

MINNESOTA STATUTES 1975 SUPPLEMENT

176.611 WORKERS' COMPENSATION

[For text of subs 1 to 4, see M.S.1974]

Subd. 6a. Appropriations constituting fund. There is hereby appropriated from the general fund in the state treasury to the state compensation revolving fund the sum of \$967,690 to be used to pay claims of employees of the state. This appropriation together with the sum of \$74,013.12 heretofore appropriated from the trunk highway fund and \$2,395,986.88 heretofore appropriated from the general fund totals \$3,437,960 and constitutes the revolving fund.

[1975 c 204 s 77]

176.621 [Repealed, 1975 c 61 s 26]

176.631 [Repealed, 1975 c 61 s 26]

176.645 Adjustment of benefits.

For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the amount being paid to the employee by the employer shall on October 1, 1976, and each October 1 thereafter be adjusted by multiplying the benefit payable prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, 21 months prior to the adjustment and the numerator of which is the statewide average weekly wage for December 31, nine months prior to the adjustment.

[1975 c 359 s 20]

176.82 Action for civil damages for obstructing employee seeking benefits.

Any person discharging or threatening to discharge an employee for seeking workmen's compensation benefits or in any manner intentionally obstructing an employee seeking workmen's compensation benefits is liable in a civil action for damages incurred by the employee including any diminution in workers' compensation benefits caused by a violation of this section including costs and reasonable attorney fees, and for punitive damages not to exceed three times the amount of any compensation benefit to which the employee is entitled. Damages awarded under this section shall not be offset by any workmen's compensation benefits to which the employee is entitled.

[1975 c 359 s 21]

CHAPTER 177. MINIMUM WAGES

Sec. 177.23	Definitions.	Sec. 177.43	Contracts for state projects; penalty.
177.41	State projects and state highway construction; public policy.	177.44	Highway contracts; hours of labor; wage rates; penalty.
177.42	Definitions.		

177.23 Definitions.

[For text of subs 1 to 6, see M.S.1974]

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm;

MINNESOTA STATUTES 1975 SUPPLEMENT

MINIMUM WAGES 177.41

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304.

[1975 c 399 s 1]

[For text of subs 8 and 9, see M.S.1974]

177.41 State projects and state highway construction; public policy.

It is in the public interest that public buildings and other public works be constructed and maintained by the best means and highest quality of labor reasonably available, and that persons working on public works be compensated according to the real value of the services they perform. It is therefore declared to be the public policy of this state that wages of laborers, workmen and mechanics engaged in state projects financed in whole or part by state funds should be comparable to wages paid for similar work in the community as a whole.

[1975 c 191 s 1]

MINNESOTA STATUTES 1975 SUPPLEMENT

177.42 MINIMUM WAGES

177.42 Definitions.

[For text of subd 1, see M.S.1974]

Subd. 2. "Project" means erection, construction, remodeling or repairing of any public building or other public work financed in whole or part by state funds.

[1975 c 191 s 2]

[For text of subds 3 to 6, see M.S.1974]

177.43 Contracts for state projects; penalty.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. The prevailing wage rates, prevailing hours of labor and hourly basic rates of pay for all trades and occupations required in any contemplated project shall be ascertained before the state asks for bids. The department of labor and industry shall make such investigations as may be necessary to enable it to ascertain such information. The department shall keep the information posted on the project in at least one conspicuous place for the information of the employees working on the project.

Subd. 5. Any officer or employee of the state who executes any contract for a project as defined in section 177.41 without complying with this section, and any contractor, subcontractor or agent thereof who, after executing a contract in compliance with this section, pays to any laborer, workman or mechanic employed directly upon the project site a lesser wage for work done under such contract than the prevailing wage rate as set forth in the contract shall be guilty of a misdemeanor and may be fined not more than \$300, or imprisoned for not more than 90 days, or both. Such agent or subcontractor shall furnish to the contractor evidence of compliance with this section. Each day any violation of this section continues shall be deemed a separate offense.

[1975 c 191 s 3,4]

[For text of subds 6 and 7, see M.S.1974]

177.44 Highway contracts; hours of labor; wage rates; penalty.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. The commissioner of labor and industry shall at least once a year certify the prevailing hours of labor, the prevailing wage rate and the hourly basic rate of pay for all classes of laborers and mechanics referred to in subdivision 3 in each area. The certification shall in addition to the current prevailing hours of labor, the prevailing wage rates and the hourly basic rates of pay include future hours and rates when such hours and rates can be determined for any such classes of laborers and mechanics in any area and shall specifically set forth the effective dates thereof when future hours and rates are certified. If a construction project extends into more than one area there shall be but one standard of hours of labor and wage rates for the entire project. If, in the opinion of the commissioner, a change in the certified prevailing hours of labor, prevailing wage rate and the hourly basic rate of pay for any class of laborers or mechanics in any area is required, the commissioner may at any time certify that change.

MINNESOTA STATUTES 1975 SUPPLEMENT

CHILD LABOR 181A.07

[For text of subd 5, see M.S.1974]

Subd. 6. Any contractor, subcontractor or agent thereof who violates this section is guilty of a misdemeanor and may be fined not more than \$300 or imprisoned not more than 90 days or both. Each day that any such violation continues shall be deemed a separate offense.

Whoever induces any individual who seeks to be or is employed on any project subject to this section to give up or forego any part of the wages to which he is entitled under the contract governing such project by threat not to employ, by threat of dismissal from such employment or by any other means may be fined not exceeding \$1,000 or imprisoned not more than one year or both.

Any person employed on a project under a contract subject to this section who knowingly permits the contractor or subcontractor to pay him less than the prevailing wage rate set forth in such contract, or who gives up any part of the compensation to which he is entitled thereunder, may be fined not exceeding \$40 or imprisoned not more than 30 days or both. Each day any violation of this paragraph continues shall be deemed a separate offense.

[1975 c 191 s 5,6]

[For text of subd 7, see M.S.1974]

CHAPTER 179. LABOR RELATIONS

Sec.

179.74 State and its employees; negotiations;
appropriate units.

179.74 State and its employees; negotiations; appropriate units.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified service defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

[1975 c 381 s 20]

[For text of subd 5, see M.S.1974]

CHAPTER 181A. CHILD LABOR

Sec.

181A.07 Exemptions.

181A.07 Exemptions.

Subdivision 1. Minors employed in corn detasseling operations and other agricultural operations, with the permission of their parents or guardian, shall