

CHAPTER 181

EMPLOYMENT; WAGES, CONDITIONS, HOURS, RESTRICTIONS

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181.01 WAGES OF MINORS; TO WHOM PAID. Any parent or guardian claiming the wages of a minor in service shall so notify his employer and, if he fail so to do, payment to the minor of wages so earned shall be valid.

[R. L. s. 1812] (4133)

181.02 SALARY OR WAGES NOT TO BE PAID BY NON-NEGOTIABLE INSTRUMENTS. It shall be unlawful for any person, firm, or corporation, other than public service corporations, to issue to any employee in lieu of or in payment of any salary or wages earned by such employee a non-negotiable time check or order. Any person, firm, or corporation so issuing a non-negotiable instrument in lieu of or in payment of such salary or wages earned shall be guilty of a misdemeanor.

[1917 c. 348 s. 1] (4134)

181.03 CERTAIN ACTS RELATING TO PAYMENT OF WAGES UNLAWFUL. Any person, firm, corporation, or association who or which, directly or indirectly and with intent to defraud, causes any employee to give a receipt for wages for a greater amount than that actually paid to the employee for services rendered or directly or indirectly demands or receives from any employee any rebate or refund from the wages to which the employee is entitled under his contract of employment with such employer, or in any manner makes or attempts to make it appear that the wages paid to any employee were greater than the amount actually paid to the employee shall be guilty of a misdemeanor.

[1933 c. 249] (4134-1)

181.031 EMPLOYERS NOT TO ACCEPT CONSIDERATION FOR SECURING EMPLOYMENT. Any employer, or any manager, superintendent, foreman, or other representative of any employer, who, directly or indirectly, demands or accepts from any employee any part of such employee's wages or other considera-

tion, or any gratuity, in consideration of giving to or securing, or assisting in securing, for any employee any employment with such employer shall be guilty of a misdemeanor.

[1933 c 47] (10536-1)

181.04 ASSIGNMENT, SALE, OR TRANSFER OF WAGES; WHEN NOT EFFECTIVE. No assignment, sale, or transfer, however made or attempted to be made, of any wages or salary to be earned shall give any right of action either at law or in equity to the assignee or transferee of such wages or salary, nor shall any action lie for the recovery of such wages or salary, or any part thereof, by any other person than the person to whom such wages or salary are to become due unless a written notice, together with a true and complete copy of the instrument assigning or transferring such wages or salary, shall have been given within three days after the making of such instrument to the person, firm, or corporation from whom such wages or salary are accruing or may accrue.

[1905 c. 309 s. 1; 1917 c. 321 s. 1] (4135)

181.05 CONSENT OF EMPLOYER TO ASSIGNMENT REQUIRED. No assignment, sale, or transfer, however made or attempted, of any unearned wages or salary shall be in any manner valid or effectual for the transfer of any salary or wages to be earned or accruing after the making of such assignment, sale, or transfer unless the person, firm, or corporation from whom such wages or salary are to accrue shall consent thereto in writing. Any employer or agent of such employer accepting or charging any fee or commission for collecting the amount due on any such assignment, sale, or transfer shall be deemed guilty of a misdemeanor.

[1905 c. 309 s. 2] (4136)

181.06 ASSIGNMENT OF WAGES; PAYROLL DEDUCTIONS. Every assignment, sale, or transfer, however made or attempted, of wages or salary to be earned or to become due, in whole or in part, more than 60 days from and after the date of making such transfer, sale or assignment shall be absolutely void; provided however, that the foregoing restriction against transfer, sale or assignment shall not apply to any assignment, sale or transfer of that portion of wages or salary to be earned or to become due in excess of the first \$1,500 per month where such assignment is for less than five years. A written contract may be entered into between an employer and an employee wherein the employee authorizes the employer to make payroll deductions for the purpose of paying union dues, premiums of any life insurance, hospitalization and surgical insurance, group accident and health insurance, group term life insurance, group annuities or contributions to credit unions or a community chest fund, or Minnesota benefit association, or participation in any employee stock purchase plan or savings plan for periods longer than 60 days.

[1905 c 309 s 3; 1937 c 95 s 1; 1951 c 213 s 1; 1965 c 778 s 1; 1967 c 517 s 1] (4137)

181.063 ASSIGNMENT OF WAGES, PUBLIC EMPLOYEES. Any officer or employee of a county, town, city, village, or school district, or any department thereof, has the same right to sell, assign, or transfer his salary or wages as is now possessed by any officer of or person employed by any corporation, firm, or person.

[1945 c 424 s 26]

181.07 ASSIGNMENT OF UNEARNED WAGES AS SECURITY. No assignment of or order for wages to be earned in the future to secure a loan of less than \$200 shall be valid against an employer of the person making the assignment or order until the assignment or order is accepted in writing by the employer and the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making the assignment or order resides, if a resident of this state, or in which he is employed if not such resident. No such assignment of or order for wages to be earned in the future shall be valid when made by a married man unless the written consent of his wife to the making of such assignment or order is attached thereto.

[1911 c. 308 s. 1] (4138)

181.08 PUBLIC SERVICE CORPORATIONS; PAYMENT OF WAGES, REQUIREMENTS. All public service corporations doing business within this state are required to pay their employees at least semimonthly the wages earned by them to within 15 days of the date of such payment, unless prevented by inevitable casualty. Such wages less any voluntarily authorized payroll deduction set out in section 181.06 shall be paid in cash, or by checks convertible into cash at full face value

thereof, without any service, exchange, discount, float or other charges, at a bank designated by such public service corporation located in any city, village or borough in which the employee to whom the check is issued is employed or into which such employee is required to go in the performance of his work for the company issuing the same. It shall be the duty of the corporation to make necessary arrangements with a bank for the cashing of these checks without such charges, or to reimburse any employee who has paid such charges upon request. When an employee shall be discharged his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter; allowing a reasonable time within which to compute wages due and to make authorized and other deductions required by law.

[1915 c 29 s 1; 1915 c 37 s 1; 1945 c 478 s 1; 1951 c 213 s 2; 1953 c 393 s 1] (4139)

181.09 RECOVERY OF WAGES, COSTS. When any public service corporation neglects or refuses to pay its employees, as prescribed by section 181.08, the wages may be recovered by action without further demand. There shall be allowed to the plaintiff and included in his judgment, in addition to his disbursements allowed by law, \$5 costs if the judgment be recovered in a justice court or in a municipal court where no statutory costs are now allowed in such an action, and \$10 in any other court or on appeal.

[1915 c 29 s 2; 1915 c 37 s 2; 1953 c 359 s 1] (4140)

181.10 WAGES PAID EVERY 15 DAYS. Every person, firm, corporation, or association employing any person to labor or perform service on any project of a transitory nature, such as the construction, paving, repair, or maintenance of roads or highways, sewers or ditches, clearing land, or the production of forest products or any other work which requires the employee to change his place of abode, shall pay the wages or earnings of such person at intervals of not more than 15 days, and payments thereof shall be made at the place of employment or in close proximity thereto.

[1933 c. 223 s. 1] (4140-1)

181.11 DISCHARGED EMPLOYEE MUST BE PAID WITHIN 24 HOURS. When any such transitory employment as is described in section 181.10 which requires an employee to change his place of abode while performing the service required by the employment is terminated, either by the completion of the work or by the discharge or quitting of the employee, the wages or earnings of such employee in such employment shall be paid within 24 hours and, if not then paid, the employer shall pay to the employee his reasonable expenses of remaining in the camp or elsewhere away from his home while awaiting the arrival of payment of his wages or earnings and, if such wages or earnings are not paid within three days after the termination of such employment for any cause, the employer shall, in addition, pay to the employee the average amount of his daily earnings in such employment from the time of the termination of the employment until payment has been made in full, but not for a longer period of time than 15 days.

[1933 c. 223 s. 2] (4140-2)

181.12 RAILROAD PAY CHECKS TO SHOW AMOUNT OF DEDUCTION. Every railroad corporation doing business within this state shall state clearly on a statement accompanying each check, issued to an employee for services rendered to such corporation in this state, the amount of any deduction made from the regular wage of such employee, the reason therefor, and the date or period covered by such deduction. Deductions authorized by the employee may be designated as miscellaneous on the statement accompanying such check. To take effect January 1, 1946.

[1935 c. 141 s. 1; 1939 c. 169; 1945 c. 123 s. 1] (4140-3)

181.13 PENALTY FOR FAILURE TO PAY WAGES PROMPTLY. When any person, firm, company, association, or corporation employing labor within this state discharges a servant or employee from his employment, the wages or commissions actually earned and unpaid at the time of such discharge shall become immediately due and payable upon demand of such employee, at the usual place of payment, and if not paid within 24 hours after such demand, whether such employment was by the day, hour, week, month, or piece or by commissions, such discharged employee may charge and collect the amount of his average daily earnings at the rate agreed upon in the contract of employment, for such period, not exceeding 15 days, after the expiration of the 24 hours, as the employer is in default, until full payment or other settlement, satisfactory to the discharged employee, is made.

[1919 c. 175 s. 1; 1933 c. 173 s. 1] (4127)

181.14 NOTICE TO BE GIVEN; SETTLEMENT OF DISPUTES. When any such employee, not having a contract for a definite period of service, quits or resigns his employment, the wages or commissions earned and unpaid at the time of such quitting or resignation shall become due and payable within five days thereafter, at the usual place of payment, and any such employer failing or refusing to pay such wages or commissions, after they so become due, upon the demand of such employee, at such place of payment, shall be liable to such employee from the date of such demand for an additional sum equal to the amount of his average daily earnings provided in the contract of employment, for every day, not exceeding 15 days in all, until such payment or other settlement satisfactory to the employee is made; provided, that if any employee having such a contract gives not less than five days' written notice to his employer of his intention to quit such employment, the wages or commissions of the employee giving such notice shall become due at the usual place of payment 24 hours after he so quits or resigns and payment thereof may be demanded accordingly, and the penalty herein provided shall apply in such case from the date of such demand; provided, that if the employer disputes the amount of wages or commissions claimed by such employee under the provisions of this section or section 181.13, and the employer in such case makes a legal tender of the amount which he in good faith claims to be due, he shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, such employee recovers a greater sum than the amount so tendered with such interest thereon; and if, in such suit, the employee fails to recover a greater sum than that so tendered, with interest as aforesaid, he shall pay the cost of such suit, otherwise the cost thereof shall be paid by the employer; provided, that in cases where such discharged or quitting employee was, during his employment, entrusted with the collection, disbursement, or handling of money or property, the employer shall have ten secular days after the termination of the employment to audit and adjust the accounts of such employee before his wages or commissions shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of such period allowed for such audit and adjustment; and if, upon such audit and adjustment of the accounts of such employee, it is found that any money or property entrusted to him by his employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, such employee shall not be entitled to the benefit of sections 181.13 to 181.17, but the claim for unpaid wages or commissions of such employee, if any, shall be disposed of as provided by existing law.

[1919 c. 175 s. 2; 1933 c. 173 s. 2] (4128)

181.15 WHEN EMPLOYEE NOT ENTITLED TO BENEFITS. No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under sections 181.13 to 181.17 for such time as he so avoids payment; provided, when any number of employees enter upon a strike the wages due such striking employees at the time of entering upon such strike shall not become due until the next regular pay day after the commencement of such strike.

[1919 c. 175 s. 3] (4128)

181.16 CONSTRUCTION OF SECTIONS 181.13 TO 181.17. Sections 181.13 to 181.17 shall not be construed to apply to any person employed exclusively as a farm laborer, nor to any employer or an individual, copartnership, or corporation that is bankrupt, or where a receiver or trustee is acting under the direction of the court. Payment or tender by check drawn on a bank situated in the county where a laborer is employed shall be a sufficient payment or tender to comply with the provisions of sections 181.13 to 181.17.

[1919 c. 175 s. 4] (4130)

181.17 COSTS, PAID BY DEFENDANT. In any action by such employee as is described in sections 181.13 to 181.17 for the recovery of unpaid wages after the time when such wages shall have become due, as provided therein, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursements allowed by law, if the judgment be recovered in a justice court, \$5 costs, and a like sum if the judgment be recovered in municipal

court, and such plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions.

[1919 c. 175 s. 5] (4131)

NOTE: See Section 549.03.

181.18 LIMITATION ON HOURS OF FEMALE EMPLOYEES. No female shall be employed in any public housekeeping, manufacturing, mechanical, mercantile, or laundry occupation, or as a telephone operator, for more than 54 hours in any one week. Sections 181.18 to 181.23 shall not apply to cases of emergency in which the safety, health, morals, or welfare of the public may otherwise be affected, or to cases in which night employees may be at the place of employment for no more than 12 hours and shall have opportunity for at least four hours of sleep, or to employees engaged in the seasonal occupation of preserving perishable fruits, grains, or vegetables, where such employment does not continue over a longer period than 75 days in any one year, or to telephone operators in municipalities of less than 1,500 inhabitants. Upon application of any employer the department of labor and industry may, in its discretion, for cause shown exempt any employer or class of employers from these provisions. During emergency periods of not to exceed four weeks in the aggregate in any calendar year, the department may, in its discretion, allow longer period of employment for such female employees under such general rules and regulations as the department may prescribe and adopt.

[1933 c 354 s 1; Ex1967 c 1 s 6] (4126-2)

181.19 SCHEDULES OF HOURS PRINTED. The department shall supply the abstract of the provisions of sections 181.18 to 181.23 and the form for the schedules of hours of labor required to all employers to whom sections 181.18 to 181.23 shall apply, upon application therefor.

[1933 c 354 s 2; Ex1967 c 1 s 6] (4126-3)

181.20 WORKING EXTRA HOURS FORBIDDEN. Any employer or any agent acting for an employer who shall require or suffer any such employee to work at any business, establishment, or company to which sections 181.18 to 181.23 apply, more than the number of hours provided therein, or who shall fail, neglect, or refuse so to arrange the work of such employees in his employ that they shall not work more than the number of hours provided for in sections 181.18 to 181.23 during any one week, or who shall knowingly permit or suffer any overseer, superintendent, foreman, or forelady, or other agents of any employer, to violate any of the provisions thereof, shall be guilty of a misdemeanor; and, upon conviction thereof, fined for each offense in a sum not less than \$25 nor more than \$100. When any person shall have been notified by the department or by the service of a summons in a prosecution, that he is violating any provisions of sections 181.18 to 181.23, he shall be punished by like penalty in addition for each and every day that such violation shall have continued after such notification.

[1933 c 354 s 3; Ex1967 c 1 s 6] (4126-4)

181.21 EMPLOYER TO KEEP RECORD OF HOURS WORKED. Every employer having in his employ more than six female employees shall keep a time book or record stating the number of hours worked by each female employee in his employment on each day of such employment, the total hours of each week, and the hours of beginning and stopping such work. Such time book or record shall be open to the inspection of the department, or any duly accredited representative of the department, during any period of employment. Any employer who wilfully fails to keep the time book or record required by this section, or who makes any false statements therein, or refuses to exhibit such time book or record, or makes any false statement to the department, or its duly accredited representatives, in reply to questions submitted for the purpose of carrying out the provisions of sections 181.18 to 181.23, shall be guilty of a misdemeanor; and, upon conviction thereof, subject to a fine for each offense in the sum of not less than \$10 nor more than \$25.

[1933 c 354 s 4; Ex1967 c 1 s 6] (4126-5)

181.22 ENFORCEMENT OF SECTIONS 181.18 TO 181.21. The department shall be charged with the duty of enforcing the provisions of sections 181.18 to 181.21, prosecuting all violations thereof.

[1933 c 354 s 5; Ex1967 c 1 s 6] (4126-6)

181.23 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the fol-

lowing words, terms, and phrases, for the purposes of sections 181.18 to 181.21, shall be given the meanings subjoined to them.

Subd. 2. **Laundry.** The term "laundry" means processes connected with the receiving, marking, washing, cleaning, ironing, and distribution of washable or cleaning materials.

Subd. 3. **Public housekeeping.** The term "public housekeeping" means the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice-cream and light lunch stands and steam table or counter work in cafeterias and delicatessens where freshly cooked foods are served, and the work of chambermaids in hotels, lodging houses, boarding houses, and hospitals, and the work of janitresses and car cleaners and of kitchen workers in hotels, restaurants, and hospitals, and elevator operators.

Subd. 4. **Manufacturing and mechanical.** The terms "manufacturing" and "mechanical" mean processes in the production and distribution of commodities and manual labor with the aid of machines and tools.

Subd. 5. **Mercantile.** The term "mercantile" means the sales force, the wrapping employees, the shipping department employees, the receiving, marking, and stock-room employees, all employees in any way directly connected with the sale, purchase, and disposition of goods, wares, and merchandise.

[1933 c. 354 s. 8] (4126-9)

181.24 TEN-HOUR DAY; EXTRA HOURS, EXTRA PAY. Unless a shorter time be agreed upon or be provided by law, the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person to labor more than ten hours in any one day shall be guilty of a misdemeanor; but persons of 16 years of age and over, unless expressly forbidden by law, may labor extra hours for extra pay; and this section shall not apply to farm laborers, to domestic servants employed by the week or month, or to persons engaged in the care of live stock.

[R. L. s. 1798; 1917 c. 248 s. 1] (4087)

181.25 EIGHT-HOUR DAY BY EMPLOYEES OF STATE. Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the state, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life.

[1919 c. 40 s. 1] (4089)

181.26 EIGHT-HOUR LABOR LAW NOT TO APPLY TO EMERGENCIES AND ROAD WORK. No person employed in manual labor upon any work for the state, whether such work be done by contract or otherwise, shall be required or permitted to labor more than eight hours in any calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life and property, military or naval employment in time of war, and road work. This section shall not apply to persons employed in construction work by private contractors.

[R L s 1799; 1921 c 388 s 1; 1961 c 642 s 1] (4088)

181.27 STIPULATION IN CONTRACTS. Every contract made by or in behalf of the state which may involve the employment of labor shall provide in terms for compliance with section 181.26, and for the forfeiture by the contractor to the state of \$10 for each and every violation thereof. Every inspector or other person whose duty it is to see that such contract is duly performed shall report all such violations to the proper disbursing officer, who shall withhold the amounts so forfeited from the contract price. No sum so withheld shall ever be paid unless the disbursing officer shall first certify to the governor, in writing, that the forfeiture was imposed through an error as to the facts. Every state officer, and every person acting for or in behalf of the state, who shall violate any provision of this section, or section 181.26, shall be guilty of a gross misdemeanor.

[R. L. s. 1800] (4090)

181.28 LOCOMOTIVE ENGINEERS, HOURS. Locomotive engineers and firemen shall not be required to serve as such for more than 14 consecutive hours. At least nine hours, or as many hours less as are asked for by these engineers or firemen, shall be allowed for rest before being again required to go on duty. Nothing herein shall permit any such engineer or fireman to desert his locomotive when, by reason of accident or of delay caused by the elements, another cannot

immediately be procured to take his place, nor prohibit him, in any case, from serving longer than 14 hours if he so desires. Every superintendent or other officer or employer of a railway company who shall order or require any service in violation of this section shall be guilty of a misdemeanor, and such company shall be liable to any engineer or fireman for injuries sustained by him in consequence of such violation.

[R. L. s. 1801] (4091)

181.29 CERTAIN RAILROAD EMPLOYEES, HOURS. It shall be unlawful for any railroad company within the state, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any rolling stock, engine, or train, to remain on duty more than 16 consecutive hours, or to require or permit any such employee who has been on duty 16 consecutive hours to perform any further service without having had at least eight hours' rest, or to require or permit any such employee to be on duty at any time to exceed 16 hours in any consecutive 24 hours. This section shall not apply to work performed in the protection of life or property in cases of accident, wreck, or other unavoidable casualty, and it shall not apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade, or other unavoidable cause has delayed their train.

[1907 c. 253 s. 1] (4092)

181.30 DUTY OF RAILROAD COMMISSION. Any officer of any railroad company in the state violating any of the provisions of section 181.29 shall be guilty of a misdemeanor; and, upon conviction, punished by a fine of not less than \$100, and not more than \$500, for each offense, or by imprisonment in the county jail not more than 60 days, or both fine and imprisonment, at the discretion of the court. It shall be the duty of the state railroad and warehouse commission, upon complaint properly filed with it alleging a violation of section 181.29, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony and require the production of books and papers, and if such report shall show a violation of the provisions of section 181.29, the railroad and warehouse commission shall, through the attorney general, begin the prosecution of all parties against whom evidence of such violation is found; but section 181.29 shall not be construed to prevent any other person from beginning prosecution for the violation of the provisions thereof.

[1907 c. 253 s. 2] (4093)

181.31 EMPLOYMENT OF CHILDREN UNDER 14 YEARS. No child under 14 years of age shall be employed, permitted or suffered to work at any time, in or in connection with any factory, mill, or workshop, or in any mine; or in the construction of any building, or about any engineering work. It shall be unlawful for any person, firm, or corporation to employ or exhibit any child under 14 years of age in any business or service during any part of the term during which the public schools of the district in which the child resides are in session.

[1907 c. 299; Ex. 1912 c. 8 s. 1; 1913 c. 516 s. 1; 1929 c. 234 s. 1] (4094)

181.32 CHILD OVER 14, AND UNDER 16, YEARS; EMPLOYMENT CERTIFICATE. It shall be unlawful for any person, firm, or corporation to employ, permit or suffer, any child over 14 and under 16 years of age to work in any business or service during which the public schools of the district in which the child resides are in session, unless the employer procures and keeps accessible to the truant officer of the town or city, and to the department an employment certificate, as herein described, and a list of all such children employed. On termination of the employment of a child such certificate shall be forthwith surrendered by the employer to the official who issued the same. Upon the request of any minor or employer, the person authorized to issue employment certificates shall issue to any minor 16 years of age or over an age certificate, upon presentation of the same proof of age as is required for issuance of an employment certificate. Such age and employment certificates when duly issued shall be prima facie evidence of the age of the minor as to any act which occurs after its issuance.

[1907 c. 299; Ex. 1912 c. 8 s. 2; 1947 c. 15 s. 1; Ex. 1967 c. 1 s. 6] (4095)

181.33 CERTIFICATE ISSUED. An employment certificate shall be issued only by the superintendent of schools, or by some one authorized by him to do so, or, where there is no superintendent of schools, by the chairman of the school board or the chairman of the board of education, or by a person authorized by such chairman;

provided, that no superintendent of schools, member of the school board or board of education or other person so authorized shall have authority to issue such certificates for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer, or employee.

[1907 c. 299; Ex. 1912 c. 8 s. 3] (4096)

181.34 CERTIFICATE, TO WHOM ISSUED. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved, and retained in his possession for the inspection of the public, the following papers duly executed:

(1) The school record of such child, properly filled out and signed by the principal of the school which the child last attended, and if there is no principal, then by the teacher of such child in the school, which shall be furnished on demand to a child entitled thereto;

(2) A duly attested transcript of the births, which shall be conclusive evidence of the birth of such child; and

(3) The affidavit of the parent or guardian or custodian of the child, showing the place and date of birth of such child, but such affidavit shall not be required unless the last mentioned transcript of the certificate of birth cannot be produced, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and shall not demand or receive a fee therefor.

Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the same and until such officer shall, after making an examination, make and retain for inspection by the public a statement that, in his opinion, the child is 14 years of age or upwards, and until such officer shall have received a certificate from a reputable practicing physician, duly designated for such purpose by the school board, affirming that the child has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which he intends to do. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued, and only issued to children who have completed the studies taught in the common schools of the district in which they reside, or a parochial or private school in which the curriculum is equal to the common schools of the district. No child shall be granted such certificate who is not able to read and write simple sentences in the English language.

[1907 c. 299; Ex. 1912 c. 8 s. 4] (4097)

181.35 CONTENTS OF CERTIFICATE. Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes and height and weight and any distinguishing facial marks of such child, and that the papers required by section 181.34 have been duly examined, approved, and retained for inspection by the public, and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

[Ex. 1912 c. 8 s. 5] (4098)

181.36 MONTHLY REPORT TO DEPARTMENT. The superintendent of schools and chairmen of school boards and boards of education shall transmit, between the first and tenth days of each month, to the office of the department a list of the names of the children to whom certificates have been issued. The report shall give the date of issuing the certificate and the date of expiration; the age and sex of the child; the name of the employers and the nature of the occupation the child is permitted to engage in, and any one failing to transmit the list herein provided for shall be guilty of a misdemeanor.

[1907 c 299; Ex1912 c 8 s 6; Ex1967 c 1 s 6] (4099)

181.37 CHILDREN UNDER 16; HOURS; POSTED NOTICE. No person under the age of 16 years shall be employed, or suffered or permitted to work at any gainful occupation more than 48 hours in any one week, not more than eight hours in any one day, or before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening. Every employer shall post, in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the department and the employment of any minor for longer time in any day so stated,

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or between the hours of seven o'clock in the evening and seven o'clock in the morning shall be deemed a violation of this section.

[1907 c 299; Ex1912 c 8 s 7; Ex1967 c 1 s 6] (4100)

181.38 VIOLATIONS; PENALTIES. Whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 181.31, 181.32, or 181.37, shall for such offense be fined not less than \$25 nor more than \$50; and whoever continues to employ any child in violation of any of these sections after being notified by truant officer, or the department, shall, for every day thereafter that such employment continues, be fined not less than \$5 nor more than \$20 additional for each day that such employment continues. A failure to produce to a truant officer, or any official of the department of labor and industry, any employment certificate or list shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 181.32 shall be fined \$10. Every person authorized to sign the certificate prescribed by section 181.35, who knowingly certifies any false statement therein shall be fined not more than \$50.

[1907 c 299; Ex1912 c 8 s 8; Ex1967 c 1 s 6] (4101)

181.39 VISITORIAL POWERS OF OFFICIALS. Officials of the department of labor and industry and truant officers may visit all factories, mills, workshops, mines, mercantile establishments, and all other places where labor is employed and ascertain whether any minors are employed contrary to the provisions of sections 181.31 to 181.42, and they shall report any case of such illegal employment to the school superintendent or to the chairman of the school board or board of education and to the department. These officials and truant officers may require that these employment certificates and lists of minors employed shall be produced for their inspection. Complaints for offenses under sections 181.31 to 181.42 may be brought by any official of the department of labor and industry, and any one who refuses to allow the visitation in this section provided for shall be guilty of a misdemeanor.

[1907 c 299; Ex1912 c 8 s 9; Ex1967 c 1 s 6] (4102)

181.40 CHILDREN UNDER SPECIFIED AGES; PROHIBITED EMPLOYMENTS. No person shall employ or permit any child under the age of 16 years to serve or work as an employee of such person in any of the following occupations:

Sewing or adjusting belts used on machinery; oiling or assisting in oiling, wiping, or cleaning machinery; operating or assisting in operating circular or band saws, wood-shapers, wood-jointers, planers, sandpaper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacture, stamping machines in washer and nut factories; operating corrugating rolls used in roofing factories; operating a steam boiler, steam machinery, or other steam generating apparatus; setting pins in bowling alleys; operating or assisting in operating dough grates or cracker machinery; operating wire or iron straightening machinery; operating or assisting in operating rolling mill machinery; punches or shears, washing, grinding or mixing mill; operating calendar rolls in rubber manufacturing; operating or assisting in operating laundry machinery; preparing or assisting in preparing any composition in which dangerous or poisonous acids are used; operating or assisting in operating any passenger or freight elevator; manufacturing of goods for immoral purposes; nor in any other employment or occupation dangerous to the life, limb, health or morals of such child.

No female under 16 years of age shall be employed where such employment requires such female to stand constantly during such employment.

No child under the age of 18 years shall be employed as a rope or wire walker, contortionist, or at flying rings, horizontal bars, trapeze or other aerial acts, pyramiding, weight lifting, balancing, or casting acts, or in any practices or exhibitions dangerous or injurious to the life, limb, health or morals of such child.

No child under the age of ten years, whether or not a resident of this state, may be employed or exhibited in any theatrical exhibition except in the cases herein-after referred to.

No child over the age of ten, and under the age of 16, years, whether or not a resident of this state, shall be employed or exhibited in any theatrical entertainment except with the permission of the department; provided, that under a permit hereinafter provided for, one or more children under the age of 16 years may participate in a family group with either or both of their parents in instrumental musical performance not prohibited as being dangerous or injurious to the health, life, limb, or morals of such child or children and not detrimental to their education; and, provided, that under such a permit a child or children under the age of 16 years may participate in legitimate dramatic performances by adults where some part or parts can only be portrayed by a child or children and where no singing, dancing, or acrobatic performance, nor any practice or exhibition dangerous or injurious to the life, limb, health, or morals, is performed by such child or children.

In the event it is desired to employ or exhibit in any theatrical entertainment a child within the age limits permitted by law, during that portion of the year when such employment or exhibition is permitted, written application shall be made to the department, specifying the name of the child, its age, and the names and residence of its parents or guardian, the nature and kind of such performances, the dates, duration, and number of performances desired, together with the place and character of the exhibition.

Application for any permit under sections 181.31 to 181.42 shall be made at least 72 hours before the first performance at which it is desired to exhibit such child.

The department shall, through its division of women and children, investigate each application and have the power to grant a permit for such employment or exhibition not prohibited by law, and for any period during which such employment or exhibition is not prohibited by law, after it shall first find that the health, education or school work, morals, and welfare will not be detrimentally affected by such employment or exhibition or by the environment in which the same is rehearsed or given. Such permit shall specify the name and residence of the child, the nature and date of performances and the number and duration thereof permitted.

The department shall revoke any permit when, in its opinion, the exhibition of any child in any performance is detrimental to its health, welfare, or morals or is interfering with its education.

Nothing contained in this section or in section 181.31 shall prohibit the appearance of any child in an entertainment given by one or more religious or educational organizations or by a neighborhood association of parents of the children who may perform before it, or in any recital connected with the teaching of the art or practice of music; but this shall not be construed as authorizing the appearance of any child in any such entertainment at which an admission fee is charged unless the entire program is furnished by and for the benefit of such religious or educational organization or neighborhood association at such recital unless the entire program is furnished by the pupils of the teachers sponsoring the recital.

Any person violating any of the provisions of sections 181.31 to 181.42 shall be guilty of a misdemeanor.

[1907 c 299; Ex1912 c 8 s 10; 1913 c 120; 1913 c 516 s 2; 1927 c 388 s 1; 1929 c 234 s 2; Ex1967 c 1 s 6] (4103)

181.41 EMPLOYMENT OF BOYS AND GIRLS AS MESSENGERS. No boy under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after nine o'clock in the evening of any day; and no girl under the age of 21 years shall be thus employed at any time. Any person employing any child in violations of the provisions of this section shall be guilty of a misdemeanor.

[1907 c. 299; Ex. 1912 c. 8 s. 11] (4104)

181.42 PHYSICIAN'S CERTIFICATE. In case any child appears to be unable to perform the labor at which he is employed, the officials of the department of labor and industry, or truant officers, shall require the employer of such child to procure a certificate from a reputable practicing physician, duly designated for such purpose by the school board, affirming the physical fitness of the child for such work, and a child as to whom such certificate cannot be obtained shall not

be employed. Any person refusing to produce the certificate herein required upon demand, or who shall employ a child when a certificate has been procured stating that such child is physically unable to work, shall be guilty of a misdemeanor.

[1907 c. 299; Ex. 1912 c. 8 s. 12] (4105)

181.43 CERTAIN EMPLOYMENTS FORBIDDEN. No boy under 16 years of age, and no girl under 18 years of age, shall engage in or carry on or be employed or permitted or suffered to be employed in any city of the first, second, or third class in the occupation of peddling, bootblacking, or distributing or selling newspapers, magazines, periodicals, or circulars, upon the streets or in public places. Any boy between 14 and 16 years of age, upon application to the school authorities, as in the case of application for an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate, shall receive a permit and badge from the officer authorized to issue employment certificates, which shall authorize the recipient to engage in such occupations between the hours of five o'clock a. m., and eight o'clock p. m. each day, but at no other time, except as provided in section 181.45. Any boy between 12 and 16 years of age, upon application, as provided in section 181.42, and upon due proof of age and physical fitness in the manner provided by law for the issuance of employment certificates, may receive a permit and a badge from the officer authorized to issue employment certificates, which shall authorize the recipient to engage in such occupations during those hours between five o'clock a. m., and eight o'clock p. m., when the public schools of the city where such boy resides are not in session; but at no other time, except as provided in section 181.45.

Any person who knowingly and wilfully employs or permits or suffers to be employed any child in violation of this section, or any person who knowingly and wilfully aids or abets any child to violate the provisions of this section, shall be guilty of a misdemeanor.

[1921 c. 318 s. 1; 1933 c. 63] (4106)

181.44 SALE OF EXTRAS. Any boy who has received a permit and a badge may sell, after eight o'clock in the evening, extra editions of daily newspapers; provided, that nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city.

[1921 c. 318 s. 2] (4107)

181.45 ISSUE AND USE OF BADGES. The sum of 25 cents shall be deposited with the city treasurer for the use of each badge, which sum shall be refunded upon its return. Badges shall not be transferrable and shall be good only in the city in which they are issued. They shall be displayed by the recipient at all times while engaged in any of the occupations permitted, in such manner as may be prescribed by the officer issuing the same. No boy to whom a permit and a badge have been issued, as provided herein, shall permit the same to be carried, worn, or used by another.

[1921 c. 318 s. 3] (4108)

181.46 DELINQUENCY. Any child who persistently violates any of the provisions of sections 181.43 to 181.48 shall be deemed delinquent. The school attendance officers of the cities to which these sections apply are hereby charged with the enforcement thereof.

[1921 c. 318 s. 4] (4109)

181.47 RECALL AND SURRENDER OF BADGE. Any permit or badge issued may be recalled at the discretion of the officer issuing the same; and upon an adjudication of delinquency against any boy to whom a permit and badge have been issued pursuant to the provisions of sections 181.43 to 181.48, the court may, in addition to such other correction as may be deemed advisable, require him to surrender his permit and badge for a period to be determined by the court.

[1921 c. 318 s. 5] (4110)

181.48 CARRIERS. Nothing in sections 181.43 to 181.48 shall be construed to apply to the regularly employed newspaper carriers or to persons distributing newspapers, magazines, or periodicals to regular subscribers at their residences or established places of business.

[1921 c. 318 s. 6] (4111)

181.49 MINORS NOT TO BE EMPLOYED IN ENDURANCE CONTESTS. No person under the age of 18 years shall be employed, permitted or suffered to work, or to appear as a participant in or in connection with any walkathon, dance mara-

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thon or similar contest, night club, beer parlor, or other place of like nature or character.

[1935 c. 109 s. 1] (4111-1)

181.50 CERTAIN ACTS FORBIDDEN. Any person who employs, causes or suffers to be employed, or who exhibits, uses, or has in custody for the purpose of exhibition, use or employment any child under 18 years of age, or who, having the care, custody, or control of any such child as parent, relative or guardian, employer or otherwise, sells, lets out, gives away, or in any way procures or consents to the employment, or to such use or exhibition, of such child, or who neglects or refuses to restrain such child from engaging or acting in any occupation prohibited by this section, shall be guilty of a misdemeanor.

[1935 c. 109 s. 2] (4111-2)

181.51 APPLICATION OF SECTIONS 181.49 AND 181.50. Sections 181.49 and 181.50 shall not apply to participation in any theatrical performance as defined and regulated by section 181.40.

[1935 c. 109 s. 3] (4111-3)

181.52 INTERFERENCE WITH EMPLOYMENT. No individual, corporation, member of any firm, or any agent, officer, or employee of any of them, shall contrive or conspire to prevent any person from obtaining or holding any employment, or discharge, or procure or attempt to procure the discharge of, any person from employment, by reason of his having engaged in a strike.

[R. L. s. 1822] (4201)

181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED. No person, whether acting directly or through an agent, or as the agent or employee of another, shall require as a condition precedent to employment any written statement as to the participation of the applicant in a strike, or as to his personal record, save as to his conviction of a public offense, for more than one year immediately preceding the date of his application therefor; nor shall any person, acting in any of the aforesaid capacities, use or require blanks or forms of application for employment in contravention of this section.

[R. L. s. 1823] (4202)

181.54 COMMISSIONER OF PUBLIC WELFARE, SAFETY INSPECTION WORK. The commissioner of public welfare is hereby authorized and empowered to expend out of any relief funds available therefor such sums of money which in his judgment may be necessary for safety inspection work required by law for the protection of employees engaged upon such state and federal projects as may be designated by him.

[1935 c 233 s 1; 1939 c 431 art 7 s 2; 1953 c 593 s 2] (4202-1)

181.55 WRITTEN STATEMENT TO EMPLOYEES BY EMPLOYERS. When a contract of employment is consummated between an employer and an employee for work to be performed in this state, or for work to be performed in another state for an employer localized in this state, the employer shall give to the employee a written and signed agreement of hire, which shall clearly and plainly state:

- (1) The date on which the agreement was entered into;
- (2) The date on which the services of the employee are to begin;
- (3) The rate of pay per unit of time, or of commission, or by the piece, so that wages due may be readily computed;
- (4) The number of hours a day which shall constitute a regular day's work, and whether or not additional hours the employee is required to work shall constitute overtime and be paid for, and, if so, the rate of pay for overtime work; and
- (5) A statement of any special responsibility undertaken by the employee, not forbidden by law, which, if not properly performed by the employee, will entitle the employer to make deductions from the wages of the employee, and the terms upon which such deductions may be made.

[1933 c. 250 s. 1] (4126-11)

181.56 NO STATEMENT GIVEN; BURDEN OF PROOF. Where no such written agreement is entered into the burden of proof shall be upon the employer to establish the terms of the verbal agreement in case of a dispute with the employee as to its terms.

[1933 c. 250 s. 2] (4126-12)

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181.57 APPLICATION OF SECTIONS 181.55 AND 181.56. Sections 181.55 and 181.56 shall not apply to farm labor, nor to casual employees temporarily employed, nor employers employing less than ten employees.

[1933 c. 250 s. 3] (4126-13)

181.58 SURVIVING SPOUSE PAID WAGES DUE. For the purposes of this section the word "employer" includes every person, firm, partnership, corporation, the State of Minnesota, all political subdivisions, and all municipal corporations.

If, at the time of the death of any person, his employer is indebted to him for work, labor, or services performed, and no executor or administrator of his estate has been appointed, such employer shall, upon the request of the surviving spouse, forthwith pay this indebtedness, in such an amount as may be due, not exceeding the sum of \$1,000, to the surviving spouse. The employer may in the same manner provide for payment to the surviving spouse of accumulated credits under the vacation or overtime plan or system maintained by the employer. The employer shall require proof of claimant's relationship to decedent by affidavit, and require claimant to acknowledge receipt of such payment in writing. Any payments made by the employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable therefor to the decedent's estate or the decedent's executor or administrator thereafter appointed. Any amounts so received by a spouse shall be considered in diminution of the allowance to the spouse under section 525.15.

[1941 c 408 s 1; 1951 c 531 s 1; 1957 c 126 s 1]

181.59 DISCRIMINATION ON ACCOUNT OF RACE, CREED, OR COLOR PROHIBITED IN CONTRACT. Every contract for or on behalf of the State of Minnesota, or any county, city, borough, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the contractor agrees:

(1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract hereunder, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States who are qualified and available to perform the work to which such employment relates;

(2) That no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any such person or persons, or on being hired, prevent, or conspire to prevent, any such person or persons from the performance of work under any contract on account of race, creed, or color;

(3) Any violation of this section shall be a misdemeanor; and

(4) That this contract may be canceled or terminated by the state, county, city, borough, town, school board, or any other person authorized to grant contracts for such employment, and all money due, or to become due hereunder, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

[1941 c. 238]

181.60 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 181.60 to 181.62, unless a different meaning is indicated by the context, the terms defined in this section shall have the meanings given them.

Subd. 2. **Employer.** "Employer" means any individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within the state.

Subd. 3. **Employee.** "Employee" means any person who may be permitted, required, or directed by any employer, as defined in subdivision 2, in consideration of direct or indirect gain or profit, to engage in any employment.

[1951 c 201 s 1]

181.61 MEDICAL EXAMINATION; RECORDS, COSTS. It is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment, except certificates of attending physicians

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in connection with the administration of an employee's pension and disability benefit plan or citizenship papers or birth certificates.

[1951 c 201 s 2]

181.62 VIOLATION. Any employer who violates any of the provisions of sections 181.60 to 181.62 is guilty of a misdemeanor.

[1951 c 201 s 3]

181.63 SALE OR USE OF SILICATE, SILICA DUST, OR SILICON FLOUR FOR CERTAIN PURPOSES. It shall be unlawful and a misdemeanor in the state of Minnesota to sell or use any materials used in a dry state for dusting the surface of molds to form a separation of the component parts of the mold which contain silicate, silica dust, or silica flour. It shall be the duty of the department of labor and industry to see that the provisions of this section are enforced and to institute proceedings against any employer or other person who shall violate its provisions.

[1953 c 484 s 1; Ex1967 c 1 s 6]

181.64 FALSE STATEMENTS AS INDUCEMENT TO ENTERING EMPLOYMENT. It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, doing business in this state, directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this state, or to change from any place in any state, territory, or country to any place in this state, to work in any branch of labor through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or failure to state in any advertisement, proposal, or contract for the employment that there is a strike or lockout at the place of the proposed employment, when in fact such strike or lockout then actually exists in such employment at such place. Any such unlawful acts shall be deemed a false advertisement or misrepresentation for the purposes of this section and section 181.65.

[1913 c 544 s 1; 1923 c 272 s 1] (10392)

181.65 PENALTIES. Any person, firm, association, or corporation violating any provision of section 181.64 and this section shall be guilty of a misdemeanor. Any person who shall be influenced, induced, or persuaded to enter or change his employment or change his place of employment through or by means of any of the things prohibited in section 181.64, shall have a right of action for the recovery of all damages that he shall have sustained in consequence of the false or deceptive representations, false advertising, or false pretenses used to induce him to enter into or change his place of employment, against any person, firm, association, or corporation directly or indirectly causing such damage; and, in addition to all such actual damages such person may have sustained, shall have the right to recover such reasonable attorneys' fees as the court shall fix, to be taxed as costs in any judgment recovered.

[1913 c 544 s 2; 1923 c 272 s 2] (10393)