the business claim is a fair rate-$17.50. Thank you very much, Mr. Chairman.

Chr. Miller: Thank you, sir.

L. Ricciuti:
Waverly Inn
Cheshire

I won't be too long, gentlemen. I have a brief statement here. I'm Secretary of the Associated Restaurants of Connecticut, representing over 400 eating places in Connecticut. I served on the last Wage Board and all members of the Board-those representing labor, the public and industry-we all recognized the real concrete part that gratuities play in a waitress' or waiters' real wage. In our discussions, the Board recognized the fact that the personal opinion of Commissioner Ricciuti is that gratuities should not be considered as part of the minimum wage. Every state in the union recognizes the difference in minimum wage scales-where employees receive gratuities, they take it into consideration. Some have a flat fifty or sixty cent minimum wage for service employees and, in our case, the Board felt that we could still be within the law by having a dollar minimum wage with allowance of 35¢ for gratuities and 15¢ for meals.

If these bills are enacted in their present

form, there will be a great injustice done not only to the industry but to the public in general because this would more than double the overhead of restaurants for that part of their payroll which is gratuities. In many cases, they have more waiters than they have cooks-because prices will have to be raised on meals and the public will still tip. We all recognize the fact that, in many cases, restaurants have attempted this-placing the straight 15¢ gratuity on the check but it did not work and it was abolished because the public was still tipping.

There would be also a gross injustice done to the back of the house. What we are interested in, really, ladies and gentlemen, is in raising the minimum wages of dish washers who work and toil for a dollar an hour but why worry about the poor waiter that goes home with $100 or $150 a week with Uncle Sam getting a very little share of that in withholding taxes. Thank you.

Chr. Miller: Thank you, sir.

Geo.B. Farnum: Wallingford Mr. Chairman, Members of the Committee, I'm here today before you to speak on behalf of the Wholesale Milk Producers' Council and also on behalf of the Connecticut Council of Farm Organizations. Mr. Snow will follow, I think, on behalf of the Connecticut Council of Farm Organizations.

These two organizations oppose firmly the inclusion in S. B. No. 985 (Miller) THE MINIMUM WAGE LAW and H. B. No. 3089 (Marsters) COVERAGE OF CERTAIN AGRICULTURAL WORKERS UNDER THE MINIMUM WAGE LAW AND ABOLISHING WAGE BOARDS, of agricultural workers under the Department of Labor and Minimum Wage Laws. There is a very difficult situation here that I don't think the Committee fully realizes. It says here in agricultural establishments employing less than three full time employees. That is anybody with three or more employees would come under this Labor Department the same way as you treat industry-industrial workers. Farms today are getting larger and fewer in number. More of them employ full time employees. You have a situation where on a dairy farm it would be practically impossible to operate under the Labor Laws of the State of Connecticut as applicable to industry. We just don't operate that way-not that our workers are not as well paid but fully feel that most of the workers on our Connecticut are paid what many of the union people hope for-a guaranteed annual wage. They have times of seasons, long hours to work to be sure. Other times, work is not so difficult and hours are not so long. We feel that

the bookkeeping situation in our farm is complicated enough today without adding to it the time records necessary to satisfy the Department of Labor. It is a very hard job. We don't have professional bookkeepers on many farms-on most farms-only a very few of the larger ones do. This time keeping records is difficult and then you have so many imponderables such as room and board, houses, lights and electricity, the food furnished, etc,. etc., to figure in. How do you arrive at a minimum wage on a dairy farm?

I just hope that you will consider strongly the agriculture section of this bill should be changed and eliminated. It is difficult enough to do business on a farm today in competition with industry in the state without being handicapped by rules and regulations applicable to industry and employing our people which actually are not realistic to the situation at hand, that is, agricultural employees. I thank you very much.

Chr. Miller: Thank you, sir.

John Q. Tilson: New Haven I am counsel for the Connecticut Hospital Association which is comprised of all of the voluntary non-profit hospitals in the state and also for the Connecticut Association of Independent Schools which is comprised of all of the parochial and non-sectarian private schools of the state. We are here to object to portions of S. B. No. 985 (Miller) THE MINIMUM WAGE LAW and H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW.

The charitable institutions in Connecticut have never objected to the minimum wage laws as such. They have never come before your committees and either complained about the height of the minimum wage or have they asked for any exemption from it but now under these two bills, you are going out of the field of minimum wages and into the field of overtime and this presents a very serious problem. As anyone who has done any work in the field of labor knows very well, under the Federal Wage and Hour Law, about 5% of everything that happened since the Act was passed was devoted to the minimum wage feature of it and about 95% of it or more to the tremendous complications thatwere involved in the computation of overtime. It is a very bad problem. People working on two different jobs have to be treated specially. People who are off part of the day and on part of the day have special problems and the extension of the Connecticut Minimum Wage Law into the overtime field would be very serious to the charitable institutions, partly insofar as it

would increase the cost of the institution. But, equally importantly in that it would create a very serious administrative burden and place--The job's not the same. Let me just put it this way. The jobs that are done in our charitable institutions and let me take particularly, for example, one of our secondary schools, are just not the same as those in a factory. People in our secondary school sometimes spend the night at the school. They're boarded there. They work rather erratic hours. They get paid their full minimum. There's no complaint with that but when it comes to trying to compute what overtime they would be entitled to, you would be subjecting the schools to a very serious problem, indeed.

The Wage Board that has been mentioned on numerous occasions here this afternoon considered this problem. It has as able a lawyer as Chief Justice Maltby as the head and it threw up its hands when it came to the charitable institutions and exempted them completely from the effect of the order. Now, as I say, we are not asking that you do that but we are asking that you seriously consider and hesitate very much before you get into an overtime law and if you do get into it, you will have to consider very carefully the problems which have arisen in connection with the Federal Law over the past twenty years. It seems to me this is not necessary in the State of Connecticut. Our people would be protected by the Minimum Wage Laws and there is no earthly need to get into the various complications that would ensue if we go into an overtime law.

Chr. Miller: Thank you. I'd like to announce again that we have forms here at the desk where you may register for or against any of the bills that are published for hearing today. Anyone else opposed?

Mac Chamberlain: I run a summer resort in Lakeville, Connecticut. I would like to talk on one phase with three sub-phases and I didn't prepare this so I can't give you a statement. Of the seasonal resort operator and why the Legislature considered in the past that they should be excluded and why the majority of states, including sister states next door, exclude the seasonal resort operator. We won't talk about full employment. You employ people 50 or 52 weeks a year. Unfortunately, we only can employ them three or four months a year. We, therefore, have to go to the winter resorts and find out a man who has a job or a woman four or five months. Allright, what does that mean in seasonal operation. It means that we have to provide them with the highest cost of the budget-housing and food. I'm very glad to see four or five ladies in the back row because

when I talk to them on the cost of running a home, it is not like you men who merely pay the bills. These girls go out and buy that food, they cook that food, they wash those dishes, they wash those sheets, those pillow cases, those pads, don't they Mrs. Driscoll? And you know the cost of housing. Now when we house our employees and we have to house them or we can't get them, it is going to cost us somewhere around $15, $16 or $14 a week. Why is that so much higher than it is in Hartford? Well, what is a resort? A resort is a place to rest and relax, usually in isolated communities which only have beauty and the lack of persons. Therefore, there is no labor market and we have to bring them in and we have to house them. Now, why is it that housing costs so much in a resort. Well, it's simple. In four months, you have to get the entire year's cost of that housing.

Now, I want to go to one of the reasons why this state considered the cost of housing and why the State of Rhode Island, our sister state, excluded resorts on the housing basis. There was a gentleman here that employs dish washers, sixty hours a week. He pays them $60. He is in a large industrial town. The minimum wage law comes through. At the end of 48 hours, he lays those people off and he hires new people so they all get 48 hours a week which is the reason of the law. Rhode Island realized that it would be impossible to build housing to do that in the resort area so therefore, they threw out that angle.

Now, I want to talk about food. You know how little we're allowed on food exemption and yet every housewife in this group and every man that foots the food bill knows how much food costs. Now, we don't give that food to our employees as so many potatoes and so much meat. It's all cooked for them. It's served to them and you know, the dishes even after that, are washed. Now, that costs us probably, I figure, $21 to $25 a week. $15 for housing. What does a sister state like New York think of the cost of housing and food. Mr. Ricciuti has over in our sister state one of the most outstanding social-minded persons in the world, Dr. Isadore Lubin. Mrs. Driscoll knows him well. He has set up and this was not with the aid of legislation but in his own instance, that where a resort houses and where a resort feeds-that service employees can have $12 a week because they know that that is entire take home pay. The housing and the food is the largest part of the home budget. The housewives will bear me out. In the case of maids who don't do quite so well on tips, it is $17 a week and in the case of employees, it is $25. Now, if

one of the most outstanding social-minded persons in the world knows that when you de give housing and food, to boot, that wages, naturally, are all take home pay, then that is the answer.

Now, I gave you the thought of why we were excluded from the minimum wage and hours act if we housed the majority of our people and if we fed the majority of our people. That is what we believe is to be right and honorable. This lady asked a most pertinent question and she was not answered very well as to how tips are a part of the credit of wages. Nobody pointed out that the insurance companies of this state and a big corporation paid $7,100,000 to build a hotel. If that hotel wasn't there, the waiters, the waitresses and the bellhops would not get any money from it. Therefore, the employee or rather employer because of the tremendous investment which he creates the jobs which wouldn't be there if the investment wasn't there, that is why they have given acceptance to some value of gratuities.

Chr. Miller: Thank you, sir. Anyone else?

Rep. Lawrence: East Windsor — Mr. Chairman, I hope I've waited until all the public has been heard. I'd like to speak in opposition to the bills under consideration only in the agricultural aspects within these bills. I'll be very brief. I'd like to say that I would go along with the intent of this bill if your Committee or the Legislature itself would, possibly, pass a bill controlling weed and plant growth, laying of eggs, milking of cows on a forty hour per week basis. Thank you.

Chr. Miller: Thank you. Anyone else?

A. Diorio: Pres. Wby. Assoc. of Restaurants — I am in opposition to this bill because with the present situation in Waterbury, you're going to add to the unemployment. Thank you.

Chr. Miller: Thank you sir.

F. T. Healey, Jr. I represent the taxicabs of Connecticut, Inc. and the Association of the Taxicab Owners of this state, representing most of the major towns in the state. We haven't, so far, hit on the taxicab problem at all but, of course, that is also another service industry. It is regulated by the Public Utilities Commission and, in our industry, we furnish the cab, the radio and all the equipment to the driver in the morning. He goes out and we have no control over him the rest of the day except what little control we might have through the use of the radio. The drivers in our industry are

paid on a commission basis. The commissions range between 43 and 45% of the gross receipts. That's for a full time cab driver. The part time drivers earn from 40% up. As you can see, we have our problems in our industry. Our men are satisfied on this commission basis but we do have a problem with some part time men and, in some cases, a full time man who won't make full use of his day in booking receipts. Mostof our drivers have no problem with the dollar minimum wage. In our industry, we're allowed to consider 15¢ as coming from tips for the calculation of that minimum wage where the drivers don't make the full dollar in minimum. In our industry, we're not allowed in each case to take that but if a driver doesn't make a dollar, through this commission system, if he has received the 15¢ in tips and if we can so prove it, we are allowed to take it and the Labor Department accepts it. As I say, in most cases, we have no problem with anyone reaching the dollar minimum but we do have some problems with part time workers and it is a peculiar industry problem. I think that you all have to realize that tips, as in the hotel and restaurant industry, are considered a part of what people are paying for. We have rates from the Public Utilities. The Commission knows that our drivers receive tips. The person who hands the dollar to the driver in the cab considers that's what he's paid for his ride-not the 75¢ that's registered on the meter. He thinks that he's paying the dollar for the ride and he'll pay it every time.

I also would like to oppose along with gratuities I'd like to oppose the increase or the consideration of time and a half. In this industry again, it will be-have great effect. As I say, we are on a commission basis and time and a half would throw off all calculations in the industry and would necessitate, if possible, requests for increases from the Public Utilities Commission. The Commission knows and the industry knows that when we do increase our rates of fare, most companies will only increase them once in the last twenty-five years, but if we do increase them, we're up against the problem of rider resistance and the driver loses money and the company loses money on that basis.

I further today represent the Connecticut Motor States Association which is an Association of the small independent bus operators of the State of Connecticut. You all, just from reading your newspapers, are familiar with the problems of the bus industry. The Governor has had studies made of the problem and many of the Legislators have called for relief in this field. The bus

industry has no problem with the minimum wage but we would very definitely have a problem with time and a half for overtime. Thank you very much, gentlemen.

Chr. Miller: Thank you, sir. Anyone else?

R. Meyer: Wallingford I'm from the Yale Motor Court and the Yankee Silversmith Inn. As a director of the Connecticut Hotel Association, the Associated Restaurants of Connecticut and the Connecticut Motel Association, I wish to voice opposition to these six bills enumerated here previously.

I would like, particularly, to speak on the forty hours and the time and a half. I don't believe that it was the intent of any of the sponsors of any of these bills to do anything that would seriously injure any of the employees. Nor do I feel, by the same token, that it was that intent of the Wage Board when they settled on a forty-eight hour week with time and a half after forty-eight. This may be a misunderstanding as far as they were concerned as to how it would effect the employees.

Most of ourmembers at the present time are laboring under the Wage Order put out by the Wage Board, effective December 1st and as far as the time and a half is concerned, the majority cannot afford to pay time and a half after forty-eight hours. When I say forty-eight hours, I'm talking on the present situation. In order to take care of this matter, most of the employees and probably all who work forty-eight hours and who are paid less than $1.50 per hour are relieved from duty at that time and are replaced by part time employees who, by and large, are brought in from outside, who also have other jobs where they are working forty-eight hours at straight time and can come into our establishment and work another twenty-four hours at straight time but they can't work in their own place at the straight time. They are being replaced--they're replacing these regular employees of ours and taking the money right out of the pay envelopes of the regular employees. Now, that's the situation as it stands and it is at the forty-eight hour business. At forty hours, it's going to be even worse and the employee is going to take home less pay because at the end of forty hours, the employer cannot and will not pay the extra time and a half for that. It has been my thinking right along that the time and a half was originally started on a bonus basis for industry and, once more, I'd like to say, as some of the previous speakers have said, that our business is not the same as industry as relating to factories where people know and the employer

knows in advance just how much business he's going to do, how many orders he's got and how long it will take to get them out. Also, by and large, when the employer, in factories, has these orders and they have to be gotten out in a hurry, many times costs are put on them and added on to it and passed along to the consumer. We can't do this in our business.

I said I was going to talk on the time and a half and I have but I just want to mention one thing in regard to the gratuities. Before any consideration is given to relieving the bills of the gratuity angle, I think it would be wise if some of our members of the Committee discussed with some of the service employees-waiters and waitresses-whom you undoubtedly know personally, and ask them if they would like to have a wage range set up for them comparable to the other departments-the chefs, the cooks and the salad department-and gratuities done away with and the prices in order to take care of this, increase in pay to waiters and waitresses by the employer would be tacked on to the consumer in the cost of the meals. I thank you.

Chr. Miller: Thank you. Anyone else?

Fred Waterhouse: Mr. Chairman and Members of the Committee,
Mfgrs. Assoc. of Conn. most of the features of these bills do not effect us at the present time and we hope that they will continue not to effect us at all.

The part that I'm interested in-in S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, there is a provision or at least there would be an elimination of the exemption from the Connecticut law of our members who are subject to the Federal law-the Fair Labor Standards Act. Since the inception of this law, this has been acknowledged as a very proper type of exemption because if you don't have it, you are going to have an overlapping. You're going to have confusion. You're going to have an intolerable situation in which we, who now have problems enough with the Federal Fair Labor Standards Act, are going to be subjected to the possible harassment from the State Labor Department in connection with our practices. I assure you that the Federal Wage and Hour Department does a good job in enforcement. I assure you that we do our best to comply and do comply with the Federal law and that it has, as has been mentioned here, provisions in it which they are trying to get into the State law which are more advantageous if you want to put it to the employee, in some instances, and in some instances, of course, they work to the detriment of the employee although they are apparently put in for his benefit but in any event, the

confusion that would result from the overlapping and the problem of interpretting both and making them coincide is an insurmountable situation and it has been accepted by the legislatures from the beginning that that provision should remain as is. That if you're under the Federal Law, you should not and this is, incidentally, applies only to the employee. If the employee is subject to the Federal Law, he is then not subject to the State Law. There's absolutely no excuse for changing it.

Another thing that I might call to your attention is some of the dangers. Although, as I say, it won't affect us and I hope it won't or will continue not to affect us because I expect that the present exemption for those under the Fair Labor Standards Act will be continued but, I do wish to call to your attention some of the problems you'll run into if you do adopt a blanket provision of time and a half the regular rate for time over forty hours. I suggest that before you do, you take a look at the federal regulation and the cases and all the confusion that has resulted from that and the additional amendments to the law that were required-the portal to portal act and a number of other changes at the same time to the Federal Act in order to take care of the improper interpretation that will develop if you just pass a blanket time and a half after forty hours. That is for your information. That's all. I think it's well for you to do it although as I say, I trust and expect that the persons in our industry will not be subjected to the state law.

Chr. Miller: Thank you, Mr. Waterhouse.

H. E. Snoke: Mfgrs.-Bpt. Mr. Chairman, I just want to say that Mr. Waterhouse is speaking for us in this matter, too. Thank you.

Chr. Miller: Thank you. Anybodyelse want to speak in opposition?

C.W.Snow,Jr.: Conn.Farm Bu. Assoc. Mr. Chairman, Members of the Committee, I'm counsel for the Connecticut Farm Bureau Association, consisting of approximately 5,000 farm families and also speaking for the Conference of Farm Organizations which consists of 22 farm organizations. Everyone exists in the State of Connecticut. I simply want to register opposition to the so-called agricultural phase of H. B. No. 3089 (Rep. Marsters) COVERAGE OF CERTAIN AGRICULTURAL WORKERS UNDER THE MINIMUM WAGE LAW AND ABOLISHING WAGE BOARDS and S. B. No. (985 (Sen. Miller) THE MINIMUM WAGE LAW. At the present time, an employee shall not include any individual employed in

agriculture. That's the way that the law reads at the present time. What these two bills try to do is to include an employee who is employed in an agricultural establistment employing less than three full time employees. In other words, a farm that employs three or more full time employees shall be included under Chapter 558 which is the chapter on minimum wage laws. I just want to second what Mr. Farnum has previously said concerning the practical impossibility in trying to deduce a minimum wage for a farm employee. When an employee is brought onto a farm, he is given a house-usually a whole house with family. He's apt to be given milk and butter and of course free rent and electricity and you can't just go out and work eight hours on a farm. It's a matter of almost common notoriety that the seasonal nature of it and the weather all play a part in how many hours a man is going to work in a particular week. Usually, as a matter of fact, he is employed ona monthly basis and I believe that a law that is working satisfactorily should stay as it is and I ask that you gentlemen continue to exclude agriculture as you have in the past. Thank you.

Chr. Miller: Thank you. We want to try to close this hearing on this bill because we still have another hearing on two other bills on prevailing rates but just try to be brief. Anyone else want to speak?

John Greelack: Hawthorne Inn Berlin I'm registering particularly so the bill that has something to do with gratuities and also the overtime bill after forty hours. I'd like to clarify this gratuity thing for a lot of people over here in reference to the wage scale with the rest of the employees of restaurants hire at a minimum wage. It's very difficult to hire anybody at a minimum wage, believe me, in an outgoing restaurant, on the outskirts of town. We definitely pay far more than the minimum and the waitresses in our place definitely get far more than that, also.

I will give you a little example of mine that I have to contend with. As an operator, I think that I have a pretty successful place. I pay good money to my hostesses and my host. I pay good wages to my employees in the kitchen. Now, we were not permitted to deduct these gratuities in our wage set-up with the waitresses. The wage difference between the waitresses and the rest of the house would be so inequitable, it would be difficult to hire an employee that would not participate in the gratuities, believe me. Now, I will tell you again in hiring a hostess on a flat salary pay

is difficult in an establishment where a girl is successful as a waitress because after a while that hostess wants to be a waitress because she doesn't have to provide her own clothing, appear nicely, go to the hairdresser. Not that the waitresses don't but they wear uniforms. It's a thing that they wear all the time. So, if you were to take the gratuities off, believe me, ladies and gentlemen, that you would cause a great hardship in our business and it would only be passed on to the general public because they're the ones who eventually are paying for the item that you are selling. So bear that in mind. It's the general public that eventually is effected. Thank you very much.

Chr. Miller: Thank you, sir. Anone else?

R. Coburn: Conn. C.of C. Mr. Chairman, Members of the Committee, I'll make my remarks very brief. At this point, we're prepared to talk in only two points in connection with the Minimum Wage Bills. One has to do with the determination of the Connecticut wage by tieing it in with the Federal. We do not think that it would be wise to delegate this responsibility to the Federal Government and believe that this is the responsibility that should be retained by the General Assembly.

The other point has to do with the removal of the present exemption of those employees covered under the Fair Labor Standards Act. This, we believe, would cause a great deal of duplication and confusion. Our legislative committee has not completed the study of some of the other points raised here with your permission they have further statements which we can submit them to you later in writing. Thank you.

Chr. Miller: Thank you.

Windsor House I merely want to say we are opposed. Thank you.

Chr. Miller: Thank you.

O. Jackson: Ollie's Steak House-Hfg. Mr. Chairman, I'd like to make just one observation that if this law were in effect as of January 1, 1958 although my restaurant is small and successful for its size, out of my 14 employees, I would have 10 of those employees earning more money than I and I'm the one that has the large investment.

Chr. Miller: Thank you. If there are no more, we will shift to the prevailing rate of wages-S. B. No. 984 (Sen. Miller) PREVAILING WAGES ON PUBLIC CONSTRUCTION WORK, H. B. NO. 2776 (Rep. Kelly)