

MINNESOTA STATUTES 1979 SUPPLEMENT

WORKERS' COMPENSATION 176.611

This notification is not required in cases where compliance with this subdivision would result in the claim being barred by section 176.151 or other sections.

[*Ex1979 c 3 s 58*]

176.391 Investigations.

[*For text of subd 1, see M.S.1978*]

Subd. 2. **Appointment of physicians, surgeons, and other experts.** The workers' compensation court of appeals, or a judge of the workers' compensation court of appeals or compensation judge assigned to a matter, or the commissioner of labor and industry, may appoint one or more neutral physicians or surgeons from the list established by the commissioner to examine the injury of the employee and report thereon. Where necessary to determine the facts, the services of other experts may also be employed.

[*For text of subds 3 and 4, see M.S.1978*]

[*Ex1979 c 3 s 59*]

176.521 Settlement of claims.

Subdivision 1. **Validity.** An agreement between an employee or his dependent and the employer or insurer to settle any claim, which is not upon appeal before the workers' compensation court of appeals, for compensation under this chapter is valid where it has been executed in writing and signed by the parties, and intervenors in the matter, and the division has approved the settlement and made an award thereon. If the matter is upon appeal before the workers' compensation court of appeals, the workers' compensation court of appeals is the approving body.

Subd. 2. **Approval.** Settlements shall be approved only where the terms conform with this chapter.

The division and the workers' compensation court of appeals shall exercise discretion in approving or disapproving a proposed settlement.

The parties to the agreement of settlement have the burden of proving that the settlement is reasonable, fair, and in conformity with this chapter. A settlement agreement where both the employee or his dependent and the employer or insurer and intervenors in the matter are represented by an attorney shall be presumed to be reasonable, fair, and in conformity with this chapter.

[*For text of subd 3, see M.S.1978*]

[*1979 c 271 s 1; Ex1979 c 3 s 60*]

176.611 Maintenance of state compensation revolving fund.

[*For text of subds 1 to 4, see M.S.1978*]

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 \$3,437,690 and constitutes the revolving fund.

[*1979 c 50 s 19*]

CHAPTER 177. MINIMUM WAGES

Sec.
177.23 Definitions.

Sec.
177.24 Payment of minimum wages.

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177.23 MINIMUM WAGES

177.23 Definitions.

[For text of subs 1 to 6, see M.S.1978]

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 to perform services other than corn detasseling;

(2a) for purposes of section 177.24, an individual who has not attained the age of 18 who is employed in agriculture as a corn detasseler;

(3) any staff member employed with an organized resident or day camp licensed with the state;

(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.

[For text of subs 8 to 10, see M.S.1978]

[1979 c 281 s 1]

177.24 Payment of minimum wages.

Subdivision 1. Except as may otherwise be provided in sections 177.21 to 177.35, or by rule issued pursuant thereto, every employer shall pay to each employee who is 18 years of age or older wages at a rate of not less than \$2.90 an hour beginning January 1, 1980, \$3.10 an hour beginning January 1, 1981, and \$3.35 an hour beginning January 1, 1982, and shall pay to each employee who is under the age of 18 wages at a rate of not less than \$2.61 an hour beginning January 1, 1980, \$2.79 an hour beginning January 1, 1981, and \$3.02 an hour beginning January 1, 1982.

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MASTER AND APPRENTICE 178.03

[For text of subs 2 and 3, see M.S.1978]

[1979 c 281 s 2]

CHAPTER 178. MASTER AND APPRENTICE

Sec. 178.02	Apprenticeship advisory council.	Sec. 178.05	Apprenticeship committees and programs.
178.03	Division of voluntary apprenticeship.	178.06	Apprentice.

178.02 Apprenticeship advisory council.

Subdivision 1. **Members.** The commissioner of labor and industry, hereinafter called the commissioner, shall appoint an apprenticeship advisory council, hereinafter referred to as the council, composed of three representatives each from employer and employee organizations, and two representatives of the general public. The assistant commissioner of education responsible for vocational education or his designee shall be an ex officio member of the council and shall serve in an advisory capacity only.

[For text of subs 2 to 4, see M.S.1978]

[1979 c 130 s 1]

178.03 Division of voluntary apprenticeship.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. **Duties and functions.** The director, under the supervision of the commissioner, and with the advice of the apprenticeship advisory council, is authorized: to administer the provisions of this chapter; to promote apprenticeship and other forms of on the job training; to establish, in cooperation with the apprenticeship advisory council and with the apprenticeship committees, conditions and training standards for the approval of apprenticeship programs and agreements, which conditions and standards shall in no case be lower than those prescribed by this chapter; to promote equal employment opportunity in apprenticeship and other on the job training and to establish a Minnesota Plan for Equal Employment Opportunity in Apprenticeship which shall be consistent with standards established under Title 29, Code of Federal Regulations, Part 30, as amended; to issue certificates of registration to sponsors of approved apprenticeship programs; to act as secretary of the apprenticeship advisory council; to approve, if in his opinion approval is for the best interest of the apprentice, any apprenticeship agreement which meets the standards established hereunder; to terminate any apprenticeship agreement in accordance with the provisions of such agreement; to keep a record of apprenticeship agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as the commissioner deems necessary to carry out the intent of this chapter; provided, that the administration and supervision of supplementary instruction in related subjects for apprentices; coordination of instruction on a concurrent basis with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the function of state and local boards responsible for vocational education. The director shall have the authority to make wage determinations applicable to the graduated schedule of wages and journeyman wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeymen that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

Subd. 4. **Reciprocity approval.** The director, if requested by a sponsoring entity, shall grant reciprocity approval to apprenticeship programs of employers and unions who jointly form a sponsoring entity on a multi-state basis in other than the building construction industry if such programs are in conformity with this chapter and have been registered in compliance with Title 29, Code of Federal Regulations, Part 29, by a