

## CHAPTER 177

### MINIMUM WAGES

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#### 177.23 DEFINITIONS.

*[For text of subds 1 to 6, see M.S.1982]*

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

(1) two or less specified individuals employed at any given time in agriculture on a farming unit or operation who are paid on a salaried basis;

(1a) any individual employed in agriculture on a farming unit or operation who is paid on a salaried basis an amount in excess of what the individual would be paid if the individual worked 48 hours at the state minimum wage plus 17 hours at 1-1/2 times the state minimum wage per week;

(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 or hand field work when one or both of that minor hand field worker's parents or physical custodians are also hand field workers;

(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 those terms are defined and delimited by rules of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as those terms are defined by rules 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 seasonal 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;

(15) any individual employed as a seafarer; the term "seafarer" means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. section 213(b)(6).

(16) any individual employed by a county in a single family residence owned by a county home school as authorized under section 260.094 if the residence is an extension facility of that county home school and if the individual as part of his employment duties and remuneration resides at said residence for the purpose of supervising children as defined by section 260.015, subdivision 2.

*[For text of subds 8 to 10, see M.S.1982]*

**History:** 1983 c 60 s 1; 1983 c 122 s 1

#### **177.25 OVERTIME.**

*[For text of subds 1 to 3, see M.S.1982]*

Subd. 4. The provisions of subdivision 1 shall not apply if the employee is employed in the construction of on-farm silos or the installation of appurtenant equipment on a unit or piece rate basis, provided that the regular rate of pay received per hour of work pursuant to applicable rules exceeds the applicable wage provided in section 177.24, subdivision 1.

**History:** 1983 c 95 s 1

#### **177.251 RIDESHARING NOT OVERTIME.**

The provisions of this chapter relating to compensation for overtime and payment of a minimum wage do not apply to employees while they are participating in ridesharing arrangements as defined in section 169.01, subdivision 63.

**History:** 1983 c 311 s 10

#### **177.27 POWERS AND DUTIES OF THE COMMISSIONER.**

*[For text of subd 1, see M.S.1982]*

Subd. 2. The commissioner or an authorized representative may require the employer of employees engaged in any occupation in the state to submit to the commissioner or the authorized representative photocopies, certified copies, or, if necessary, the originals of employment records which the commissioner or the authorized representative deems necessary or appropriate. The records which may be required include but are not limited to full and correct statements in writing, including sworn statements by the employer, containing information relating to wages, hours, names, addresses, and any other information pertaining to the employer's employees and the conditions of their employment as the commissioner or the authorized representative deems necessary or appropriate.

The commissioner or the commissioner's authorized representative may require the records to be submitted by certified mail delivery or, if necessary, by

personal delivery by the employer or a representative of the employer, as authorized by the employer in writing.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to submit or deliver records as required by this section. The penalty imposed by this section is in addition to any penalties provided under section 177.32, subdivision 1.

*[For text of subds 3 to 6, see M.S.1982]*

**History:** 1983 c 209 s 1

### 177.29 JUDICIAL REVIEW.

Subdivision 1. **Appeal.** Any person aggrieved by any administrative rule issued pursuant to section 177.28 may appeal in accordance with chapter 14.

Subd. 2. [Repealed, 1983 c 247 s 219]

Subd. 3. [Repealed, 1983 c 247 s 219]

**History:** 1983 c 247 s 75

### 177.30 KEEPING RECORDS.

Every employer subject to sections 177.21 to 177.35 or any rule adopted pursuant to those sections shall make and keep, for a period of not less than three years in or about the premises in which any employee is employed, a record of the name, address and occupation of each employee, the rate of pay, and the amount paid each pay period to each employee, the hours worked each day and each workweek by the employee, and other information as deemed necessary and appropriate by the commissioner for the enforcement of sections 177.21 to 177.35.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to maintain records as required by this section. The penalty imposed by this section is in addition to any penalties provided under section 177.32, subdivision 1.

**History:** 1983 c 209 s 2

### 177.31 POSTING OF LAW AND RULES.

Every employer subject to sections 177.21 to 177.35 shall obtain and keep a summary of those sections, approved by the department, and copies of any applicable rules adopted pursuant to those sections, or a summary of the rules, and shall post the summaries in a conspicuous and accessible place in or about the premises in which any person covered by sections 177.21 to 177.35 is employed. The department shall furnish copies of the summaries and rules to employers without charge.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to comply with this section. The penalty imposed by this section is in addition to any penalties provided by section 177.32, subdivision 1.

**History:** 1983 c 209 s 3

### 177.32 PENALTIES.

Subdivision 1. An employer who does any of the following is guilty of a misdemeanor: (a) hinders or delays the commissioner or an authorized representative in the performance of duties required under sections 177.21 to 177.35; (b)

refuses to admit the commissioner or an authorized representative to the place of business or employment of the employer, as required by section 177.27, subdivision 1; (c) consistently and repeatedly fails to make, keep, and preserve records as required by section 177.30; (d) falsifies any record; (e) refuses to make any record available, or to furnish a sworn statement of the record or any other information as required by section 177.27; (f) consistently and repeatedly fails to post a summary of sections 177.21 to 177.35 or a copy or summary of the applicable rules as required by section 177.31; (g) pays or agrees to pay wages at a rate less than the rate required under sections 177.21 to 177.35; or (h) otherwise violates any provision of sections 177.21 to 177.35 or any rule adopted pursuant to those sections.

*[For text of subd 2, see M.S.1982]*

**History:** 1983 c 209 s 4