

MINNESOTA STATUTES 1975 SUPPLEMENT

181A.07 CHILD LABOR

be exempt from the provisions of section 181A.04, subdivision 4. Such minors 12 years of age or older are exempt from the age provision of section 181A.04, subdivision 1.

[1975 c 204 s 78]

[For text of subds 2 to 6, see M.S.1974]

CHAPTER 181B. PRIVATE PENSION BENEFITS PROTECTION

Sec.
181B.101 Loss of rights clause void. [New]

181B.101 Loss of rights clause void.

A clause in a pension or profit sharing plan which provides that the employee will lose a vested right or vested pension or profit sharing benefit if the employee joins a competing employer is void. This section is effective for rights and benefits which become vested before or after August 1, 1975.

[1975 c 307 s 1]

CHAPTER 182. OCCUPATIONAL SAFETY AND HEALTH

Sec.		Sec.	
182.651	Definitions.	182.66	Citations.
182.656	Occupational safety and health advisory board.	182.661	Enforcement.
		182.669	Discrimination.

182.651 Definitions.

[For text of subds 1 to 11, see M.S.1974]

Subd. 12. "Serious violation" means a violation of any standard, rule, regulation or order other than a de minimis violation which is the proximate cause of the death of an employee. It also means a violation of any standard, rule, regulation or order which creates a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such a place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

[1975 c 375 s 1]

[For text of subd 13, see M.S.1974]

182.656 Occupational safety and health advisory board.

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

Subd. 2. [Repealed, 1975 c 315 § 26]

Subd. 3. A majority of the board members constitutes a quorum. The board shall meet at the call of its chairman, or upon request of any six members. A tape recording of the meeting with the tape being retained for a one-year period will be available upon the request and payment of costs to any interested party. The board shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

[1975 c 315 s 14]

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OCCUPATIONAL SAFETY AND HEALTH 182.669

182.66 Citations.

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

Subd. 2. Each citation issued under this section, and the penalty proposed to be assessed under section 182.666, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the commissioner, at or near each place a violation referred to in the citation occurred. Each citation and proposed penalty shall be posted for a minimum period of 15 days.

[1975 c 375 s 2]

[For text of subd 3, see M.S.1974]

182.661 Enforcement.

Subdivision 1. If, after an inspection or investigation, the commissioner issues a citation under section 182.66, he shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 15 working days within which to notify in writing the commissioner that he wishes to contest the citation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be issued by certified mail to the bargaining representative and, in the case of the death of an employee, to the next of kin if requested and designated representative of the employee if known to the department of labor and industry. If within 15 working days from the receipt of the notice issued by the commissioner the employer fails to notify the commissioner in writing that he intends to contest the citation or proposed assessment of penalty, and no notice contesting either the citation, the type of violation, proposed penalty, or the time fixed for abatement in the citation is filed by any employee or representative of employees under section 182.661, subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the commission and not subject to review by any court or agency.

[For text of subd 2, see M.S.1974]

Subd. 3. If an employer notifies the commissioner that he intends to contest the citation or the proposed assessment of penalty or the employee or the employee representative notifies the commissioner that he intends to contest the time fixed for abatement in the citation issued under section 182.66, the citation, the type of alleged violation, the proposed penalty, or notification issued under subdivisions 1 or 2, the commission shall conduct a hearing in accordance with the applicable provisions of chapter 15, for hearings in contested cases. The rules of procedure prescribed by the commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subdivision.

[1975 c 375 s 3,4]

[For text of subd 4, see M.S.1974]

182.669 Discrimination. Subdivision 1.

Any employee who believes that he has been discharged or otherwise discriminated against by any person because such employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of such com-

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182.669 OCCUPATIONAL SAFETY AND HEALTH

plaint, the commissioner shall cause such investigation to be made as he deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee he shall bring an action against the employer in the district court in the county where the alleged discrimination occurred or in a county where the employer transacts business. The district court may order rehiring of the employee, reinstatement of his former position, fringe benefits, seniority rights, back pay, recovery of compensatory damages, and reasonable attorney fees, or other appropriate relief. Nothing in this section precludes an employee from bringing an action for relief under this section or any other provision of law.

Subd. 2. [Repealed, 1975 c 343 s 2]

Subd. 3. [Repealed, 1975 c 343 s 2]

Subd. 4. [Repealed, 1975 c 343 s 2]

Subd. 5. [Repealed, 1975 c 343 s 2]

Subd. 6. [Repealed, 1975 c 343 s 2]

[1975 c 343 s 1]

CHAPTER 184. EMPLOYMENT AGENCIES

Sec.
184.23 Advisory board created.

184.23 Advisory board created.

Subdivision 1. There is created a board to be known as the employment agency advisory board whose duty shall be to advise the department as to the administration of the provisions of sections 184.21 to 184.40. Such board shall consist of nine members, appointed by the commissioner of labor and industry. A majority of those selected shall be actually engaged as an owner or manager of an employment agency licensed by the state of Minnesota for a period of three years immediately preceding the time of their appointment.

Subd. 2. [Repealed, 1975 c 315 s 26]

Subd. 3. The board shall meet at the call of the commissioner and advise and consult on all major policy matters relating to the licensing of an employment agent or counselor. The board shall elect annually from its members a chairman, vice chairman and secretary. The board is also authorized to conduct its own meetings at the call of the chairman. The board shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 15,16]

CHAPTER 190. THE MILITARY FORCES

Sec.
190.31 Repealed.

190.31 [Repealed, 1975 c 432 s 97]

CHAPTER 197. VETERANS; REWARDS; PRIVILEGES

Sec.
197.45 Repealed.
197.455 State law applicable. [New]
197.46 Veterans preference act; removal forbidden; right of mandamus.
197.47 Repealed.
197.481 Enforcement.
197.971 Vietnam veterans bonus, definitions.

Sec.
197.972 Adjusted compensation.
197.973 Applications.
197.976 Commissioner of veterans affairs; powers and duties.
197.977 Appeals.
197.978 Board of review.

197.45 [Repealed, 1975 c 45 s 7]

197.455 State law applicable.

The provisions of section 43.30 granting preference to veterans in the state civil service shall also govern preference of a veteran under the civil ser-