

# MINNESOTA STATUTES 1953 ANNOTATIONS

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**EMPLOYMENT; WAGES, CONDITIONS, ETC. 181.06**

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## **CHAPTER 181**

### **EMPLOYMENT; WAGES, CONDITIONS, HOURS, RESTRICTIONS**

#### **181.01 WAGES OF MINORS; TO WHOM PAID**

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#### **181.06 ASSIGNMENT OF WAGES; PAYROLL DEDUCTIONS**

HISTORY. 1905 c 309 s 3; 1937 c 95 s 1; 1951 c 213 s 1.

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## 181.063 EMPLOYMENT; WAGES, CONDITIONS, ETC.

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When authorized by contract between a city and its employees, the city may deduct a part of the employee's salary as union dues and remit the same to the union pursuant to the provisions of section 571.66. OAG Oct. 9, 1952 (270-D).

### 181.063 ASSIGNMENT OF WAGES, PUBLIC EMPLOYEES

HISTORY. 1901 c 96 s 1; 1925 c 387; 1945 c 424 s 26; 1953 c 110 s 4, 5.

NOTE: Formerly section 471.66, subdivision 1.

### 181.07 ASSIGNMENT OF UNEARNED WAGES AS SECURITY

Laws 1911, Chapter 308, was not enacted as an amendment to any existing statute and is complete in itself. It definitely requires filing of an assignment, of wages to be earned in the future, given as security for a loan of less than \$200 and accepted in writing by the employer. OAG Jan. 15, 1948 (60).

In cities of the fourth class an assignment of wages should be filed with the city clerk and not with the register of deeds. There is no provision for the payment of a filing fee. OAG Dec. 9, 1948 (373-B-3).

### 181.08 PUBLIC SERVICE CORPORATIONS; PAYMENT OF WAGES, REQUIREMENTS

HISTORY. 1915 c 29 s 1; 1915 c 37 s 1; 1945 c 478 s 1; 1951 c 213 s 2; 1953 c 393 s 1.

Employment contracts. 33 MLR 663.

### 181.09 RECOVERY OF WAGES, COSTS

HISTORY. 1915 c 29 s 2; 1915 c 37 s 2; 1953 c 359 s 1.

### 181.16 CONSTRUCTION OF SECTIONS 181.13 TO 181.17

Accrued vacation pay and severance pay construed as wages; as applied to bankruptcy proceedings. 32 MLR 294.

### 181.18 LIMITATION ON HOURS OF FEMALE EMPLOYEES

HISTORY. 1909 c 499 s 1, 2; 1913 c 581 s 1; 1923 c 422 s 1; 1927 c 349; 1933 c 354 s 1.

Fair Labor Standards Act; overtime compensation; determination of regular rate. 31 MLR 745; 32 MLR 189.

### 181.19 SCHEDULES OF HOURS PRINTED

HISTORY. 1909 c 499 s 2; 1913 c 581 s 1; 1923 c 422 s 7; 1933 c 354 s 2.

A higher rate paid as a job differential, or as a shift differential, or for Sunday or for holiday work, is not an overtime premium excludable in computing the regular rate, and the higher rate must be paid because of hours previously worked before the extra pay can be treated as excludable overtime premium. Bay Ridge Operating Co. Inc. v Aaron, 68 SC 1186.

### 181.21 EMPLOYER TO KEEP RECORD OF HOURS WORKED

Where no employee worked on a piece rate basis and the hourly basis was supplemented by an incentive pay plan, overtime rate must be determined under the Federal Fair Labor Standards Act by dividing the total compensation received for straight time divided by the number of hours, excluding overtime, worked. De Waters v Macklin, 167 F(2d) 694.

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EMPLOYMENT; WAGES, CONDITIONS, ETC. 181.35

## 181.24 TEN-HOUR DAY; EXTRA HOURS, EXTRA PAY

HISTORY. 1858 c 66 s 1, 2; 1895 c 49; 1917 c 248 s 1.

Fair Labor Standards Act; overtime compensation; determination of regular rate. 31 MLR 745; 32 MLR 189.

Right of employee of municipal liquor store to collect overtime pay. OAG March 29, 1949 (270-G-1).

## 181.25 EIGHT-HOUR DAY BY EMPLOYEES OF STATE

Under the statutes, and under Rule 13.1 promulgated by the director of civil service, eight hours of work constitute a normal work day and 40 hours a minimum work week for state employees under the classified service. Supplemented by the rule that whenever necessary, essential services shall be rendered on Saturday mornings, and overtime so worked shall be compensated for by time off or cash payment. The statutes and rules apply to employees of the highway department other than the state highway patrol. Whether or not the state highway patrol shall work a 40-hour week is a matter for the determination of the state highway commissioner. OAG Aug. 2, 1948 (229-A-7).

## 181.32 CHILD OVER 14, AND UNDER 16 YEARS; EMPLOYMENT CERTIFICATE

HISTORY. 1895 c 171 s 6-9; 1907 c 299 s 2; Ex1912 c 8 s 2; 1947 c 15 s 1.

Section 181.49 does not apply to a case where a restaurant having an off-sale beer license only employs girls under the age of 18. Such restaurant is not a night club or beer parlor. OAG May 9, 1947 (270-A-4).

A minor under 16 may not work during public school term without a certificate from the superintendent of schools. A child under 16 may not work more than 48 hours in any one week nor more than eight hours in any day, nor before the hour of seven in the morning or after the hour of seven in the evening. OAG Aug. 17, 1949 (270-A-4).

## 181.33 CERTIFICATE ISSUED

A minor under 16 may not work during public school term without a certificate from the superintendent of schools. A child under 16 may not work more than 48 hours in any one week nor more than eight hours in any day, nor before the hour of seven in the morning or after the hour of seven in the evening. OAG Aug. 17, 1949 (270-A-4).

## 181.34 CERTIFICATE, TO WHOM ISSUED

HISTORY. 1907 c 299 s 4; Ex1912 c 8 s 4.

An under age student may not be employed except upon presenting a certificate from the superintendent or other person authorized. A person authorized to issue a certificate must not issue it until he has received, examined, approved and retained in his possession for the inspection of the public, (1) the school record of such child, (2) a transcript of the birth certificate, and (3) the affidavit of the parent or guardian containing the statutory provisions. Before the certificate is issued the child must personally appear before the person issuing the certificate for inspection and examination. OAG May 19, 1950 (270-A-4).

The phrase "common school," as used in the statute, means public schools of the district and the regulation relating to certificates of employment to school children between 14 and 16 years of age is unchanged by Laws 1953, Chapter 372. OAG May 15, 1953 (270-A-1).

## 181.35 CONTENTS OF CERTIFICATE

HISTORY. 1895 c 171 s 8; 1907 c 299 s 5; Ex1912 c 8 s 5.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 181.37 EMPLOYMENT; WAGES, CONDITIONS, ETC.

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### 181.37 CHILDREN UNDER 16; HOURS; POSTED NOTICE

A minor under 16 may not work during public school term without a certificate from the superintendent of schools. A child under 16 may not work more than 48 hours in any one week nor more than eight hours in any day, nor before the hour of seven in the morning or after the hour of seven in the evening. OAG Aug. 17, 1949 (270-A-4).

### 181.40 CHILDREN UNDER SPECIFIED AGES, PROHIBITED EMPLOYMENTS

HISTORY. 1895 c 171 s 1, 6; 1897 c 360 s 1; 1907 c 299 s 11; Ex1912 c 8 s 10; 1913 c 120; 1913 c 516 s 2; 1927 c 388 s 1; 1929 c 234 s 2.

A minor under the age of 18 years is not permitted to work in a beer parlor though married to the owner thereof. OAG March 1, 1950 (217-F-3).

A minor under the age of 21 but over the age of 18 is not permitted to be employed in a 3.2 beer taxern unless accompanied by his parents or guardian. OAG Feb. 2, 1951 (217-F-3).

Section 181.49 does not apply to restaurants having an off-sale beer license only and may employ girls under the age of 18. OAG May 9, 1947 (270-A-4).

A person who employs a minor under the age of 18 years to work in connection with a beer parlor is subject to prosecution for violation of section 181.49. OAG Dec. 11, 1951 (270-A-4).

### 181.55 WRITTEN STATEMENT TO EMPLOYEES BY EMPLOYERS

Agent's authority to appoint another agent in an emergency. 34 MLR 154.

The Contract Settlement Act of 1944, coded as USCA, Sections 101 to 125, means that subcontractors must file their claims against prime contractors upon forms prescribed by the regulations pertinent to the act as the conditions precedent to the commencement of an action in a court of law. *Stevens v Federal Cartridge Corp.*, 226 M 148, 32 NW(2d) 312.

### 181.56 NO STATEMENT GIVEN; BURDEN OF PROOF

Agent's authority to appoint another agent in an emergency. 34 MLR 154.

### 181.58 SURVIVING SPOUSE PAID WAGES DUE

HISTORY. 1941 c 408 s 1; 1951 c 531 s 1.

The salary of a public officer ceases on the date of his death and his personal representatives may collect the salary for that part of the month up to the date of his death. The entire monthly salary is not due or payable. OAG July 9, 1951 (359-A-21).

### 181.59 DISCRIMINATION ON ACCOUNT OF RACE, CREED, OR COLOR PROHIBITED IN CONTRACT

HISTORY. 1941 c 238 s 1.

Segregation; consequences; a social science statement. 37 MLR 427.

### 181.60 DEFINITIONS

HISTORY. 1951 c 201 s 1.

### 181.61 MEDICAL EXAMINATION; RECORDS; COSTS

HISTORY. 1951 c 201 s 2.

# MINNESOTA STATUTES 1953 ANNOTATIONS

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EQUIPMENT; PLACES OF EMPLOYMENT 182.01

## 181.62 VIOLATIONS

HISTORY. 1951 c 201 s 3.

## 181.63 SALE OR USE OF SILICATE, SILICA DUST, OR SILICON FLOUR FOR CERTAIN PURPOSES

HISTORY. 1953 c 484 s 1.

## CHAPTER 182

### EQUIPMENT, PLACES OF EMPLOYMENT; REGULATION

#### 182.01 DANGEROUS MACHINERY; POWERS OF COMMISSION

HISTORY. 1893 c 7 s 1; 1895 c 173 s 1; 1911 c 288 s 1; 1913 c 316 s 1.

Contributory negligence as a defense to violation of statute. 32 MLR 105.

Duty of manufacturer to safeguard dangerous machines. 35 MLR 608.

In an action for an injury sustained by an employee when struck by a steel chip from a hammer which the employee was using in the ordinary way justified a verdict for the defendant in the absence of evidence that they knew of any defect in the hammer, or that it had crystalized because of use. Section 182.01 does not apply. *Dally v Ward*, 223 M 265, 26 NW(2d) 217.

The simple tool doctrine, under which the master is under no duty to inspect and discover defects, if any, applies to a small step stool. An inference that an instrumentality was defective is not permissible from the fact that the owner discarded it, where the uncontradicted and unimpeached testimony is to the effect that the instrumentality was in perfect condition, and that it was discarded for a reason other than for a defect therein. *Person v Okes*, 225 M 541, 29 NW(2d) 361.

Defendant, the owner of a lumber yard, permitted a customer to use a saw rig owned by defendant to cut rafters out of lumber he had purchased. The work was done by the customer's employees without any supervision by defendant. Because of the absence of a guard to the saw, a piece of board was thrown off by the saw striking and injuring plaintiff, an employee of the customer. The trial court did not err in granting defendant's motion for judgment notwithstanding the verdict on the ground that MSA Chapter 182, the Minnesota factory act, did not apply to the situation. The fact that a legislative enactment requires a particular act to be done for the protection of the interests of a particular class of individuals does not preclude the possibility that the doing of such an act may be negligence at common law toward other classes of persons. *Alsaker v DeGraff Lumber Co.*, 234 M 280, 48 NW(2d) 431.

The crew of a truck crane, engaged from the lessor of the crane by a construction company, were loaned servants, for whose negligence, if any, in the operation of the truck crane the lessor is not liable, an electrical power company transmitting high-tension current on its power lines along or near a highway is bound to anticipate only the ordinary and usual use of that highway in the usual and customary manner, unless it becomes aware of an anticipated unusual use. In the absence of pleading and proof to the contrary, it will be presumed that common law prevails in a sister state and that is the same as in the state of the forum and in the instant case the Statutes of Wisconsin 1945, section 196.67 apply. *Knutson v Lambert*, 235 M 328, 51 NW(2d) 580.

A distributor of electricity is not an insurer against accidents or injuries. Electric companies, when erecting and maintaining lines for transmission of high voltage current, are held to a high degree of care, which is that care commensurate with the peril reasonably to be apprehended to those who may have occasion to come into proximity of such lines. An inference of negligence based on an inferred