

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 176.511 WORKER'S COMPENSATION

appeal an amount to cover a reasonable attorney's fee, or it may allow the fee in a proceeding to tax disbursements.

[For text of subds 4 and 5, see M.S.1976]

[ 1977 c 342 s 22 ]

### 176.645 Adjustment of benefits.

For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the amount due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1976, and each October 1 thereafter the amount due shall be adjusted by multiplying the amount due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, 21 months prior to the adjustment and the numerator of which is the statewide average weekly wage for December 31, nine months prior to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent.

[ 1977 c 342 s 23 ]

NOTE: This section as amended by Laws 1977, Chapter 342, Section 23 is effective retroactively to October 1, 1975.

## CHAPTER 177. MINIMUM WAGES

Sec.  
177.23 Definitions.

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177.24 Payment of minimum wages.  
177.28 Power to make regulations.

### 177.23 Definitions.

[For text of subds 1 to 8, see M.S.1976]

Subd. 9. "Gratuities" means monetary contributions received directly or indirectly by an employee from a guest, patron, or customer for services rendered and includes an obligatory charge assessed to customers, guests or patrons which might reasonably be construed by the guest, customer, or patron as being a payment for personal services rendered by an employee and for which no clear and conspicuous notice is given by the employer to the customer, guest, or patron that the charge is not the property of the employee.

[ 1977 c 369 s 1 ]

### 177.24 Payment of minimum wages.

Subdivision 1. Except as may otherwise be provided in sections 177.21 to 177.35, or by regulation issued pursuant thereto, every employer shall pay to each of his employees who is 18 years of age or older wages at a rate of not less than \$2.30 an hour and shall pay to each of his employees who is under the age of 18 wages at a rate of not less than \$2.07 an hour.

Subd. 2. No employer shall directly or indirectly credit, apply or utilize gratuities towards payment of minimum wages except as provided for under section 177.28.

Subd. 3. For purposes of this chapter, any gratuity received by an employee or deposited in or about a place of business for personal services rendered by an employee is the sole property of the employee. No employer shall require an employee to contribute or share a gratuity received by the employee with the em-

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## LABOR RELATIONS 179.65

ployer or other employees or to contribute any or all of the gratuity to a fund or pool operated for the benefit of the employer or his employees, provided that nothing in this section shall prevent an employee from voluntarily, and upon an individual basis, sharing his gratuities with other employees. The agreement to share gratuities shall be made by the employees free of any employer participation.

[ 1977 c 183 s 1; 1977 c 369 s 2 ]

### 177.28 Power to make regulations.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. An employee who receives \$35 or more per month in gratuities is a tipped employee. An employer is entitled to a credit in an amount up to 20 percent of the minimum wage which a tipped employee receives. The credit against the wages due may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from the tipped employee stating that he did receive and retain during that pay period all gratuities received by him in an amount equal to or greater than the credit applied against the wages due by his employer. The statements shall be maintained by the employer as a part of his business records.

[For text of subds 5 and 6, see M.S.1976]

[ 1977 c 369 s 3 ]

## CHAPTER 179. LABOR RELATIONS

Sec.	
179.02	Bureau of mediation services.
179.65	Rights and obligations of employees.
179.72	Public employment relations board; powers and duties; arbitration.

Sec.	
179.74	State and its employees; negotiations; appropriate units.

### 179.02 Bureau of mediation services.

Subdivision 1. There is established a bureau of mediation services under the supervision and control of a director. The director shall be appointed by the governor under the provisions of section 15.06.

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

[ 1977 c 305 s 25 ]

### 179.65 Rights and obligations of employees.

[For text of subd 1, see M.S.1976]

Subd. 2. Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees in an appropriate unit shall have the right by secret ballot to designate an exclusive representative for the purpose of negotiating grievance procedures and the terms and conditions of employment for such employees with the employer of such unit. All public employees who are not members of the exclusive representative may be required by said representative to contribute a fair share fee for services rendered by the exclusive representative in an amount equal to the regular membership dues of the exclusive representative, less the cost of benefits financed through the dues and available only to members of the exclusive