

and dedicated to the public or for public use but are not owned by the state or held in the corporate name of a home rule charter or statutory city or other political subdivision. The ordinance may regulate the times and types of uses of the lands, including the placement of structures, the parking of vehicles or trailers, and the placement of docks and boats on the lands or in waters adjacent to them. The ordinance may make different provisions for times and types of uses for each separate parcel of land affected by the ordinance. The ordinance may provide penalties permitted by Minnesota Statutes, section 375.53. The ordinance is not required to include every parcel of land possibly subject to this section.

The enactment of an ordinance pursuant to this section shall not be construed to be the acquisition of any affected parcel of land by the county. The exercise of regulatory authority under the ordinance shall not be construed as the adoption of any affected parcel for maintenance, supervision, or any other proprietary purpose by the county.

Subd. 2. LOCAL APPROVAL. This section takes effect the day after the Aitkin county board complies with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 2. CARLTON COUNTY ASSISTANT COUNTY ATTORNEY.

Subdivision 1. Notwithstanding Minnesota Statutes, section 353.37, or any other law to the contrary, an assistant county attorney for Carlton county who retired under the rule of 85 after public service in various legal positions and who, in February 1987, resumed public service in the person's present position, is considered to have elected a deferred annuity under Minnesota Statutes, section 353.34, subdivision 3, with deferred annuity payments to commence upon the termination of the person's present employment. During the person's present employment, the person is entitled to participation in the state unclassified employees retirement program, and the person and the county shall make the contributions required under Minnesota Statutes, chapter 352D.

Subd. 2. This section is effective on approval by the Carlton county board, the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Approved April 26, 1988

CHAPTER 659—S.F.No. 1721

An act relating to employment; regulating employment agencies; prohibiting certain action; regulating job listing services; regulating fees and contracts; regulating parental leave; amending Minnesota Statutes 1986, sections 184.21, subdivision 2, and by adding subdivisions; 184.37, subdivision 1; 184.38, subdivisions 3 and 5; Minnesota Statutes 1987 Supplement, sections 181.932, subdivision 1; and 181.943.

New language is indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1987 Supplement, section 181.943, is amended to read:

181.943 **RELATIONSHIP TO OTHER LEAVE.**

The length of leave provided by this act may be reduced by any period of paid parental or disability leave, but not accrued sick leave, provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

Nothing in sections 181.940 to 181.943 prevents any employer from providing parental leave benefits in addition to those provided in sections 181.940 to 181.943 or otherwise affects an employee's rights with respect to any other employment benefit.

Sec. 2. Minnesota Statutes 1987 Supplement, section 181.932, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITED ACTION.** An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

(a) the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

(b) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry; or

(c) the employee refuses to participate in any activity an employer's order to perform an action that the employee, in good faith, believes has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason.

Sec. 3. Minnesota Statutes 1986, section 184.21, subdivision 2, is amended to read:

Subd. 2. **EMPLOYMENT AGENCY.** The term "employment agency" means any person, firm, corporation, partnership, or association, ~~or~~ or job listing service in this state engaged for hire or compensation in the business of furnishing persons seeking employment or changing employment with information or other service enabling or tending to enable such persons to procure employment, by or with employers, other than such employment agency; or furnishing any other person, firm, corporation, partnership, or association who may be seeking to employ or may be in the market for help of any kind, with information enabling

New language is indicated by underline, deletions by ~~strikeout~~.

or tending to enable such other person, firm, corporation, partnership, or association to procure such help. Any party performing the services of an employment agency as herein defined, is not an employment agency if the performance of these services is peripheral to the primary business of that party, and if no part of any fees or compensation is paid by the person seeking employment unless that party has an employee, officer, department or division whose primary responsibility is providing employment services to clients. The term "employment agency" does not include any exclusively teacher or exclusively nurse or exclusively medical doctor placement service, theatrical, booking, modeling, babysitting agency, educational or labor organization, resume service, newspaper, magazine, trade or professional journal or like publication of general circulation, the main purpose of which is dissemination of news, reports, trade, or professional information. The term "employment agent" shall be synonymous with the term "employment agency".

Sec. 4. Minnesota Statutes 1986, section 184.21, is amended by adding a subdivision to read:

Subd. 12. JOB LISTING SERVICE. "Job listing service" means any employment agency in the business of matching applicants with employment opportunities through providing a list of employers or list of job openings or like publications or lists of applicants for distribution to potential employers, where a fee or valuable consideration is exacted from the applicant. An employment agency operating exclusively as a "job listing service" is not engaged in the placement of applicants.

Sec. 5. Minnesota Statutes 1986, section 184.21, is amended by adding a subdivision to read:

Subd. 13. CONCURRENT FEE. "Concurrent fee" means a fee charged to an applicant for providing a list of employers or list of job openings or like publications and the fee is not contingent upon actual hiring, but for the information provided by the agency.

Sec. 6. Minnesota Statutes 1986, section 184.37, subdivision 1, is amended to read:

Subdivision 1. **EMPLOYMENT AGENTS.** Every employment agent shall contract, in writing, with every applicant for employment for services to be rendered to the applicant by the employment agent, which contract shall contain the date, the name and address of the employment agency, the name of the employment agent, the service charge to be made to the applicant, and the time and method of payments; ~~and, on either the face or back of the contract, shall appear the definition of "accept," "method of payment," "temporary position," and "charge for permanent position which proves to be temporary."~~ Every employment agent engaged in the placement of applicants shall also include on either the face or the back of the contract the definition of "accept," "method of payment," "temporary position," and "charge for permanent position which proves to be temporary."

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 7. Minnesota Statutes 1986, section 184.38, subdivision 3, is amended to read:

Subd. 3. No fee shall be solicited or accepted as an application of registration fee by any employment agent for the purpose of being registered as an applicant for employment, nor shall any other moneys be solicited or accepted for any reason prior to the ~~acceptance of a position~~ actual start date, other than fees earned through concurrent fee arrangements in which the fee charged is not contingent upon actual placement of an applicant.

Sec. 8. Minnesota Statutes 1986, section 184.38, subdivision 5, is amended to read:

Subd. 5. Every employment agent shall keep a record of all services rendered employers and employees. This record shall contain the name and address of the employer by whom the services were solicited, the name and address of the employee, kind of position offered by the employer, ~~kind of position accepted by the employee~~, probable duration of the employment, rate of wage or salary to be paid the employee, amount of the employment agent's service charge, dates and amounts of payments, date and amount of refund if any, and for what, and a space for remarks under which shall be recorded anything of an individual nature to amplify the foregoing report and as information in the event of any question arising concerning the transaction. Every employment agent engaged in the placement of applicants shall also keep a record of kind of position accepted by the employee. In the event the department has reason to question the detailed report so submitted by the employment agent, the department shall have authority to demand of the employment agent the production of these records for examination by it, or its agent, at such place as the department may designate.

Sec. 9. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Approved April 26, 1988

CHAPTER 660—S.F.No. 1769

An act relating to human rights; clarifying marital status discrimination and housing discrimination; enforcing affirmative action requirements; making procedural and administrative changes; amending Minnesota Statutes 1986, sections 363.01, by adding a subdivision; 363.02, subdivision 2a, and by adding a subdivision; 363.03, subdivision 2; 363.06, subdivision 3; 363.073, subdivisions 1 and 3; 363.091; 363.121; and 363.14, subdivisions 1 and 3; Minnesota Statutes 1987 Supplement, sections 363.06, subdivision 1; and 363.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 363.

New language is indicated by underline, deletions by ~~strikeout~~.