

CHAPTER 181

WAGES, CONDITIONS, HOURS, AND RESTRICTIONS OF EMPLOYMENT

181.01 WAGES OF MINORS; TO WHOM PAID.

Interstate commerce and child labor. 3 MLR 89.

Emancipation; earnings of child. 28 MLR 275.

181.04 ASSIGNMENT, SALE, OR TRANSFER OF WAGES; WHEN NOT EFFECTIVE.

The wage assignment problem. 19 MLR 536.

181.05 CONSENT OF EMPLOYER TO ASSIGNMENT REQUIRED.

School boards may accept wage assignments. OAG April 23, 1945 (270-d).

181.06 ASSIGNMENT OF WAGES; PAY-ROLL DEDUCTIONS.

The obvious purpose of all laws relating to wage assignments is to protect the wage or salary earner against the oftentimes oppressive creditor. Lucas v Medical Arts Bldg. Co., 207 M 385, 291 NW 892.

Wage assignment problem. 19 MLR 536.

Assignment of future wages; small loans. 24 MLR 255.

181.11 DISCHARGED EMPLOYEE MUST BE PAID WITHIN 24 HOURS.

Right of employee discharged for cause. 20 MLR 597.

181.14 NOTICE TO BE GIVEN; SETTLEMENT OF DISPUTES.

Where a servant abandons his employment for cause, he is entitled to his pro rata wages, or the value of his services, not exceeding the compensation fixed by contract. Wallace v Joseph Dixon Co., 223 M 162, 25 NW(2d) 465.

Where a written contract is uncertain and ambiguous, the practical interpretation placed on the meaning of the contract by the parties themselves will be adopted, if such interpretation be not unreasonable. Wallace v Joseph Dixon Co., 223 M 162, 25 NW(2d) 465.

181.17 COSTS, PAID BY DEFENDANT.

Suit by the government for the wages and hospital expenses of injured soldier. 30 MLR 649.

181.21 EMPLOYER TO KEEP RECORD OF HOURS WORKED.

Industrial home work. 29 MLR 296.

181.22 ENFORCEMENT OF SECTIONS 181.16 TO 181.21.

Prohibitive powers of congress under the commerce clause and relating to wages and hours legislation. 25 MLR 641.

181.24 TEN-HOUR DAY; EXTRA HOURS, EXTRA PAY.

One of the primary purposes of the fair labor standards act is to prescribe maximum hours of labor per week; and to make that purpose effective, the addi-

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tional burden of requiring "overtime" payment at a more onerous rate is cast upon the owner. Defendant is engaged in interstate commerce, and plaintiff, employed as a watchman, is entitled to protection of said act. *McMillan v Wilson Co.*, 212 M 142, 2 NW(2d) 838.

When the mine was not in production, plaintiff worked with other men, doing common labor. When the mine was in production, he acted as shift boss. Parties were engaged in interstate commerce. The jury properly found the plaintiff was not an executive, and could draw compensation for overtime. *Pakarinen v Butler Bros.*, 218 M 497, 16 NW(2d) 769.

Whether waiting time, though devoted to idleness or recreation, spent on employer's premises subject to call, constitutes compensable working time under fair labor standards act, is a question of fact to be resolved by appropriate findings of the trial court. *Bicanic v Campbell*, 220 M 107, 115, 19 NW(2d) 7.

Where a statute creates a right and provides a remedy, that remedy is exclusive. *Bowles v Warner*, 151 F(2d) 529.

The "stream of commerce" test was not applicable in determining whether employees engaged in unloading and warehousing groceries arriving in Minnesota from points outside the state and in the distribution of such groceries to retail stores throughout the state were engaged in "commerce" within the fair labor standards act. Injunction against certain defendants for violation of fair labor standards act of 1938, section 15 (9) (2.5). *Walling v Mutual*, 46 F. Supp. 942.

A regulation promulgated by an administrative agency, such as definition of phrase "area of production" in fair labor standards act by administrator can be no broader than regulation which such agency is authorized by statute to promulgate. *Holt v Barnesville*, 52 F. Supp. 469.

An employee engaged in an occupation necessary to the production of goods for commerce is entitled to the benefits of the fair labor standards act. Qualification depends upon the nature of employee's activities, and the burden is upon the employee. *Anderson v Federal Cartridge*, 62 F. Supp. 775.

Determination of qualification under the act of certain employees. *Anderson v Federal Cartridge*, 62 F. Supp. 775.

Modification work performed on army planes by a commercial airline for government during the war, which work was not necessary to the airline's continued operation and had such negligible relationship to the transportation business of the airline that it was not within the railway labor act so as to be exempt from the federal fair labor standards act. *Jackson v Northwest Airlines*, 70 F. Supp. 501.

Registered nurses, each with three years training in a recognized hospital, and who were in charge of first aid stations at an ordinance plant, were employed in a "professional capacity" and were exempt from the overtime provisions of the federal fair labor standards act as to every month their weekly salary yielded a monthly total of \$200. in the aggregate. *Hofer v Federal Cartridge*, 71 F. Supp. 243.

When are employees under the fair labor standards act. OAG Jan. 3, 1946 (270).

181.25 EIGHT-HOUR DAY BY EMPLOYEES OF STATE.

As to length of working day for state employees and compensation, section 181.25 superseded by civil service act. OAG June 27, 1945 (215-a-3) (321a-5).

181.32 CHILD OVER 14, AND UNDER 16, YEARS; EMPLOYMENT CERTIFICATE.

Amended by L. 1947 c. 15 s. 1.

181.37 CHILDREN UNDER 16; HOURS; POSTED NOTICE.

Decedent having met death in an occupation prohibited by law at his age, the case is not within the jurisdiction of the industrial commission. Neither is the

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defense of contributory negligence available to the defendant. *Weber v J. E. Barr Co.*, 182 M 486, 234 NW 682.

181.39 VISITORIAL POWERS OF OFFICIALS.

Interstate commerce and child labor. 3 MLR 89.

181.55 WRITTEN STATEMENT TO EMPLOYEES BY EMPLOYERS.

Employer, notifying employee of change of compensation by reason of being placed on a non-overtime basis by reason of raises in salary, sufficiently complied with the state statute requiring employer to give an employee written and signed agreement of hire. In the instant case the evidence established that certain employees were bona fide administrative employees and exempt from overtime provisions. *Peffer v Federal Cartridge*, 63 F. Supp. 291.