CHAPTER 179

MINNESOTA LABOR RELATIONS

NOTE: As of November 1, 1947, the boundary between federal jurisdiction under the Taft-Hartley Act and state jurisdiction under the provisions of the Minnesota Labor Relations Act, is not well defined. Generally, matters involving labor disputes in intrastate commerce are within the provisions of the state laws, while labor disputes involving interstate commerce are within the federal jurisdiction. The Federal Labor Management Relations Act of 1947, (Public Law No. 101, of the 80th Congress), permits the National Labor Relations Board to use the facilities of the state labor agencies in any way not inconsistent with the policy of the act. This will be worked out practically by means of contracts between the federal and the state agencies whereby the state agencies handle conciliations or are assigned definite duties. While these agreements will undoubtedly follow a general pattern, the contracts will be between the federal government and individual state agencies.

179.01 DEFINITIONS.

The conciliators use of cards, signed by a majority of the company's employees of voting eligibility, and indicating their choice for representative, as a basis for ascertaining such representatives, after a tie vote, constituted adoption of suitable method to ascertain the representative and was in accordance with the statute. Warehouse Employees v Forman Ford Co., 220 M 34, 18 NW(2d) 767.

Employees of the Great Northern Railway who on account of the depression were laid off, were permitted, upon request, to acquire status of "extra list" employees to whom leave-of-absence rules applied. These rules prohibited such employee from accepting other employment without permission and penalized violation of the rule by separation from the service and loss of seniority rights. Not having complied with the terms, plaintiff lost his rights. Jorgensen v Great Northern, 221 M 438, 22 NW(2d) 544.

Minority union, though having no standing as collective bargaining agent of employees covered by election held by national labor relations board, may strike or otherwise manifest dissatisfaction or opposition to results of election, *notwithstanding certificate of board designating another union as sole bargaining* agent, so long as minority union pursues lawful means to publicize its grievance. Yoerg v Brennan, 59 F. Supp. 625.

There is no statute which would permit a municipal corporation to recognize the agent selected by the majority of its employees as the sole bargaining agency for all its employees. OAG Dec. 19, 1946 (270-D).

In negotiations between a school board and an employee's union, the agreement should be consumated by resolutions adopted by the school board covering *the points agreed upon by the negotiators. In the regulation the phrase "aggrieved* employee or his representative" should be used instead of the word "union." The board cannot divest itself of the power to change its regulations, but may declare its policy as to future changes. OAG Jan. 31, 1947 (R.C.).

Guard shift commanders and instructors who were in charge of guard drilling school at a munitions plant and who exercised discretion and judgment in supervising the work of guards, were "employees employed in bona fide executive or administrative capacity" and exempt from overtime provisions of the federal fair labor standards act. Pfoser v Fed. Cartridge, 70 F. Supp. 701.

Industrial disputes. 6 MLR 533.

Federal intervention in labor disputes. 7 MLR 467, 550.

Industrial combinations and the law in the eighteenth century. 18 MLR 369.

Minnesota labor relations act of 1943. 28 MLR 64.

Tennessee Valley authority labor relations. 30 MLR 332.

179.02 DIVISION OF CONCILIATION.

Industrial courts. 4 MLR 483; 5 MLR 39, 185-353.

Labor legislation in Canada. 5 MLR 83-242.

Industrial relation laws of Great Britain, Canada, Australia, and New Zealand. 22 MLR 921.

A study of the judicial attitude toward trade unions and labor legislation. 23 MLR 235.

Recent developments of French labor law. 23 MLR 407.

A princely judgment (Earl of Ormond's Case). 23 MLR 925.

History and provisions of the Minnesota labor relations act. 24 MLR 216.

Developments in the use of the federal commerce clause as a basis for federal economic regulation. 24 MLR 940.

Privilege of labor union to use coercion to cause a breach of contract. 25 MLR 247.

Constitutionality of the procedure under the fair labor standards act. 25 MLR 785.

Apex and Hutcheson cases. 25 MLR 915.

Application of Norris-LaGuardia act to suits for violation of the Sherman anti-trust act. 25 MLR 534.

Suits under fair labor standards act of 1938. 26 MLR 134.

Strikes and boycotts, effect on legality of labor objectives in New York. 26 MLR 282.

Labor relations; a national or a state problem. 26 MLR 359.

Minnesota labor relations act of 1943. 28 MLR 64.

Constitutional history of industrial arbitration in Australia. 30 MLR 1.

Right to require union organizers to register. 30 MLR 204.

179.06 COLLECTIVE BARGAINING AGREEMENTS; NOTICE OF INTENTION TO STRIKE OR LOCKOUT.

Under the bargaining agreement the employer agreed to "meet and treat with" union agents upon "all questions relating to hours, wages, and working conditions," and arbitrate the "difference." When considering an amendment to the agreement questions relating to hours, wages, and working conditions were subjects of arbitration. Northland v Amalgamated, 66 F. Supp. 431.

The requirement of the regents' presence at a meeting designed to accomplish a conciliation of the dispute with the employees of the University is a proper exercise of the police power of the state and is not contrary to Article VIII, Section 4, of the State Constitution; but the remaining part of L. 1947, c. 335, s. 4, as it applies to the University of Minnesota is unconstitutional. The regents cannot be compelled to arbitrate wages and hours. OAG July 8, 1947 (270-D).

Minnesota law relating to labor injunction. 24 MLR 757.

Effect of contract upon employer's right to change bargaining agents. 26 MLR 640.

179.07. LABOR DISPUTE AFFECTING PUBLIC INTERESTS; PROCEDURE.

The convenience of the public interest concept. 15 MLR 546.

Federal anti-injunction act. 16 MLR 638.

The Wagner labor act cases. 22 MLR 1.

179.083 JURISDICTIONAL CONTROVERSIES.

The 1943 amendment to labor relations act. 28 MLR 64.

Injunctions; labor dispute; jurisdictional strike subsequent to certification; jurisdiction of federal courts to enjoin picketing. 31 MLR 619.

179.09 ARBITRATION.

Water and light commission may not delegate to arbitrators decisions which the law imposes upon it. OAG Oct. 2, 1946 (270-D).

179.10. JOINING LABOR ORGANIZATIONS; UNITING FOR COLLECTIVE BARGAINING.

Federal laws construed. N.L.R.B. v Newark Ledger, 120 F(2d) 262; N.L.R.B. v Continental Oil, 121 F(2d) 120; N.L.R.B. v Lee, 140 F(2d) 140.

Expulsion of member of unincorporated trade union; restoration by the courts. 16 MLR 328.

Discrimination between classes of members. 19 MLR 818.

179.11. UNFAIR LABOR PRACTICES BY EMPLOYEES.

Labor has a right to publicize its grievances if it does so in a peaceful manner, regardless of apparent injustice to third parties. Yoerg v Brennan, 59 F. Supp. 626.

Boycotting and picketing. 1 MLR 437.

What constitutes lawful picketing. 6 MLR 253.

Right to picket in non-labor disputes. 19 MLR 817.

Strikes to cause discharge of employee. 22 MLR 119.

History of Minnesota labor relations act. 24 MLR 217.

Labor injunction in Minnesota. 24 MLR 757.

Peaceful picketing. 25 MLR 238, 640.

False bannering in connection with peaceful picketing. 27 MLR 187.

1943 amendment to the labor relations act. 28 MLR 66.

Federal laws relating to civil rights. 31 MLR 301.

179.12. UNFAIR LABOR PRACTICES BY EMPLOYERS.

Cases dealing with unfair labor practices by employers under the federal labor relations laws: Wilson v N.L.R.B. 123 F(2d) 412; Rapid Boiler v N.L.R.B. 126 F(2d) 452; N.L.R.B. v Delaware Ferry, 128 F(2d) 131; N.L.R.B. v Citizen-News, 134 F(2d) 962; N.L.R.B. v Faultless Corp. 135 F(2d) 560; Jacksonville Paper v N.L.R.B. 137 F(2d) 149; N.L.R.B. v Crown Can Co., 138 F(2d) 263; Boeing v N.L.R.B. 140 F(2d) 423; N.L.R.B. v Martin, 141 F(2d) 371; N.L.R.B. v Brown-Brockmeyer, 143 F(2d) 538; N.L.R.B. v Brandeis, 145 F(2d) 556; N.L.R.B. v Collins, 146 F(2d) 454; N.L.R.B. v Edinburg Citrus Co., 147 F(2d) 353; N.L.R.B. v American Pearl Button, 149 F(2d) 311; N.L.R.B. v Matthews, 156 F(2d) 706.

The right of free speech extends to labor matters and it is only the use of the right of free speech in labor matters under such circumstances and conditions as to coerce the will of the employees that is forbidden. Evidence is sustained that the employer interfered with and coerced its employees. The findings of the National Labor Relations Board are conclusive upon the reviewing court when supported by evidence. N.L.R.B. v Winona Textile Mills, 160 F(2d) 201.

Refusal by employer to reduce agreements with employees to writing as an unfair labor practice. 25 MLR 651.

179.135. PROTECTION OF COLLECTIVE BARGAINING AGREEMENTS.

HISTORY. 1947 c. 593 ss. 1, 2.

179.14 INJUNCTIONS; TEMPORARY RESTRAINING ORDERS.

The order of the trial court in granting or vacating a temporary injunction will not be reversed by the supreme court except when the record clearly shows abuse of discretion by the trial court. East Lake Drug v Pharmacists Union, 210 M 433, 298 NW 722.

A direction by the conciliator of labor for the holding of an election is not a final order, but an intermediate step in a pending and undetermined investigation. In the instant case the calling of such an election did not violate the terms of the bargaining contract, and an injunction will not lie. Quest v International Molders, 216 M 437, 13 NW(2d) 32.

Right of federal courts to enjoin proceedings in state courts. 10 MLR 153.

1933 anti-injunction legislation. 18 MLR 184.

Minnesota labor disputes injunction act. 21 MLR 619.

The labor injunction in Minnesota. 24 MLR 757.

179.16 REPRESENTATIVES FOR COLLECTIVE BARGAINING.

See, Warehouse Employees Union v Forman Ford, 220 M 34, 18 NW(2d) 767; Yoerg v Brennan, 59 F. Supp. 626; Minnesota Labor Relations Act, 28 MLR 67.

Interpretation of federal laws relating to collective bargaining: Rapid Roller v N.L.R.B. 126 F(2d) 452; N.L.R.B. v Delaware Ferry, 128 F(2d) 131; Lebanon Steel v N.L.R.B. 130 F(2d) 405; Marshall Field v N.L.R.B. 135 F(2d) 392; N.L.R.B. v Sartorius, 140 F(2d) 203; Brandeis v N.L.R.B. 142 F(2d) 977; N.L.R.B. v Draper, 145 F(2d) 199; N.L.R.B. v Jones & Laughlin, 146 F(2d) 719; Hughes v N.L.R.B. 147 F(2d) 70; N.L.R.B. v Packard, 157 F(2d) 81.

Rights and powers of school boards in re collective bargaining. OAG April 23, 1945 (270-d); OAG June 22, 1945 (220-d).

Federal and state agencies have concurrent jurisdiction for certification purposes. In the instant case the federal agency having acted, the state agency is ousted from jurisdiction. OAG May 24, 1946 (270-D).

A school board has no power to grant a union sole and exclusive bargaining rights. OAG Dec. 27, 1946 (270-D).

179.35. DEFINITIONS.

HISTORY. 1947 c. 335 s. 1.

179.36 STRIKES PROHIBITED.

HISTORY. 1947 c. 335 s. 2.

179.37 LOCKOUTS PROHIBITED.

HISTORY. 1947 c. 335 s. 3.

179.38 ARBITRATION MANDATORY.

HISTORY. 1947 c. 335 s. 4.

179.39 SECTIONS 185.02 TO 185.19 NOT APPLICABLE.

HISTORY. 1947 c. 335 s. 5.

179.40 SECONDARY BOYCOTT; DECLARATION OF POLICY.

HISTORY. 1947 c. 486 s. 1.

179.41 "SECONDARY BOYCOTT" DEFINED.

HISTORY. 1947 c. 486 s. 2.

179.42 UNLAWFUL ACT AND UNFAIR LABOR PRACTICE.

HISTORY. 1947 c. 486 s. 3.

179.43. ILLEGAL COMBINATION; VIOLATION OF PUBLIC POLICY.

HISTORY. 1947 c. 486 s. 4.

179.44 UNFAIR LABOR PRACTICE.

HISTORY. 1947 c. 486 s. 5.

179.45 RIGHTS AND REMEDIES.

HISTORY. 1947 c. 486 s. 6.

179.46 LIMITATIONS; FEDERAL ACT.

HISTORY. 1947 c. 486 s. 7.

179.47 CONSTRUCTION.

HISTORY. 1947 c. 486 s. 9.