

CHAPTER 177

MINIMUM WAGES

177.01 DUTIES OF MINIMUM WAGE COMMISSION TRANSFERRED.

HISTORY. 1921 c. 84 s. 1; G.S. 1923 s. 4210; M.S. 1927 s. 4210.

The ascertainment of the facts and the fixing of a minimum price for barbers' services based thereon imposed upon the governor or upon a board or commission is not an unlawful delegation of legislative powers. The due process clause of the state and federal constitutions is not contravened by fixing minimum prices for the services of barbers, barbers' services having a sufficient relation to public health to warrant regulations. *State, v McMasters*, 204 M 438, 283 NW 767.

In determining the proper minimum wage schedule the state industrial commission may properly investigate all occupations together and make one order applying to "each and every occupation"; the act may be made applicable to bakeries; and to employers having but one employee on part-time. *Tepel v Sima*, 213 M 526, 7 NW(2d) 532.

Since the supreme court of the United States in *West Coast Hotel Co. v Ernest Parrish* reversed its decision in *Adkins v Children's Hospital*, the entire Minnesota act covering minimum wages of women and children is legal and enforceable. 1937 OAG 53, April 16, 1937 (86a).

Oregon minimum wage cases. 1 MLR 471.

177.02 DEFINITIONS.

HISTORY. 1913 c. 547 ss. 2, 20; G.S. 1913 ss. 3905, 3923; G.S. 1923 ss. 4214, 4232; M.S. 1927 ss. 4214, 4232; 1937 c. 79 s. 1.

Farm laborers and household servants are not within the provisions of this act. OAG March 12, 1934.

Employment of women and minors in a wholesale nursery is employment in an "occupation." OAG Nov. 22, 1933.

Office girls in the office of a physician are employees. OAG June 16, 1939 (945c).
Minimum wage laws; freedom of contract. 8 MLR 60.

177.03 TO INVESTIGATE WAGES OF WOMEN AND MINORS.

HISTORY. 1913 c. 547 s. 2; G. S. 1913 s. 3905; G.S. 1923 s. 4214; M.S. 1927 s. 4214.

Laws 1913, Chapter 547, was a complete act when it left the legislature and does not delegate legislative power to the minimum wage commission. *Williams v Evans*, 139 M 32, 165 NW 495.

The employment of minors in a wholesale and retail nursery consisting of seeding and cultivating bulbs, flowers, and ornamental shrubs, is within the regulation of the minimum wage law. OAG Nov. 22, 1933.

The powers of the minimum wage commission discussed and fixed. *Miller Telephone Co. v Minimum Wage Commission*, 145 M 262, 177 NW 341.

Rule or order to govern future conduct, made by an administrative tribunal pursuant to legislative mandate, is not subject to collateral attack except on jurisdictional or constitutional grounds. The minimum wage order is not subject to collateral impeachment on the ground that facts upon which it was based were not sufficiently established by proof before the industrial commission. *Martin v Wolfson*, 218 M 558, 16 NW(2d) 884.

Regulation of employment. 2 MLR 225.

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177.04 DUTIES OF EMPLOYERS; REGISTER.

HISTORY. 1913 c. 547 s. 3; G.S. 1913 s. 3906; G. S. 1923 s. 4215; M.S. 1927 s. 4215.

177.05 PUBLIC HEARINGS; WITNESSES.

HISTORY. 1913 c. 547 s. 4; G.S. 1913 s. 3907; G.S. 1923 s. 4216; M. S. 1927 s. 4216.

Unless action of state industrial commission in determining what constitutes a minimum living wage for women and minors is executive merely, its procedure must include a full hearing and there must be evidence. *Western Union Telegraph Co. v Industrial Commission of Minnesota et al*, 24 F Supp. 370.

177.06 LEGAL MINIMUM WAGES TO BE ESTABLISHED.

HISTORY. 1913 c. 547 s. 5; G.S. 1913 s. 3908; G.S. 1923 s. 4217; M.S. 1927 s. 4217.

177.07. WAGES, ORDERS.

HISTORY. 1913 c. 547 s. 6; G.S. 1913 s. 3909; 1923 c. 153 s. 1; G.S. 1923 s. 4218; M.S. 1927 s. 4218; 1939 c. 186.

In construing sections 177.03 to 177.07, the court said, "liberty of contract guaranteed by the constitution is freedom from arbitrary restraint not freedom from reasonable regulation. The test is whether a regulation is 'reasonable' to safeguard the public interest is that it is imposed not solely for the benefit of the individual, but essentially for the common benefit of all." The question is "Is there reasonable basis for legislative belief that legislation is necessary to promote health, peace, morals, education, or good order of the people and is greatly and immediately necessary to the public welfare." If there is reasonable basis for such belief then the propriety of such legislation is a legislative problem to be solved by the exercise of legislative judgment and discretion. *Williams v Evans*, 139 M 32, 165 NW 495.

The minimum wage statute intends that the minimum rates of wages, which the commission is authorized to fix, shall be based on occupations; and it does not authorize a blanket minimum wage for women or minors operative upon all without reference to wage conditions in the different occupations. It intends an investigation and a determination of wage conditions in the particular occupations to which the minimum rates are applicable. The commission has no authority to fix hours of labor, and the order does not do so. It adopts 48 hours as the basic week for fixing the minimum wages; and it is not invalid because it allows an addition to the minimum for each hour in excess of the basic 48-hour week. Commission's order not invalid as fixing different wages for different periods during apprenticeship. *Miller Telephone Co. v Minimum Wage Commission*, 145 M 262, 177 NW 341.

The minimum wage commission, upon making an order fixing a minimum wage, must mail a copy of such order to each employer as far as is practicable before the order becomes effective. Sections 177.03 to 177.07 delegate no power to the minimum wage commission authorizing it to determine who shall be persons of ordinary ability, but leaves that question open to the courts. *State v Allyn*, 150 M 123, 184 NW 787.

The minimum wage commission had no authority to regulate the hours of workers outside of cities of the first and second classes. OAG May 8, 1931.

177.08 ADVISORY BOARDS.

HISTORY. 1913 c. 547 s. 7; G.S. 1913 s. 3910; G.S. 1923 s. 4219; M.S. 1927 s. 4219.

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177.09 POWERS AND DUTIES OF BOARDS; ESTIMATES OF WAGES.

HISTORY. 1913 c. 547 s. 8; G.S. 1913 s. 3911; G.S. 1923 s. 4220; M.S. 1927 s. 4220.

177.10 REVIEW; DETERMINATION OF WAGES.

HISTORY. 1913 c. 547 s. 9; G.S. 1913 s. 3912; G.S. 1923 s. 4221; M.S. 1927 s. 4221.

177.11 WAGES TO REMAIN IN FORCE; NEW RATES.

HISTORY. 1913 c. 547 s. 10; G.S. 1913 s. 3913; G.S. 1923 s. 4222; M.S. 1927 s. 4222.

177.12 EMPLOYMENT AT LESSER WAGE; SPECIAL LICENSE.

HISTORY. 1913 c. 547 s. 11; G.S. 1913 s. 3914; G.S. 1923 s. 4223; M.S. 1927 s. 4223.

177.13 NOT TO EMPLOY AT LESS THAN MINIMUM WAGE.

HISTORY. 1913 c. 547 s. 12; G.S. 1913 s. 3915; G.S. 1923 s. 4224; M.S. 1927 s. 4224.

177.14 DISCRIMINATION AGAINST EMPLOYEES.

HISTORY. 1913 c. 547 s. 13; G.S. 1913 s. 3916; G.S. 1923 s. 4225; M.S. 1927 s. 4225.

177.15 ACTIONS TO RECOVER FULL WAGES.

HISTORY. 1913 c. 547 s. 14; G.S. 1913 s. 3917; G.S. 1923 s. 4226; M.S. 1927 s. 4226.

177.16 ENFORCEMENT.

HISTORY. 1913 c. 547 s. 15; G.S. 1913 s. 3918; G.S. 1923 s. 4227; M.S. 1927 s. 4227.

177.17 BIENNIAL REPORT.

HISTORY. 1913 c. 547 s. 16; G.S. 1913 s. 3919; G.S. 1923 s. 4228; M.S. 1927 s. 4228.

177.18 EXPENSES AND SALARY.

HISTORY. 1913 c. 547 s. 17; G.S. 1913 s. 3920; G.S. 1923 s. 4229; M.S. 1927 s. 4229.

177.19 VIOLATION BY EMPLOYER.

HISTORY. 1913 c. 547 s. 19; G.S. 1913 s. 3922; G.S. 1923 s. 4231; M.S. 1927 s. 4231.