CHAPTER 179

LABOR RELATIONS

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MINNESOTA LABOR RELATIONS ACT

179.01 DEFINITIONS; MINNESOTA LABOR RELATIONS ACT. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 179.01 to 179.17, shall be given the meanings subjoined to them.

Subd. 2. **Person.** "Person" includes individuals, partnerships, associations, corporations, trustees, and receivers.

Subd. 3. **Employer.** "Employer" includes all persons employing others and all persons acting in the interest of an employer, but does not include the state, or any political or governmental subdivision thereof, nor any person subject to the Federal Railway Labor Act, as amended from time to time, nor the state or any political or governmental subdivision thereof except when used in section 179.13.

Subd. 4. **Employee.** "Employee" includes, in addition to the accepted definition of the word, any employee whose work has ceased because of any unfair labor practice, as defined in section 179.12, on the part of the employer or because of any current labor dispute and who has not obtained other regular and substantially equivalent employment, but does not include any individual employed in agricultural labor or by his parent or spouse or in domestic service of any person at his own home.

Subd. 5. **Representative of employees.** "Representative of employees" means a labor organization or one or more individuals selected by a group of employees as provided in section 179.16.

Subd. 6. **Labor organization.** "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances or terms or conditions of employment.

Subd. 7. **Labor dispute.** "Labor dispute" includes any controversy concerning employment, tenure or conditions or terms of employment or concerning the association or right of representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms, tenure, or other conditions of employment, regardless of whether or not the relationship of employer and employee exists as to the disputants.

Subd. 8. **Strike.** "Strike" means the temporary stoppage of work by the concerted action of two or more employees as a result of a labor dispute.

Subd. 9. **Lockout.** "Lockout" is the refusal of the employer to furnish work to employees as a result of a labor dispute.

Subd. 10. **Commission.** "Commission" means the commission of three members which may be appointed by the governor to conduct hearings under this chapter.

Subd. 11. **Unfair labor practice.** "Unfair labor practice" means an unfair labor practice defined in sections 179.11 and 179.12.

Subd. 12. **Competent evidence.** "Competent evidence" means evidence admissible in a court of equity and such other evidence other than hearsay as is relevant and material to the issue and is of such character that it would be accepted by reasonable men as worthy of belief.

Subd. 13. **Agricultural products.** "Agricultural products" includes, but is not restricted to, horticultural, vitacultural, dairy, livestock, poultry, bee, and any farm products.

Subd. 14. **Processor.** "Processor" means the person who first processes or prepares agricultural products, or manufactures products therefrom, for sale after receipt thereof from the producer.

Subd. 15. **Marketing organization.** "Marketing organization" means any organization of producers or processors organized to engage in any activity in connection with the marketing or selling of agricultural products or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof, or in connection with the manufacturing, selling or supply of machinery, equipment, or supplies for their members or patrons.

[*1939 c. 440 s. 1; 1943 c. 624 ss. 1, 5*] *(4254-21)*

179.02 DIVISION OF CONCILIATION. There is hereby established in the department of labor and industry a division of conciliation, but not in any way subject to the control of the department. This division shall be under the supervision and control of a labor conciliator, who shall be appointed by the governor with the advice and consent of the senate. He shall hold office for a term of four years. The term of the first labor conciliator hereunder shall expire March 1, 1945. The governor may, from time to time, appoint special conciliators to aid in the settlement of particular labor disputes or controversies and such special conciliators when appointed shall have the same power and authority as the labor conciliator and such appointment shall be for the duration only of the particular dispute. Such special conciliators shall be paid a per diem of $15 per day while so engaged and their necessary expenses. The labor conciliator shall prepare a roster of persons qualified to act as such special conciliators and keep the same revised at all times and available to the governor and the public.

The labor conciliator may employ and discharge clerks and other assistants as needed, fix their compensation, and assign them their duties.

[*1939 c 440 s 2; 1949 c 739 s 14; 1951 c 713 s 17*] *(4254-22)*

179.03 POLITICAL ACTIVITIES FORBIDDEN. Any labor conciliator or employee, under the provisions of sections 179.01 to 179.17, who exerts his influence, directly or indirectly, to induce any other person to adopt his political views, or to favor any particular candidate for office, or to contribute funds for political purposes shall forthwith be removed from his office or position by the authority appointing him; provided, that before removal the labor conciliator shall be entitled to a hearing

before the governor, and any other employee shall be entitled to a similar hearing before the labor conciliator.

[1939 c. 440 s. 3] (4254-23)

179.04 EXPENSES. The labor conciliator and his employees, or any special conciliator, shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties. Vouchers for such expenses shall be itemized and sworn to by the person incurring the expense.

[1939 c. 440 s. 4] (4254-24)

179.05 RULES AND REGULATIONS FOR HEARINGS. The labor conciliator shall adopt reasonable and proper rules and regulations relative to and regulating the conduct of the hearings. Such rules and regulations shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such rule or regulation shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after such filing.

[1939 c. 440 s. 5] (4254-25)

179.06 COLLECTIVE BARGAINING AGREEMENTS. Subdivision 1. **Notices.** When any employee, employees, or representative of employees, or labor organization shall desire to negotiate a collective bargaining agreement, or make any change in any existing agreement, or shall desire any changes in the rates of pay, rules or working conditions in any place of employment, it shall give written notice to the employer of its demand, which notice shall follow the employer if the place of employment is changed, and it shall thereupon be the duty of the employer and the representative of employee or labor organization to endeavor in good faith to reach an agreement respecting such demand. An employer shall give a like notice to his employees, representative, or labor organizations of any intended change in any existing agreement. If no agreement is reached at the expiration of ten days after service of such notice, any employees, representative, labor organization, or employer may at any time thereafter petition the labor conciliator to take jurisdiction of the dispute and it shall be unlawful for any labor organization or representative to institute or aid in the conduct of a strike or for an employer to institute a lock-out, unless such petition has been served by the party taking such action upon the labor conciliator and the other parties to the labor dispute at least ten days before the strike or lock-out becomes effective. Unless the strike or lock-out is commenced within 90 days from the date of service of the petition upon the labor conciliator, it shall be unlawful for any of the parties to institute or aid in the conduct of a strike or lock-out without serving a new petition in the manner prescribed for the service of the original petition, provided that the 90-day period may be extended by written agreement of the parties filed with the labor conciliator.

A petition by the employer shall be signed by him or his duly authorized officer or agent; and a petition by the employees shall be signed by their representative or its officers, or by the committee selected to negotiate with the employer. In either case the petition shall be served by delivering it to the labor conciliator in person or by sending it by registered mail addressed to him at his office. The petition shall state briefly the nature of the dispute and the demands of the party who serves it. Upon receipt of a petition, the labor conciliator shall fix a time and place for a conference with the parties to the labor dispute upon the issues involved in the dispute, and he shall then take whatever steps he deems most expedient to bring about a settlement of the dispute, including assisting in negotiating and drafting a settlement agreement. It shall be the duty of all parties to a labor dispute to respond to the summons of the labor conciliator for joint or several conferences with him and to continue in such conference until excused by the labor conciliator, not beyond the ten-day period heretofore prescribed except by mutual consent of the parties.

Subd. 2. **Labor conciliator, powers and duties.** The labor conciliator may at the request of either party to a labor dispute render assistance in settling the dispute without the necessity of filing the formal petition referred to in subdivision 1. If the conciliator takes jurisdiction of the dispute as a result of such a request, he shall then proceed as provided in subdivision 1.

[1939 c 440 s 6; 1941 c 469 s 1; 1955 c 837 s 1] (4254-26)

179.07 LABOR DISPUTE AFFECTING PUBLIC INTERESTS; PROCEDURE. If the dispute is in any industry, business, or institution affected with a public

interest, which includes, but is not restricted to, any industry, business, or institution engaged in supplying the necessities of life, safety, or health, so that a temporary suspension of its operation would endanger the life, safety, health, or well-being of a substantial number of people of any community, the provisions of section 179.06 shall apply and the labor conciliator shall also notify the governor who may appoint a commission of three to conduct a hearing and make a report on the issues involved and the merits of the respective contentions of the parties to the dispute. If the governor decides to appoint a commission, he shall so advise the labor conciliator who shall immediately notify the parties to the labor dispute and also inform them of the date of the notification to the governor. The members of such commission shall on account of vocations, employment, or affiliations be representatives of employees, employers, and the public, respectively. Such report shall be filed with the governor not less than five days before the end of the 30-day period hereinafter provided and may be published as he may determine in one or more legal newspapers in the counties where the dispute exists. If and when the governor shall notify the labor conciliator of his decision to appoint a commission, neither party to the dispute shall make any change in the situation affecting the dispute and no strike or lockout shall be instituted until 30 days shall have elapsed after the notification to the governor. In case the governor shall fail to appoint a commission within five days after the notification to him, this limitation on the parties shall be suspended and inoperative. If the governor shall thereafter appoint a commission, no strike or lockout having been instituted in the meantime, the limitation shall again become operative, but in no case for more than the 30-day period. The 30-day period may be extended by stipulation upon the record of the hearing before the commission or by written stipulation signed by the parties to the labor dispute and filed with the labor conciliator. If so extended, the report of the commission shall be filed with the governor not less than five days before the end of the extended period.

[1939 c. 440 s. 7; 1941 c. 469 s. 2] (4254-27)

179.08 POWERS OF COMMISSION APPOINTED BY GOVERNOR. (1) The commission appointed by the governor pursuant to the provisions of sections 179.01 to 179.17 shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may by its chairman administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the labor dispute has arisen or exists;

(2) In case of contumacy or refusal to obey a subpoena issued under clause (1) of this section, the district court of the state for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, or application by the commission shall have jurisdiction to issue to such person an order requiring such person to appear before the commission, there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by the court as a contempt thereof;

(3) Any party to or party affected by the dispute may appear before the commission in person or by attorney or by their representative, and shall have the right to offer competent evidence and to be heard on the issues before the report is made.

Any commissioners so appointed shall be paid a per diem of $15 and their necessary expenses while serving.

[1939 c. 440 s. 8; 1941 c. 469 s. 3] (4254-28)

179.083 JURISDICTIONAL CONTROVERSIES. Whenever two or more labor organizations adversely claim for themselves or their members jurisdiction over certain classifications of work to be done for any employer or in any industry, or over the persons engaged in or performing such work and such jurisdictional interference or dispute is made the ground for picketing an employer or declaring a strike or boycott against him, the labor conciliator shall certify that fact to the governor. Upon receipt of such certification the governor, in his discretion, may appoint a labor referee to hear and determine the jurisdictional controversy. If the labor organizations involved in the controversy have an agreement between themselves defining their respective jurisdictions, or if they are affiliated with the same

labor federation or organization which has by the charters granted to the contending organizations limited their jurisdiction, the labor referee shall determine the controversy in accordance with the proper construction of the agreement or of the provisions of the charters of the contending organizations. If there is no agreement or charter which governs the controversy, the labor referee shall make such decision as, in consideration of past history of the organization, harmonious operation of the industry, and most effective representation for collective bargaining, will best promote industrial peace. If the labor organizations involved in the controversy so desire, they may submit the controversy to a tribunal of the federation or labor organization which has granted their charters or to arbitration before a tribunal selected by themselves, provided the controversy is so submitted prior to the appointment by the governor of a labor referee to act in the controversy. After the appointment of the labor referee by the governor, or the submission of the controversy to another tribunal as herein provided, it shall be unlawful for any person or labor organization to call or conduct a strike or boycott against the employer or industry or to picket any place of business of the employer or in the industry on account of such jurisdictional controversy.

[*1943 c. 624 s. 6*]

179.09 ARBITRATION. When a labor dispute arises which is not settled by conciliation such dispute may, by written agreement of the parties, be submitted to arbitration on such terms as the parties may specify, including among other methods the arbitration procedure under the terms of sections 572.08 to 572.26 and arbitration under the voluntary industrial arbitration tribunal of the American arbitration association. If such agreement so provides, the labor conciliator may act as a member of any arbitration tribunal created by any such agreement and, if the agreement so provides, the conciliator may appoint one or more of such arbitrators. Either or both of the parties to any such agreement or any arbitration tribunal created under any such agreement may apply to the conciliator to have the tribunal designated as a temporary arbitration tribunal and, if so designated, the temporary arbitration tribunal shall have power to administer oaths to witnesses and to issue subpoenas for the attendance of witnesses and the production of evidence, which subpoenas shall be enforced in the same manner as subpoenas issued by the commission under section 179.08. Any such temporary arbitration tribunal shall file with the conciliator a copy of its report, duly certified by its chairman.

[*1939 c 440 s 9; 1957 c 633 s 24*] *(4254-29)*

179.10 JOINING LABOR ORGANIZATIONS; UNITING FOR COLLECTIVE BARGAINING. Subdivision 1. **Employees' right of self-organization.** Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection; and such employees shall have the right to refrain from any and all such activities.

Subd. 2. **Employers associations.** Employers have the right to associate together for the purpose of collective bargaining.

[*1939 c. 440 s. 10; 1941 c. 469 s. 4*] *(4254-30)*

179.11 UNFAIR LABOR PRACTICES BY EMPLOYEES. It shall be an unfair labor practice:

(1) For any employee or labor organization to institute a strike if such strike is a violation of any valid collective agreement between any employer and his employees or labor organization and the employer is, at the time, in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.06 or 179.07;

(3) For any person to seize or occupy property unlawfully during the existence of a labor dispute;

(4) For any person to picket or cause to be picketed a place of employment of which place the person is not an employee while a strike is in progress affecting the place of employment, unless the majority of persons engaged in picketing the place of employment at these times are employees of the place of employment;

(5) For more than one person to picket or cause to be picketed a single entrance to any place of employment where no strike is in progress at the time;

(6) For any person to interfere in any manner with the operation of a vehicle or the operator thereof when neither the owner nor operator of the vehicle is at the time a party to a strike;

(7) For any employee, labor organization, or officer, agent, or member thereof, to compel or attempt to compel any person to join or to refrain from joining any labor organization or any strike against his will by any threatened or actual unlawful interference with his person, immediate family, or physical property, or to assault or unlawfully threaten any such person while in pursuit of lawful employment;

(8) Unless the strike has been approved by a majority vote of the voting employees in a collective bargaining unit of the employees of an employer or association of employers against whom such strike is primarily directed, for any person or labor organization to cooperate in engaging in, promoting or inducing a strike. Such vote shall be taken by secret ballot at an election called by the collective bargaining agent for the unit, and reasonable notice shall be given to all employees in the collective bargaining unit of the time and place of election.

(9) For any person or labor organization to hinder or prevent by intimidation, force, coercion or sabotage, or by threats thereof, the production, transportation, processing or marketing by a producer, processor or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, in order to bring such processor or marketing organization against his or its will into a concerted plan to coerce or inflict damage upon any producer; provided that nothing in this subsection shall prevent a strike which is called by the employees of such producer, processor or marketing organization for the bona fide purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative or collective bargaining.

(10) The violation of clauses (2), (3), (4), (5), (6), (7), (8) and (9) are hereby declared to be unlawful acts.

[*1939 c. 440 s. 11; 1941 c. 469 s. 7; 1943 c. 624 ss. 2, 3*] *(4254-31)*

179.12 EMPLOYERS' UNFAIR LABOR PRACTICES. It shall be an unfair labor practice for an employer:

(1) To institute any lock-out of his employees in violation of any valid collective bargaining agreement between the employer and his employees or labor organization if the employees at the time are in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) To institute any lock-out of his employees in violation of section 179.06 or 179.07;

(3) To encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any terms or conditions of employment; provided, that this clause shall not apply to the provisions of collective bargaining agreements entered into voluntarily by an employer and his employees or a labor organization representing the employees as a bargaining agent, as provided by section 179.16;

(4) To discharge or otherwise to discriminate against an employee because he has signed or filed any affidavit, petition, or complaint or given any information or testimony under this chapter;

(5) To spy directly or through agents or any other persons upon any activities of employees or their representatives in the exercise of their legal rights;

(6) To distribute or circulate any blacklist of individuals exercising any legal right or of members of a labor organization for the purpose of preventing individuals so blacklisted from obtaining or retaining employment;

(7) To engage or contract for the services of a person who is an employee of another if such employee is paid a wage which is less than is agreed to be paid by the engaging or contracting employer under an existing union contract for work of the same grade or classification;

(8) The violation of clauses (2), (4), (5), (6), and (7) are hereby declared to be unlawful acts.

[1939 c 440 s 12; 1941 c 469 s 8; 1955 c 669 s 1] (4254-32)

179.13 INTERFERENCES WHICH ARE UNLAWFUL. Subdivision 1. It shall be unlawful for any person at any time to interfere with the free and uninterrupted use of public roads, streets, highways or methods of transportation or conveyance or to wrongfully obstruct ingress to and egress from any place of business or employment.

Subd. 2. It is an unfair labor practice for any employee or labor organization to commit an unlawful act as defined in subdivision 1.

[1939 c. 440 s. 13; 1943 c. 624 s. 4] (4254-33)

179.135 PROTECTION OF COLLECTIVE BARGAINING AGREEMENTS. Subdivision 1. **Agreement protected from intervention.** No employer holding a valid collective bargaining agreement with any labor organization recognized or certified by the State Labor Conciliator or the National Labor Relations Board as the accredited bargaining representative for the employees or any group of employees of such employer shall be required to enter into negotiations with any other labor organization respecting the employees covered by the existing union agreement, so long as the existing agreement remains in full force and effect in accordance with its terms except where a successor labor organization has been certified as the representative of the employees covered by such agreement by the State Labor Conciliator or the National Labor Relations Board and recognized by the employer.

Subd. 2. **Prohibition against violation.** The violation of the provisions of this section by any officer, business agent, employee or other representative of any labor organization is prohibited.

[1947 c 593 s 1, 2]

179.14 INJUNCTIONS; TEMPORARY RESTRAINING ORDERS. When any unfair labor practice is threatened or committed, a suit to enjoin such practice may be maintained in the district court of any county wherein such practice has occurred or is threatened. In any suit to enjoin any of the unfair labor practices set forth in sections 179.11 and 179.12, the provisions of sections 185.02 to 185.19 shall not apply. No court of the state shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of the violation of sections 179.11 and 179.12, as herein defined, except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court to the effect that the acts set forth in sections 179.11 and 179.12 have been threatened and will be committed unless restrained, or have been committed and will be continued unless restrained. No temporary restraining order may be issued under the provisions of sections 179.01 to 179.17 except upon the testimony of witnesses produced by the applicant in open court and upon a record being kept of such testimony nor unless the temporary restraining order is returnable within seven days from the time it is granted which shall be noted on the order of the court. It shall be the duty of the court to give the trial or hearing of any suits or proceedings arising under this section precedence over all other civil suits which are ready for trial. Failure of the trial court to decide a motion for a temporary injunction within seven days from the date the hearing thereon is concluded shall dissolve any restraining order issued therein without further order of the court. Failure of the trial court to decide any suit brought under this section within 45 days from the date the trial was ended shall dissolve any restraining order or temporary injunction issued therein without further order of the court.

[1939 c. 440 s. 14; 1941 c. 469 s. 5; 1943 c. 658 s. 1] (4254-34)

179.15 VIOLATORS NOT ENTITLED TO BENEFIT OF CERTAIN SECTIONS. Any employer, employee, or labor organization who has violated any of the provisions of sections 179.01 to 179.17 with respect to any labor dispute shall not be entitled to any of the benefits of sections 179.01 to 179.17 respecting such labor disputes and such employer, employee, or labor organization shall not be entitled to maintain in any court of this state an action for injunctive relief with respect to any matters growing out of that labor dispute, until he shall have in good faith made use of all means available under the laws of the state of Minnesota for the peaceable settlement of the dispute.

[1939 c. 440 s. 15] (4254-35)

179.16 REPRESENTATIVES FOR COLLECTIVE BARGAINING. Subdivision 1. **To be exclusive.** Representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment, provided, that any individual employee or group of employees shall have the right at any time to present grievances to their employer in person or through representatives of their own choosing.

Subd. 2. **Certification of group representative by conciliator.** When a question concerning the representative of employees is raised by an employee, group of employees, labor organization, or employer the labor conciliator or any person designated by him shall, at the request of any of the parties, investigate such controversy and certify to the parties in writing, the name or names of the representatives that have been designated or selected. The labor conciliator shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the purpose of this chapter, the unit appropriate for the purpose of collective bargaining shall be the employer unit, craft unit, plant unit; provided, that any larger unit may be decided upon with the consent of all employers involved, and provided that when a craft exists, composed of one or more employees then such craft shall constitute a unit appropriate for the purpose of collective bargaining for such employee or employees belonging to such craft and a majority of such employees of such craft may designate a representative for such unit. Two or more units may, by voluntary consent, bargain through the same agent or agents with an employer or employers, their agent or agents. Supervisory employees shall not be considered in the selection of a bargaining agent. In any such investigation, the labor conciliator may provide for an appropriate hearing, and may take a secret ballot of employees or utilize any other suitable method to ascertain such representatives, but the labor conciliator shall not certify any labor organization which is dominated, controlled, or maintained by an employer. If the labor conciliator has certified the representatives as herein provided, he shall not be required to again consider the matter for a period of one year unless it appears to him that sufficient reason exists.

Subd. 3. **Witnesses; powers of conciliator.** In the investigation of any controversy concerning the representative of employees for collective bargaining, the labor conciliator shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates directly to any matter involved in any such hearing, and the labor conciliator or his representative may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the question has arisen or exists.

Subd. 4. **Contempt of court.** In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides shall have jurisdiction to issue to such person an order requiring such person to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

[*1939 c. 440 s. 16; 1941 c. 469 s. 6*] *(4254-36)*

179.17 CITATION, LABOR RELATIONS ACT. Sections 179.01 to 179.17 may be cited as the Minnesota labor relations act.

[*1939 c 440 s 19*]

MINNESOTA LABOR UNION DEMOCRACY ACT

179.18 DEFINITIONS; MINNESOTA LABOR UNION DEMOCRACY ACT. Subdivision 1. **Persons.** "Persons" includes individuals, partnerships, associations, corporations, trustees, and receivers.

Subd. 2. **Labor organization.** "Labor organization" means any organization of employees or of persons seeking employment which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning griev-

ances or terms or conditions of employment, but shall not include any labor organization subject to the Federal Railway Labor Act as amended from time to time.

Subd. 3. **Employer.** "Employer" includes all persons employing others and all persons acting in the interest of an employer, but does not include the state or any political or governmental subdivision thereof, nor any person subject to the Federal Railway Labor Act, as amended from time to time.

Subd. 4. **Employee.** "Employee" includes, in addition to the accepted definition of the word, any employee whose work has ceased because of any unfair labor practice as defined in section 179.12 on the part of the employer or because of any current labor dispute and who has not obtained other regular and substantially equivalent employment, but does not include any individual employed in agricultural labor or by his parent or spouse or in domestic service of any person at his own home.

Subd. 5. **Representative of employees.** "Representative of employees" means any person acting or asserting the right to act for employees or persons seeking employment in collective bargaining or dealing with employers concerning grievances or terms or conditions of employments.

Subd. 6. **Competent evidence.** "Competent evidence" means evidence admissible in a court of equity and such other evidence other than hearsay as is relevant and material to the issue and is of such character that it would be accepted by reasonable men as worthy of belief.

[*1943 c. 625 s. 1*]

179.19 ELECTION OF OFFICERS OF LABOR ORGANIZATION. The officers of every labor organization shall be elected for such terms, not exceeding four years, as the constitution or by-laws may provide. The election shall be by secret ballot. The constitution or by-laws may provide for multiple choice voting, nomination by primaries or run-off elections, or other method of election by which selection by a majority may be obtained. In the absence of such provision, the candidate for any office receiving the largest number of votes cast for that office shall be declared elected. It is the duty of every labor organization and the officers thereof to hold an election for the purpose of electing the successor of every such officer prior to the expiration of his term.

[*1943 c. 625 s. 2*]

179.20 NOTICE OF ELECTIONS GIVEN. Subdivision 1. **Publication.** No election required hereunder shall be valid unless reasonable notice thereof shall have been given to all persons eligible to vote thereat. Proof of publication of notice of an election in a trade union paper of general circulation among the membership of the union holding such election shall be conclusive proof of reasonable notice as required in this subdivision.

Subd. 2. **Plurality required.** No result of an election required hereunder shall be valid unless a plurality of the eligible persons voting thereat shall have cast their votes by secret ballot in favor of such result.

[*1943 c. 625 s. 3*]

179.21 REPORTS OF RECEIPTS AND DISBURSEMENTS. It is hereby made the duty of the officer of every labor organization who is charged with responsibility of money and property thereof to furnish to the members thereof in good standing a statement of the receipts and disbursements of the labor organization from the date of the next preceding statement and the assets and liabilities thereof to the date of the current statement. Such statement shall be furnished by such officer at the time prescribed by the constitution or laws of the labor organization, or it shall be furnished not later than the 1st day of July next following such calendar year.

[*1943 c. 625 s. 4*]

179.22 LABOR REFEREE. There is hereby created an office, to be known as labor referee. The governor may from time to time appoint labor referees for particular disputes as hereinafter provided. Such appointment shall be for the duration only of the particular dispute. Such labor referees shall be paid a per diem of $15 per day while so engaged, and their necessary expenses. When approved by him, the labor conciliator shall cause to be paid, from the appropriation to him, the amount due to the labor referees for services and expenses.

[*1943 c. 625 s. 5*]

179.23 CONCILIATOR TO CERTIFY VIOLATIONS TO GOVERNOR. Subdivision 1. **Certification to governor.** Whenever it reasonably appears to the labor conciliator that any labor organization has failed substantially to comply with any of the requirements of sections 179.18 to 179.25, he shall certify that fact to the governor and transmit to the governor all the information he has received with reference thereto.

Subd. 2. **Governor may appoint a labor referee.** Upon receipt of such certification by the labor conciliator, the governor, within five days from the date of such certification, shall appoint, if he deems it advisable, a labor referee to act in the dispute. If the governor does not appoint a labor referee within five days, he shall so notify the labor conciliator and return the files to him, which shall close the dispute.

Subd. 3. **Qualification of labor referee.** Upon receipt of notice of appointment as labor referee, such officer shall qualify by taking his oath of office and filing the same in the office of the secretary of state. He shall also notify the labor conciliator in writing of the date of filing such oath.

Subd. 4. **Notice of time and place of hearing.** Within ten days from the date of his appointment, the labor referee shall fix the time and place of hearing upon the complaint and send notice thereof by registered mail to the labor organization and to the officers thereof who are charged in the complaint with dereliction of duties, the complainant and to such other persons as may be named as parties to the dispute.

Subd. 5. **Appearance; evidence.** Any party to or party affected by the dispute may appear at the hearing before the labor referee in person or by attorney or by other representative, and shall have the right to offer competent evidence and to be heard on the issues before any order herein provided is made. When all evidence has been adduced and the arguments heard, the labor referee shall prepare and file with the labor conciliator within 30 days from the close of testimony, his findings of fact and his order sustaining or dismissing the charges. If the charges are sustained, such labor organization is thereby disqualified from acting as the representative of employees until such disqualification has been removed as provided herein.

Subd. 6. **Removal of disqualification by labor organization.** Any labor organization which has been disqualified from acting as a representative of employees pursuant to subdivision 5 for failure to perform any duty imposed upon it by sections 179.18 to 179.25 may remove such disqualification by applying to the labor conciliator and submitting proof of performance of the duty for the non-performance of which the disqualification was imposed. Upon receipt of such application, the labor conciliator shall notify all parties who participated in the hearing before the referee as adversary parties by mail of the filing of such application. If within 20 days after the mailing of such notice, written objection to the removal of such disqualification is filed with the labor conciliator, he shall certify the dispute to the governor, and further proceedings shall thereupon be had in like manner hereinbefore provided for the determination of disputes. Thereupon the labor referee appointed for such proceedings shall make and file his order either confirming the prior order for disqualification or removing the disqualification, as the case may require. If no objection is so filed, the labor conciliator shall make an order removing such disqualification.

Subd. 7. **Power of labor referee.** (1) The labor referee appointed by the governor pursuant to the provisions of sections 179.18 to 179.25 shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the dispute has arisen or exists.

(2) In case of contumacy or refusal to obey a subpoena issued under clause (1), the district court for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, on application by the labor referee shall have jurisdiction to issue to such person an order requiring such person to appear before the labor referee,

there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[*1943 c. 625 s. 6*]

179.24 UNLAWFUL ACTS. It is unlawful for any labor organization which has been disqualified under section 179.23, subdivision 5, to act as a representative of employees.

[*1943 c. 625 s. 7*]

179.25 CITATION, LABOR UNION DEMOCRACY ACT. Sections 179.18 to 179.25 may be cited as the Minnesota labor union democracy act.

[*1943 c 625 s 8*]

CERTAIN REPRESENTATION DISPUTES; STRIKES, BOYCOTTS PROHIBITED

179.26 DEFINITIONS; CERTAIN REPRESENTATION DISPUTES. When used in sections 179.26 to 179.29, unless the context clearly indicates otherwise, each of the following words: employee, labor organization, strike, and lockout shall have the meaning ascribed to it in section 179.01.

[*1945 c 414 s 1; 1949 c 299 s 1*]

179.27 STRIKES OR BOYCOTTS PROHIBITED. When certification of a representative of employees for collective bargaining purposes has been made by proper federal or state authority, it is unlawful during the effective period of such certification for any employee, representative of employees or labor organization to conduct a strike or boycott against the employer of such employees or to picket any place of business of the employer in order, by such strike, boycott or picketing, (1) to deny the right of the representative so certified to act as such representative or (2) to prevent such representative from acting as authorized by such certification, or (3) to interfere with the business of the employer in an effort to do either act specified in clauses (1) and (2) hereof.

[*1945 c. 414 s. 2*]

179.28 RECOVERY FOR TORT. Any employer injured through commission of any unlawful act as provided in section 179.27 shall have a cause of action against any employees, representative of employees, or labor organization committing such unlawful act, and shall recover in a civil action all damages sustained by him from such injury.

[*1945 c. 414 s. 3*]

179.29 DISTRICT COURT HAS JURISDICTION. The district court of any county in which the employer does any business shall have jurisdiction to entertain an action arising under sections 179.26 to 179.29. Such action shall be tried by the court with a jury unless a jury be waived.

[*1945 c. 414 s. 4*]

HOSPITALS; STRIKES PROHIBITED, COMPULSORY ARBITRATION REQUIRED

179.35 DEFINITIONS; HOSPITAL NO STRIKE AND ARBITRATION ACT. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of sections 179.35 to 179.39, shall be given the meanings subjoined to them.

Subd. 2. "Charitable hospital" includes all state, university, county and municipal hospitals and any hospital no part of the net income of which inures to the benefit of any private member, stockholder, or individual.

Subd. 3. "Hospital employee" includes any person employed in any capacity by a charitable hospital, except an employee whose services are performed exclusively in connection with the operation of a commercial or industrial enterprise owned or operated by the charitable hospital for the production of profit, irrespective of the purposes to which such profit may be applied, and not engaged in any activity affecting the essential functions of the hospital.

Subd. 4. "Labor dispute" includes any controversy concerning employment, tenure, conditions, or terms of employment or concerning the association or right of representation of persons in negotiating, fixing, maintaining, changing, or seek-

ing to arrange terms, tenure, or other conditions of employment, regardless of whether or not the relationship of employer and employee exists as to the disputants.

Subd. 5. "Strike" means the temporary stoppage of work by the concerted action of two or more hospital employees as a result of a labor dispute.

Subd. 6. "Lockout" means the refusal of a charitable hospital to furnish work to employees as a result of a labor dispute.

[*1947 c 335 s 1*]

179.36 STRIKES PROHIBITED. It is unlawful for any hospital employee or representative of the employee, as defined in Minnesota Statutes 1945, Section 179.01, Subdivision 5, to encourage, participate in, or cause any strike or work stoppage against or directly involving a charitable hospital.

[*1947 c 335 s 2*]

179.37 LOCKOUTS PROHIBITED. It is contrary to public policy and is hereby declared to be unlawful for any charitable hospital to institute, cause, or declare any lockout.

[*1947 c 335 s 3*]

179.38 ARBITRATION MANDATORY. In the event of the existence of any labor dispute which cannot be settled by negotiation between the charitable hospital employers and their employees, either such employers or employees may petition and avail themselves of the facilities of the department of labor as provided in Minnesota Statutes, Section 179.01 to 179.17, insofar as sections are not inconsistent with the provisions of sections 179.35 to 179.39. If such dispute is not settled within ten days after submission to conciliation, any unsettled issue of maximum hours of work and minimum hourly wage rates shall, upon service of written notice by either party upon the other party and the State Labor Conciliator, be submitted to the determination of a board of arbitrators whose determination shall be final and binding upon the parties. The board of arbitrators shall be selected and proceed in the following manner, unless otherwise agreed between the parties: the employers shall appoint one arbitrator, the employees shall appoint one arbitrator, and the two arbitrators so chosen shall appoint a third arbitrator who shall act as chairman; but if said arbitrators are unable to agree upon the appointment of such third arbitrator within five days after submission to arbitration, the governor shall appoint the third party. The board of arbitrators shall serve as a temporary arbitration tribunal and shall have the powers and compensation provided for commissioners under Minnesota Statutes 1945, Section 179.08. The board of arbitrators shall make its determination with all due diligence and shall file a copy of its report with the State Labor Conciliator.

[*1947 c 335 s 4*]

179.39 SECTIONS NOT APPLICABLE. The provisions of Minnesota Statutes 1945, Sections 185.02 to 185.19, shall not apply in the case of a threatened or existing strike or other work stoppage by hospital employees or in the case of a lockout by a charitable hospital, and such threatened or existing strike or other work stoppage or lockout may be enjoined by a court of equity.

[*1947 c 335 s 5*]

SECONDARY BOYCOTTS PROHIBITED

179.40 SECONDARY BOYCOTT; DECLARATION OF POLICY. As a guide to the interpretation and application of sections 179.40 to 179.47, the public policy of this state is declared to be:

To protect and promote the interests of the public, employees and employers alike, with due regard to the situation and to the rights of the others;

To promote industrial peace, regular and adequate income for employees, and uninterrupted production of goods and services; and

To reduce the serious menace to the health, morals and welfare of the people of this state arising from economic insecurity due to stoppages and interruptions of business and employment.

It is recognized that whatever may be the rights of disputants with respect to each other in any controversy, they should not be permitted, in their controversy, to intrude directly into the primary rights of third parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by lawful means and free from molestation, interference, restraint or coercion. The legislature, therefore, declares that, in its considered judgment, the public good and the general welfare

of the citizens of this state will be promoted by prohibiting secondary boycotts and other coercive practices in this state.

[*1947 c 486 s 1*]

179.41 SECONDARY BOYCOTT DEFINED. As used in sections 179.40 to 179.47, the term "secondary boycott" means any combination, agreement, or concerted action;

(a) to refuse to handle goods or to perform services for an employer because of a labor dispute, agreement, or failure of agreement between some other employer and his employees or a bona fide labor organization, or

(b) to cease performing or to cause any employees to cease performing any services for an employer, or to cause loss or injury to such employer or to his employees, for the purpose of inducing or compelling such employer to refrain from doing business with, or handling the products of, any other employer because of a dispute, agreement, or failure of agreement between the latter and his employees or a labor organization, or

(c) to cease performing or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to his employees, for the purpose of inducing or compelling such other employer to refrain from doing business with, or handling the products of, any other employer because of an agreement, dispute, or failure of agreement between the latter and his employees or a labor organization.

[*1947 c 486 s 2*]

179.42 UNLAWFUL ACT AND UNFAIR LABOR PRACTICE. It is an unlawful act and an unfair labor practice for any person or organization to combine with another, to cause loss or injury to an employer, to refuse to handle or work on particular goods or equipment or perform services for an employer, or to withhold patronage, or to induce, or to attempt to induce, another to withhold patronage or other business intercourse, for the purpose of inducing or coercing such employer to persuade or otherwise encourage or discourage his employees to join or to refrain from joining any labor union or organization or for the purpose of coercing such employer's employees to join or refrain from joining any labor union or organization.

[*1947 c 486 s 3*]

179.43 ILLEGAL COMBINATION; VIOLATION OF PUBLIC POLICY. A secondary boycott as hereinbefore defined is hereby declared to be an illegal combination in restraint of trade and in violation of the public policy of this state.

[*1947 c 486 s 4*]

179.44 UNFAIR LABOR PRACTICE. The violation of any provision of section 179.41 is hereby declared to be an unfair labor practice and an unlawful act.

[*1947 c 486 s 5*]

179.45 RIGHTS AND REMEDIES. Any person who shall be affected by, or subjected to, or threatened with a secondary boycott, or any of the acts declared to be unlawful by sections 179.40 to 179.47, shall have all the rights and remedies provided for in Minnesota Statutes 1945, Chapter 179, but shall not be restricted to such remedies.

[*1947 c 486 s 6*]

179.46 LIMITATIONS; FEDERAL ACT. Nothing in sections 179.40 to 179.47 shall be construed as requiring any person to work or perform services against his will for any other person, nor to prohibit a strike, picketing or bannering which is otherwise lawful under the statutes and laws of this state; nothing in sections 179.40 to 179.47 shall be construed to apply to the refusal by an employee to enter upon the premises of an employer other than his own employer when the employees of such other employer are engaged in a strike which is not an unfair labor practice, but does not include any person subject to the Federal Railway Labor Act as amended from time to time.

[*1947 c 486 s 7*]

179.47 CONSTRUCTION OF SECTIONS 179.40 TO 179.47. Nothing contained in sections 179.40 to 179.47 is intended or shall be construed to repeal section 179.01 to 179.13 and 179.14 to 179.39, or any part or parts thereof.

[*1947 c 486 s 9*]

PUBLIC EMPLOYEES LABOR RELATIONS ACT

179.50 POLICY. Unresolved disputes in the public service are injurious to the public, the governmental agencies, and public employees; therefore, adequate means should be provided for preventing controversies between governmental agencies and public employees and for resolving them when they occur. Because the paramount interest of the public and the nature of governmental processes make it necessary to impose special limitations upon public employment, it is incumbent upon governmental agencies to provide orderly procedures for the participation by public employees and their representatives in the formulation of personnel policies and plans to insure the fair and considerate treatment of public employees, to eliminate employment inequities, and to provide effective means of resolving questions and controversies with respect to terms and conditions of employment. It is the public policy of the state of Minnesota that governmental agencies, public employees and their representatives shall enter into discussions with affirmative willingness to resolve grievances and differences. Governmental agencies and public employees and their representatives shall have a mutual obligation to endeavor in good faith to resolve grievances and differences relating to terms and conditions of employment, acting within the framework of laws and charter provisions, and giving consideration to personnel policies, position classification and compensation plans, and other special rules governing public employment.

[*1965 c 839 s 1*]

179.51 STRIKES BY PUBLIC EMPLOYEES. No person holding a position by appointment or employment in the government of the State of Minnesota, or in the government of any one or more of the political subdivisions thereof, or in the service of the public schools, or of the State University, or in the service of any authority, commission, or board, or any other branch of the public service, hereinafter called a "public employee" shall strike, or participate in a strike. As used in sections 179.51 to 179.58 the word "strike" shall mean the failure to report for duty, the wilful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

[*1951 c 146 s 1*]

179.52 RIGHT OF COMPLAINT AND TO FORM OR JOIN LABOR OR EMPLOYEE ORGANIZATIONS. Subdivision 1. Nothing contained in sections 179.51 to 179.58 shall be construed to limit, impair or affect the right of any public employee or his or her representative to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment; nor shall it be construed to require any public employee to perform labor or services against his will.

Subd. 2. Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees shall have the right to designate representatives for the purpose of meeting and conferring with the governmental agency or representatives designated by it with respect to grievances and conditions of employment. It shall be unlawful to discharge or otherwise discriminate against an employee for the exercise of such rights, and the governmental agency or its designated representatives shall be required to meet and confer with the representatives of the employees at reasonable times in connection with such grievances and conditions of employment. It shall be unlawful for any person or group of persons, either directly or indirectly, to intimidate or coerce any public employee to join, or to refrain from joining, a labor or employee organization.

Subd. 3. Organizations of public employees shall be granted recognition by a governmental agency according to the extent to which they represent employees of the governmental agency. Informal recognition shall be granted to any labor or employee organization regardless of the recognition granted to any other labor or employee organization. Informal recognition shall give an organization the right to meet with, confer, and otherwise communicate with the governmental agency or its designated representatives on matters of interest to its members. Formal recognition shall be granted to any labor or employee organization repre-

senting a majority of the employees in an appropriate unit. Formal recognition shall give an organization the right to meet with, confer and otherwise communicate with the governmental agency or its designated representatives with the object of reaching a settlement applicable to all employees of the unit.

Subd. 4. When a governmental agency declines to grant formal recognition or when a question concerning the designation of a representation unit is raised by the governmental agency, labor or employee organization, or employees, the labor conciliator or any person designated by him shall, at the request of any of the parties, investigate such question and, after a hearing if requested by any party, rule on the definition of the appropriate representation unit. He shall certify to the parties in writing the proper definition of the unit. In defining the unit, the labor conciliator shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the principles and the coverage of uniform comprehensive position classification and compensation plans in the governmental agency, the history and extent of organization, occupational classification, administrative and supervisory levels of authority, geographical location, and the recommendations of the parties.

Subd. 5. When a question concerning the representative of employees is raised by the governmental agency, labor or employee organization, or employees, the labor conciliator or any person designated by him shall, at the request of any of the parties, investigate such question and certify to the parties in writing, the name or names of the representatives that have been designated or selected. The filing of a petition for the investigation or certification of a representative of employees by any of the parties shall constitute a question within the meaning of this section. In any such investigation, the labor conciliator may provide for an appropriate hearing, and shall take a secret ballot of employees to ascertain such representatives for the purposes of formal recognition. If the labor conciliator has certified a formally recognized representative in a unit of employees as provided in this section, he shall not be required to consider the matter again for a period of one year unless it appears to him that sufficient reason exists. The labor conciliator may promulgate such rules and regulations as may be appropriate to carry out the provisions of subdivisions 4 and 5 of this section.

[*1951 c 146 s 2; 1957 c 789 s 1; 1965 c 839 s 2*]

179.521 CONCILIATION OF DISPUTES. If, after a reasonable period of meeting and conferring, the parties are deadlocked, or if the governmental agency or its designated representatives or the employees or their formally recognized representative fail or refuse to meet and confer in good faith at reasonable times in a bona fide effort to arrive at a settlement, either party to a dispute involving conditions of employment or any violation of sections 179.51 to 179.58 may then file a petition requesting the labor conciliator to act in the dispute. Such petition shall set forth the issues of the dispute, the efforts to settle it, and a statement of the failure to reach a settlement. The labor conciliator shall thereupon take jurisdiction of the dispute and shall fix a time and place for a conference with the parties to the dispute upon the issues involved, and he shall then take whatever steps he deems expedient to bring about a settlement, including assisting in preparing information necessary to an understanding of the issues and of a settlement. Both parties shall confer with the labor conciliator and cooperate with him in his attempts to bring about a settlement.

[*1965 c 839 s 3*]

179.522 IMPLEMENTATION OF SETTLEMENTS. If a tentative settlement is reached between a labor or employee organization or organizations and the designated representatives of the governmental agency, such representatives shall recommend such settlement to the governing body or officer having authority to take action. The governing body or officer shall as soon as practicable consider the recommendations and take such action, if any, upon them as it or he deems appropriate. If a settlement is reached with a labor or employee organization or organizations and the governing body, such governing body shall implement the settlement in the form of an ordinance, resolution, or memorandum of understanding as may be appropriate. If the settlement requires the adoption of a law or charter amendment to implement it fully, the governmental agency shall make every reasonable effort to propose and secure the enactment of the law or charter amendment.

[*1965 c 839 s 4*]

179.53 SUBMISSION OF GRIEVANCE. No person exercising any authority, supervision or direction over any public employee shall have the power to authorize, approve or consent to a strike by one or more public employees and such person shall not authorize, approve, or consent to such strike, nor shall any person discharge, demote, or cause any public employee to be discharged, or demoted, or separated from his employment because of participation in the submission of a grievance.
[*1951 c 146 s 3*]

179.54 VIOLATION, PENALTY. Notwithstanding any other provision of law, any public employee who violates the provisions of sections 179.51 to 179.58 shall thereby abandon and terminate his appointment or employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof, except if appointed or reappointed as hereinafter provided.
[*1951 c 146 s 4*]

179.55 REEMPLOYMENT OF STRIKING EMPLOYEE. Notwithstanding any other provision of law, a person knowingly violating the provisions of sections 179.51 to 179.58 may, subsequent to such violation, be appointed, or reappointed, employed or reemployed, as a public employee but only upon the following conditions: (a) his compensation shall in no event exceed that received by him immediately prior to such violation, (b) the compensation of such person shall not be increased until after the expiration of one year from such appointment or reappointment, employment or reemployment, and (c) the said person shall be on probation for two years with respect to such civil service status, tenure of employment, or contract of employment, as he may have theretofore been entitled.
[*1951 c 146 s 5*]

179.56 EMPLOYEE ENTITLED TO ESTABLISH FACT OF NO VIOLATION. Any public employee, upon request, shall be entitled, as hereinafter provided, to establish that he did not violate the provisions of sections 179.51 to 179.58. Such request must be filed in writing with the officer or body having the power to remove such employee, within ten days after regular compensation of such employee has ceased, whereupon such officer, or body, shall within ten days commence a proceeding at which such person shall be entitled to be heard for the purpose of determining whether the provisions of sections 179.51 to 179.58 have been violated by such public employee, and if there be laws and regulations establishing proceedings to remove such public employee, the hearing shall be conducted in accordance therewith. Such proceedings shall be undertaken without unnecessary delay.
[*1951 c 146 s 6*]

179.57 ADJUSTMENT PANEL. Subdivision 1. In order to avoid or minimize any possible controversies by making available full and adequate governmental facilities for the settlement of a controversy involving wages, hours, or other terms and conditions of employment, the governmental agency involved, at its own instance or at the request of a labor or employee organization granted formal recognition, or, in the absence of such an organization, a majority of the public employees involved in the controversy, shall set up a panel of three members. The appointment of such panel shall divest the labor conciliator of all jurisdiction and authority granted by section 179.521.

Subd. 2. One of the panel members shall be selected by the labor or employee organization or by the employees as the case may be, one by the governmental agency, and the two so selected shall select a third member. If after five days, the two members cannot agree upon the third member, the senior or presiding judge of the district court of the county wherein the dispute has arisen shall, after notifying the labor conciliator and giving him an opportunity to suggest names of suitable prospective neutral members, appoint such third member. Such appointment shall be made upon application by either of the appointed members in writing by giving five days notice thereof in writing to the other member. If one of the parties fails or refuses to appoint a member to the panel, such member shall be appointed by the senior or presiding judge of the district court in the same manner as the third member is appointed, upon application by a panel member in writing upon five days' notice in writing to the party so failing or refusing.

Subd. 3. The members of the panel shall be compensated for all necessary expenses by the governmental agency involved. The third member of the panel shall be compensated equally by the parties involved at a rate of $50 for each day or part of a day the hearing is held, except as may be otherwise agreed to by the parties.

Subd. 4. The panel shall meet within 15 days after the appointment of the third member. The various parties shall attempt in good faith to settle the dispute through negotiation and informal conferences. If the results of the conference negotiations are not satisfactory to all parties concerned, the panel shall afford the public employees, the labor or employee organization involved, if any, and the governmental agency a full hearing after which the panel shall make their findings and recommendations, a copy of which shall be sent to the labor conciliator, to the head of the governmental agency involved, and to the employees or their representatives, if any. In making such findings and recommendations, the panel shall take into consideration the tax limitations imposed by law or charter, if any, upon the governmental agency together with wages, hours and other conditions of employment of public employees performing comparable duties for other governmental agencies of a comparable nature and of employees performing comparable duties in private employment, internal consistency of treatment of the employees in the several classes of positions in the governmental agency, as well as such other factors not confined to the foregoing as are normally or appropriately taken into consideration in the determination of wages, hours and other conditions of employment by the governmental agency.

Subd. 5. The officer or employee of the governmental agency having the authority to recommend changes in wages, hours or other terms and conditions of employment shall prepare whatever ordinances, resolutions, rules, or other written documents as are necessary to carry into effect the recommendations of the panel and shall present them to the governing body or officer of the governmental agency having authority to adopt them and such governing body or officer shall as soon as practicable consider them and take such action, if any, upon them as it or he deems appropriate. In addition, the appropriate officer or employee of the governmental agency involved shall submit to the governing body as soon as practicable estimates of the effects, if any, including, but not limited to, the effects on the budget, of the recommendations of the panel for such action as the governing body may take upon the recommendations consistent with law or charter.

[*1951 c 146 s 7; 1965 c 839 s 5*]

179.571 INDEPENDENT REVIEW. It shall be public policy of the state of Minnesota that every public employee should be provided with the right of independent review, by a disinterested person or agency, of any grievance arising out of the interpretation of or adherence to terms and conditions of employment. When such review is not provided under statutory, charter, or ordinance provisions for a civil service or merit system, the governmental agency may provide for such review consistent with the provisions of law or charter. If no other procedure exists for the independent review of such grievances, the provisions of section 179.57 shall be available to the public employee upon request to the governmental agency.

[*1965 c 839 s 6*]

179.572 TEACHERS, APPLICATION. Sections 179.50, 179.52, 179.521, 179.522, 179.57 and 179.571 shall not apply to public school teachers as defined in Minnesota Statutes 1961, Section 125.03, Subdivision 1.

[*1965 c 839 s 7*]

179.58 SECTIONS NOT APPLICABLE. Minnesota Statutes 1949, Sections 185.07 to 185.18, shall not be held to apply to any governmental employee or any other public official affected by sections 179.51 to 179.58.

[*1951 c 146 s 8*]

PROHIBITING COERCION OF EMPLOYEE

179.60 INTERFERING WITH EMPLOYEE OR MEMBERSHIP IN UNION. It shall be unlawful for any person, company, or corporation, or any agent, officer, or employee thereof, to coerce, require, or influence any person to enter into any agreement, written or verbal, not to join, become, or remain a member of any lawful labor organization or association, as a condition of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any person, company, or corporation, or any officer or employee thereof, to coerce, require, or influence any person to contribute or pay to any person, company, or corporation, or any officer or employee thereof, any sum of money or other valuable thing for the sole purpose of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any two or more corporations

or employers to combine, to agree to combine, or confer together for the purpose of interfering with any person in procuring, or in preventing him from procuring, employment, or to secure the discharge of any employee by threats, promises, circulating blacklists, or any other means whatsoever. It shall be unlawful for any company or corporation, or any agent or employee thereof, to blacklist any discharged employee, or by word or writing seek to prevent, hinder, or restrain a discharged employee, or one who has voluntarily left its employ, from obtaining employment elsewhere. Every person and corporation violating any of the foregoing provisions shall be guilty of a misdemeanor.

[*R L s 5097; 1921 c 389 s 1*] *(10378)*