

CHAPTER 517—S. F. No. 898.

An Act to amend Section One (1) of Chapter 225 of the General Laws of 1909, as follows: Relating to the salaries of stenographic reporters in municipal courts.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Salary of reporter to be \$1,800 per annum.**—That Section one (1) of Chapter 225 of the General Laws of 1909, be amended so as to read as follows:

“Section 1. Each judge of the municipal court of the city of Minneapolis may appoint a stenographic reporter, who shall be well skilled in his profession and competent to discharge the duties required, and who shall be a sworn officer of court, and shall hold his office during the pleasure of said judge so appointing him.

The salary of said reporter shall be *eighteen hundred (\$1,800) dollars* per annum, payable in monthly installments by the city treasurer of the city of Minneapolis, from any funds in the city treasury not otherwise appropriated.”

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1913.

CHAPTER 518—S. F. No. 911.

An Act creating the department of labor and industries, and providing for a board of examiners to govern appointments therein, and to repeal Sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws of 1905, Chapter 356, General Laws of 1907, Chapter 180, General Laws of 1907, Chapter 497, General Laws of 1909, and providing penalties for the violation thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Creation of department of labor and subsidiary bureaus.**—The department of labor and industries shall consist of a bureau of statistics, a bureau of factory inspection, a bureau of women and children and a bureau of state free employment, and its officers shall consist of a commissioner of labor, an assistant commissioner of labor, a chief statistician and a woman superintendent of the bureau of women and children, and the department shall have its office in the state capitol.

There shall also be appointed one statistician, three deputy labor commissioners, an elevator inspector, a railroad inspector, five male factory inspectors, four male assistant factory inspectors, four female inspectors for the bureau of women and children, five local managers of employment offices, four assistant

managers of employment offices, three stenographers, one of whom shall be assigned to the bureau of women and children, and three clerks. The commissioner may also employ when necessary an experienced architect, and a competent physician, regularly practicing under the laws of this state, and such other help as the department may require.

Sec. 2. Appointments.—The commissioner of the bureau of labor, industries and commerce, who is in office when this law is enacted shall complete his term of office in the capacity of commissioner of the department of labor and industries. His successor shall be appointed by the governor, by and with the advice and consent of the senate, for a term of four years ending on the first Monday of January, 1919, and for each four years thereafter. All other officers and employes of the department except the assistant labor commissioner and one stenographer shall be appointed by the labor commissioner from a list of persons whose competency shall have been certified to by a board of examiners as provided in Sections 3 to 7 of this act, and shall remain in office until removed by the commissioner. The assistant labor commissioner and one stenographer shall be appointed by the commissioner without such examination. Provided, that the commissioner of labor upon the removal from office of any officer or employe appointed after examination by the board of examiners, shall file a statement in writing, giving the reasons for said removal, with the secretary of state, which statement shall be open to public inspection. The failure of the commissioner to make and file such statement within five days after such removal shall operate to reinstate such official or employe. No removal of any officer or employe covered by this act shall be made except for neglect of duty, incompetence, insubordination, intoxication or immorality. Provided, that all officers of the department shall hold office until their respective successors qualify.

Sec. 3. Qualifications.—No person shall be eligible to appointment as a chief factory inspector, elevator inspector, railroad inspector or factory inspector in the department of labor who is not possessed of practical experience and knowledge in and of the operation of such machinery, appliances and work places as he may be called upon to inspect; and every person desiring such an appointment shall be required to pass such a competitive examination touching his general qualifications and his knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by the board of examiners to the proper discharge of the duties of such position. No person shall be appointed to the position of deputy labor commissioner who is not possessed of such qualifications as the

board of examiners may determine necessary. No person shall be appointed superintendent of the bureau of women and children who is not competent to investigate and report to the commissioner of labor upon the conditions under which women and children are at work in all factories, workshops, hotels, restaurants, mercantile establishments and other places where women and children are employed, with such recommendations as will promote the health and welfare of the women and children so employed in this state. No person shall be appointed as a local manager or other employe of the state free employment offices who is not possessed of such knowledge as the board of examiners may deem necessary for the proper fulfillment of the duties of such position. No person shall be competent for appointment as statistician in the department of labor who has not demonstrated his competency to the satisfaction of the board of examiners, by his fulfillment of similar duties at a previous time, or, in the absence of, or in addition to previous experience, cannot satisfactorily pass such examination as the board of examiners shall provide for the filling of such statistical position. Experts and special agents appointed by the commissioner to assist in statistical or investigation work shall have such qualifications and pass such examinations as the board of examiners may specify. The commissioner of labor shall be empowered to temporarily appoint properly qualified persons who have not passed such examinations as are provided in Sections 2 and 3 of this act for a period of not to exceed sixty (60) days duration. Provided, that such appointments may not be renewed at the expiration of said sixty (60) days unless such appointee has passed the regular examination for such position. No person shall be eligible to appointment to any position in the department of labor, who, in addition to passing such examinations or meeting such requirements as are specified by law, is unable to satisfy the board of examiners and the appointing officers of his moral, mental and physical fitness to hold such position.

Sec. 4. Board of examiners.—To carry out the provisions of Sections 2 and 3 of this act a board of examiners is hereby created consisting of the state labor commissioner and two persons appointed by the governor. The labor commissioner shall be an ex-officio member of said board and the other members shall be appointed for a term of two years beginning the first Monday in January of each odd numbered year. Provided, that the first appointments under this section shall be made on or before June 1, 1913. In case of the inability of any member of this board to be present at any examination, the governor shall appoint a competent person to act in his place. The state labor commissioner shall be the secretary of such board and shall keep

the records, which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act, and all examination papers, which shall be public records. The secretary of the board shall likewise keep and have open to the inspection of the public a list of the names of the persons who are eligible to appointment. Two (2) members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. No member of the board shall receive any compensation for his services herein required, except his reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the department of labor in the same manner as other charges against such fund are paid.

Sec. 5. Examinations.—The board of examiners shall provide suitable lists of questions for such examinations which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants; from which list the labor commissioner shall make selections for the positions above named.

The board of examiners shall convene for the purpose of holding the first examination on or before the last Monday in June 1913, and annually thereafter. Special examinations may be held by the board upon the written request of the labor commissioner. Any person who shall pass such examinations shall be eligible to appointment at any time within one year from the date of his examination, provided, he shall remain morally, mentally, and physically fit. Thirty (30) days' notice, signed by the secretary of the board, of any examination held under the provisions of this act shall be given by one publication in one daily newspaper in the city of St. Paul, Minneapolis, and Duluth, and such notice shall state the time and place thereof and in general terms the subject matter upon which the applicants will be examined. All examinations shall be held in the city of St. Paul at some suitable place therein to be fixed by the board. If at any time there be an insufficient number of eligibles the commissioner shall have authority to temporarily fill a vacancy or vacancies, such appointment to hold until such list of eligibles has been sufficiently replenished, but not to exceed three months, provided, that, unless prevented by extraordinary conditions, the board of examiners shall hold an examination to replenish the list of eligibles within three months of the date of such temporary appointment.

Sec. 6. Offices vacated.—All positions in the bureau of labor, industries and commerce, covered by the provisions of this act and subject to examination under the provisions of this act are hereby declared vacated on August 1, 1913, and shall be filled by such persons as are appointed under the provisions of this act.

Sec. 7. Terms defined.—The words “factory” and “mill,” as used in this chapter, shall mean any premises where water, steam, electrical or other mechanical power is used in the aid of manufacturing or printing process there carried on. The term “workshop,” as so used, shall mean any premises, room or place, not factory or mill as above defined, wherein manual labor is exercised by way of trade or for purpose of gain in or incidental to a process of making, altering, repairing, cleaning, ornamenting, finishing or adapting for sale or use any article or part thereof. The term “engineering work,” as so used, shall mean any work of construction, operation, alteration, or repair of a railroad or street railway, of the works or offices of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building. The term “mercantile establishments” shall mean any wholesale or retail establishment, theater, bowling alley, pool room or other place of amusement, hotels, restaurants, photograph galleries, warehouses. But nothing herein shall interfere with the powers conferred by law upon the railroad and warehouse commissioners or the county mine inspectors.

Sec. 8. Duties and powers.—The department shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by Section 1448, Revised Laws of 1905. It shall be empowered to gather statistics relating to all branches of labor, to labor troubles and unions, and to the economic and social conditions of the laboring classes. In the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work or other place where persons are employed, at all reasonable times, and give such direction as may be necessary to enforce the laws. They may also enter any place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the department of labor and industries may issue subpoenas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

The bureau of women and children shall have power to enforce and cause to be enforced, by complaint in any court or otherwise, all laws and local ordinances relating to the health, morals, comfort and general welfare of women and children.

Sec. 9. Free employment bureaus.—The department may establish state free employment bureaus in the cities of St. Paul, Minneapolis, Duluth, Winona, and one in the northwestern portion of the state, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureaus. Every application made by an employer or an employe to the free employment bureau shall be void after thirty days from its receipt, unless the same be renewed by the applicant.

The managers of the state free employment offices shall cause to be received and recorded in books kept for that purpose, the names of all persons applying for employment, as well as the addresses of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered. Such managers shall also perform such other duties pertaining to the work of the state free employment bureau in the collection of labor statistics and in keeping the books and accounts of such bureau as the commissioner may require, and shall report monthly all business transacted by such offices to the commissioner of labor.

Sec. 10. Duties of employers and other persons—Reports—Preservation of records.—On request of the department, and within the time limited therein, every employer of labor, any officer of a labor organization, or any other person from whom the department of labor shall find it necessary to gather information, shall make a certified report to the department upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the department shall be in writing, signed by any officer or inspector of the department, or a person specially designated for the purpose, and be served by him. Papers so served and all records and documents of the department are hereby declared public documents and shall not be destroyed within two years after their return or receipt by the department.

Sec. 11. Orders—How received.—Within ten days after the service of any order or direction of the department, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than thirty (30) days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon

the report of the referees. Such decisions shall take the place of the original order. In cases of affirmance, the losing parties shall pay a reasonable compensation to the referees, to be fixed by the court. In cases of decisions rendered adverse to the order of the department of labor, such compensation shall be paid out of the appropriation for the support of the department.

Sec. 12. Violation of local ordinances.—Whenever the department learns of a violation of a local ordinance for the protection of employes, it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement.

Sec. 13. Reports of proceedings—Bulletins.—The department shall report to the legislature at each regular session. Such reports shall contain an account of the doings of the department, the statistics gathered by it; a statement of all violations of law which come to its knowledge, and any proceedings had in consequence; and such recommendations as the commissioner may deem proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects investigated by the department that are of special interest to the welfare and prosperity of the state. Such special reports and bulletins shall be printed as in the case of other executive documents.

Sec. 14. Penalties.—Any officer, agent, or employe of the department who shall disclose the name of any person supplying information at the request of the department shall be guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering work, store or other place enumerated in Section 9 of this act, or agent of such person, who shall refuse to admit thereto any officer, agent or employe of the department seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor. Any person, firm or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of this act shall be guilty of a misdemeanor.

Sec. 15. Sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws of 1905, Chapter 356, General Laws 1907, Chapter 180, General Laws of 1907, and Chapter 497, Revised Laws 1909, and also all other acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 16. This act shall take effect and be in force on August 1, 1913, but examinations shall be held under the provisions of this act on or before the last Monday in June, 1913.

Approved April 25, 1913.