

Sec. 6. **Jurisdictional controversies—conciliator to certify facts to Governor—procedure.**—Whenever two or more labor organizations adversely claim for themselves or their members jurisdiction over certain classifications of work to be done for any employer or in any industry, or over the persons engaged in or performing such work and such jurisdictional interference or dispute is made the ground for picketing an employer or declaring a strike or boycott against him, the labor conciliator shall certify that fact to the governor. Upon receipt of such certification the governor, in his discretion, may appoint a labor referee to hear and determine the jurisdictional controversy. If the labor organizations involved in the controversy have an agreement between themselves defining their respective jurisdictions, or if they are affiliated with the same labor federation or organization which has by the charters granted to the contending organizations limited their jurisdiction, the labor referee shall determine the controversy in accordance with the proper construction of the agreement or of the provisions of the charters of the contending organizations. If there is no agreement or charter which governs the controversy, the labor referee shall make such decision as, in consideration of past history of the organization, harmonious operation of the industry, and most effective representation for collective bargaining, will best promote industrial peace. If the labor organizations involved in the controversy so desire, they may submit the controversy to a tribunal of the federation or labor organization which has granted their charters or to arbitration before a tribunal selected by themselves, provided the controversy is so submitted prior to the appointment by the governor of a labor referee to act in the controversy. After the appointment of the labor referee by the governor, or the submission of the controversy to another tribunal as herein provided, it shall be unlawful for any person or labor organization to call or conduct a strike or boycott against the employer or industry or to picket any place of business of the employer or in the industry on account of such jurisdictional controversy.

Approved April 24, 1943.

---

CHAPTER 625—S. F. No. 1144.

An act relating to labor organizations and the officers thereof, imposing certain duties thereon, prescribing penalties for non-performance thereof, creating the office of labor referee and defining his powers and duties.

*Whereas* it is well recognized that the majority of labor unions are organized and operated upon democratic principles so that their officers and representatives are responsible and responsive to their members, and

*Whereas* disregard of democratic principles in the case of some unions has resulted in a denial of the rights of their members and in labor disputes and controversies affecting the public interest, and

*Whereas* undemocratic organization or operation of labor unions is inimical to the best interests of the members thereof and is contrary to the public welfare: *Now, Therefore,*

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

Section 1. **Definitions.**—Subdivision 1. “Persons” includes individuals, partnerships, associations, corporations, trustees, and receivers; the singular includes the plural, and the masculine includes the feminine.

Subd. 2. “Labor organization” means any organization of employees or of persons seeking employment which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances or terms or conditions of employment, but shall not include any labor organization subject to the Federal Railway Labor Act as amended from time to time.

Subd. 3. “Employer” includes all persons employing others and all persons acting in the interest of an employer, but does not include the state or any political or governmental subdivision thereof, nor any person subject to the Federal Railway Labor Act, as amended from time to time.

Subd. 4. “Employee” includes, in addition to the accepted definition of the word, any employee whose work has ceased because of any unfair labor practice as defined in Section 12 of the Minnesota Labor Relations Act (Mason’s Supplement 1940, Section 4254-32) on the part of the employer or because of any current labor dispute and who has not obtained other regular and substantially equivalent employment; but does not include any individual employed in agricultural labor or by his parent or spouse or in domestic service of any person at his own home.

Subd. 5. “Representative of employees” means any person acting or asserting the right to act for employees or persons seeking employment in collective bargaining or dealing with employers concerning grievances or terms or conditions of employments.

Subd. 6. “Competent evidence” means evidence admissible in a court of equity and such other evidence other than hearsay

as is relevant and material to the issue and is of such character that it would be accepted by reasonable men as worthy of belief.

**Sec. 2. Election of officers of labor organization.**—The officers of every labor organization shall be elected for such terms, not exceeding four years, as the constitution or by-laws may provide. The election shall be by secret ballot. The constitution or by-laws may provide for multiple choice voting, nomination by primaries or run-off elections, or other method of election by which selection by a majority may be obtained. In the absence of such provision, the candidate for any office receiving the largest number of votes cast for that office shall be declared elected. It is the duty of every labor organization and the officers thereof to hold an election for the purpose of electing the successor of every such officer prior to the expiration of his term.

**Sec. 3. Notice must be given of elections.**—Subdivision 1. No election required hereunder shall be valid unless reasonable notice thereof shall have been given to all persons eligible to vote thereat. Proof of publication of notice of an election in a trade union paper of general circulation among the membership of the union holding such election shall be conclusive proof of reasonable notice as required in this subdivision.

Subd. 2. No result of an election required hereunder shall be valid unless a plurality of the eligible persons voting thereat shall have cast their votes by secret ballot in favor of such result.

**Sec. 4. Reports of receipts and disbursements.**—It is hereby made the duty of the officer of every labor organization who is charged with responsibility of money and property thereof to furnish to the members thereof in good standing a statement of the receipts and disbursements of the labor organization from the date of the next preceding statement and the assets and liabilities thereof to the date of the current statement. Such statement shall be furnished by such officer at the time prescribed by the constitution or laws of the labor organization, or it shall be furnished not later than the 1st day of July next following such calendar year.

**Sec. 5. Office of labor referee created.**—There is hereby created an office, to be known as labor referee. The governor may from time to time appoint labor referees for particular disputes as hereinafter provided. Such appointment shall be for the duration only of the particular dispute. Such labor referees shall be paid a per diem of \$15. per day while so engaged, and their necessary expenses. When approved by him, the labor conciliator shall cause to be paid, from the appropriation to him, the amount due to the labor referees for services and expenses.

**Sec. 6. Conciliator shall certify violations to Governor.—**  
Subdivision 1. Whenever it reasonably appears to the labor conciliator that any labor organization has failed substantially to comply with any of the requirements of this act, he shall certify that fact to the governor and transmit to the governor all the information he has received with reference thereto.

Subd. 2. Upon receipt of such certification by the labor conciliator, the governor, within five days from the date of such certification, shall appoint, if he deems it advisable, a labor referee to act in the dispute. If the governor does not appoint a labor referee within five days, he shall so notify the labor conciliator and return the files to him, which shall close the dispute.

Subd. 3. Upon receipt of notice of appointment as labor referee, such officer shall qualify by taking his oath of office and filing the same in the office of the secretary of state. He shall also notify the labor conciliator in writing of the date of filing such oath.

Subd. 4. Within ten days from the date of his appointment, the labor referee shall fix the time and place of hearing upon the complaint and send notice thereof by registered mail to the labor organization and to the officers thereof who are charged in the complaint with dereliction of duties, the complainant and to such other persons as may be named as parties to the dispute.

Subd. 5. Any party to or party affected by the dispute may appear at the hearing before the labor referee in person or by attorney or by other representative, and shall have the right to offer competent evidence and to be heard on the issues before any order herein provided is made. When all evidence has been adduced and the arguments heard, the labor referee shall prepare and file with the labor conciliator within thirty days from the close of testimony, his findings of fact and his order sustaining or dismissing the charges. If the charges are sustained, such labor organization is thereby disqualified from acting as the representative of employees until such disqualification has been removed as provided herein.

Subd. 6. Any labor organization which has been disqualified from acting as a representative of employees pursuant to subdivision 5 of this section for failure to perform any duty imposed upon it by this act may remove such disqualification by applying to the labor conciliator and submitting proof of performance of the duty for the non-performance of which the disqualification was imposed. Upon receipt of such application, the labor conciliator shall notify all parties who participated in the hearing before the referee as adversary parties by mail of the filing of such application. If within 20 days after the mailing of such notice, written

objection to the removal of such disqualification is filed with the labor conciliator, he shall certify the dispute to the governor, and further proceedings shall thereupon be had in like manner hereinbefore provided for the determination of disputes. Thereupon the labor referee appointed for such proceedings shall make and file his order either confirming the prior order for disqualification or removing the disqualification, as the case may require. If no objection is so filed, the labor conciliator shall make an order removing such disqualification.

Subd. 7. (1) The labor referee appointed by the governor pursuant to the provisions of this act shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the State of Minnesota at any designated place of hearing, but hearings shall be held in a county where the dispute has arisen or exists.

(2) In case of contumacy or refusal to obey a subpoena issued under (1) of this subdivision, the district court of the State of Minnesota for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, on application by the labor referee shall have jurisdiction to issue to such person an order requiring such person to appear before the labor referee, there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 7. **Unlawful acts.**—It is unlawful for any labor organization which has been disqualified under Section 6, Subdivision 5, hereof to act as a representative of employees.

Sec. 8. **Minnesota Labor Union Democracy act.**—This act may be cited as the "Minnesota Labor Union Democracy Act."

Approved April 24, 1943.

---

CHAPTER 626—S. F. No. 1178.

(AMENDING SECTION 106.48 MINNESOTA STATUTES 1941.)

*An act relating to maintenance and repair of drainage ditches, and amending Mason's Minnesota Statutes of 1927, Section 6840-53, Subsections (a) and (b).*