

request, make available to counsel and to a party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. The investigator and any person the investigator has consulted is subject to other pretrial discovery in accordance with the requirements of the Minnesota Rules of Civil Procedure. Mediation proceedings are not subject to discovery without written consent of both parties. A party to the proceeding may call the investigator and any person whom he has consulted for cross-examination at the hearing. A party may not waive his right of cross-examination before the hearing.

Subd. 4. USE AT HEARING. The investigator's report may be received in evidence at the hearing.

Approved May 2, 1984

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#### CHAPTER 636 — S.F.No. 433

*An act relating to labor; regulating the minimum wage by phasing out the tip credit; amending Minnesota Statutes 1982, section 177.28, subdivision 4.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 177.28, subdivision 4, is amended to read:

Subd. 4. An employee who receives \$35 or more per month in gratuities is a tipped employee. An employer is entitled to a credit in an amount up to 20 percent of the minimum wage which a tipped employee receives; except that effective January 1, 1985, the credit is reduced to 15 percent; effective January 1, 1986, the credit is reduced to 10 percent; effective January 1, 1987, the credit is reduced to 5 percent; and effective January 1, 1988, the credit is eliminated. The credit against the wages due may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from the tipped employee stating that he did receive and retain during that pay period all gratuities received by him in an amount equal to or greater than the credit applied against the wages due by his employer. The statements shall be maintained by the employer as a part of his business records.

Approved May 2, 1984

Changes or additions are indicated by underline, deletions by ~~strikeout~~.