

**CHAPTER 181. EMPLOYMENT; WAGES, CONDITIONS,
HOURS, RESTRICTIONS**

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181.40 Children under specified ages; prohibited employments

No person shall employ or permit any child under the age of 16 years to serve or work as an employee of such person in any of the following occupations:

Sewing or adjusting belts used on machinery; oiling or assisting in oiling, wiping, or cleaning machinery; operating or assisting in operating circular or band saws, wood-shapers, wood-jointers, planers, sandpaper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacture, stamping machines in washer and nut factories; operating corrugating rolls used in roofing factories; operating a steam boiler, steam machinery, or other steam generating apparatus; setting pins in bowling alleys; operating or assisting in operating dough grates or cracker machinery; operating wire or iron straightening machinery; operating or assisting in operating rolling mill machinery; punches or shears, washing, grinding or mixing mill; operating calendar rolls in rubber manufacturing; operating or assisting in operating laundry machinery; preparing or assisting in preparing any composition in which dangerous or poisonous acids are used; operating or assisting in operating any passenger or freight elevator; manufacturing of goods for immoral purposes; nor in any other employment or occupation dangerous to the life, limb, health or morals of such child; provided that nothing contained in this section shall prohibit a person employing a child in any agricultural pursuit permitted under the United States Code, Title 29, Section 213(c)(2) and regulations adopted pursuant thereto.

No female under 16 years of age shall be employed where such employment requires such female to stand constantly during such employment.

No child under the age of 18 years shall be employed as a rope or wire walker, contortionist, or at flying rings, horizontal bars, trapeze or other aerial acts, pyramiding, weight lifting, balancing, or casting acts, or in any practices or exhibitions dangerous or injurious to the life, limb, health or morals of such child.

No child under the age of ten years, whether or not a resident of this state, may be employed or exhibited in any theatrical exhibition except in the cases hereinafter referred to.

No child over the age of ten, and under the age of 16, years, whether or not a resident of this state, shall be employed or exhibited in any theatrical entertainment except with the permission of the department; provided, that under a permit hereinafter provided for, one or more children under the age of 16 years may participate in a family group with either or both of their parents in instrumental musical performance not prohibited as being dangerous or injurious to the health, life, limb, or morals of such child or children and not detrimental to their education; and, provided, that under such a permit a child or children under the age of 16 years may participate in legitimate dramatic performances by adults where some part or parts can only be portrayed by a child or children and where no singing, dancing, or acrobatic performance, nor any practice or exhibition dangerous or injurious to the life, limb, health, or morals, is performed by such child or children.

In the event it is desired to employ or exhibit in any theatrical entertainment a child within the age limits permitted by law, during that portion of the year when such employment or exhibition is permitted, written applica-

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tion shall be made to the department, specifying the name of the child, its age, and the names and residence of its parents or guardian, the nature and kind of such performances, the dates, duration, and number of performances desired, together with the place and character of the exhibition.

Application for any permit under sections 181.31 to 181.42 shall be made at least 72 hours before the first performance at which it is desired to exhibit such child.

The department shall, through its division of women and children, investigate each application and have the power to grant a permit for such employment or exhibition not prohibited by law, and for any period during which such employment or exhibition is not prohibited by law, after it shall first find that the health, education or school work, morals, and welfare will not be detrimentally affected by such employment or exhibition or by the environment in which the same is rehearsed or given. Such permit shall specify the name and residence of the child, the nature and date of performances and the number and duration thereof permitted.

The department shall revoke any permit when, in its opinion, the exhibition of any child in any performance is detrimental to its health, welfare, or morals or is interfering with its education.

Nothing contained in this section or in section 181.31 shall prohibit the appearance of any child in an entertainment given by one or more religious or educational organizations or by a neighborhood association of parents of the children who may perform before it, or in any recital connected with the teaching of the art or practice of music; but this shall not be construed as authorizing the appearance of any child in any such entertainment at which an admission fee is charged unless the entire program is furnished by and for the benefit of such religious or educational organization or neighborhood association at such recital unless the entire program is furnished by the pupils of the teachers sponsoring the recital.

Any person violating any of the provisions of sections 181.31 to 181.42 shall be guilty of a misdemeanor.

[1973 c 647 s 1]

181.41 Employment of boys and girls as messengers

No boy or girl under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after nine o'clock in the evening of any day. Any person employing any child in violation of the provisions of this section shall be guilty of a misdemeanor.

[1973 c 725 s 27]

181.74 Failure of employer to pay benefits or wage supplements, penalty

Subdivision 1. Any employer required under the provisions of an agreement to which he is a party to pay or provide benefits or wage supplements to employees or to a third party or fund for the benefit of employees, and who refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within 60 days after such payments are required to be made under law or under agreement, is guilty of a gross misdemeanor. If such employer is a corporation, any officer who intentionally violates the provisions of this section shall be guilty of a gross misdemeanor. The institution of bankruptcy proceedings according to law shall be a defense to any criminal action under this section.

Subd. 2. As used in this section, the term "benefits or wage supplements" includes, but is not limited to, reimbursement for expenses; health, welfare, and retirement benefits; and vacation, separation or holiday pay.

[1973 c 602 s 1]

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181.75 Lie detector tests of employees or prospective employees prohibited

No employer or agent thereof shall by direct or indirect coercion request or require a polygraph or any test purporting to test the honesty of any employee or prospective employee. An employer or agent violating this section is guilty of a misdemeanor.

[1973 c 667 s 1]

181.76 Disclosure of lie detector tests prohibited

No person shall disclose that another person has taken a polygraph or any test purporting to test honesty or the results of that test except to the individual tested. If such a test is given after August 1, 1973 and at the employee's request, the results may be given only to persons authorized by the employee to receive the results. A person who violates this section is guilty of a misdemeanor.

[1973 c 667 s 2]

181.77 Use by police; determination of necessity; other limits

Nothing in sections 181.75 to 181.77 shall be construed to prohibit the use of the polygraph test where a police chief determines that it is necessary to utilize the polygraph as an investigatory tool provided:

- (a) The questions asked the officer relate specifically, directly and narrowly to the past performance of his official duties.
- (b) The officer is not required to waive immunity from prosecution.
- (c) The officer is advised that information supplied through his answers cannot be used against him in a later criminal proceeding and that his refusal to cooperate in the investigation could result in disciplinary action, including dismissal.

[1973 c 667 s 3]