

MINNESOTA STATUTES 1979 SUPPLEMENT

178.03 MASTER AND APPRENTICE

state apprenticeship council recognized by or registered with the Bureau of Apprenticeship and Training, U. S. Department of Labor, when such approval is necessary for federal purposes under Title 29, Code of Federal Regulations, Section 29.12(a).

[1979 c 130 s 2,3]

178.05 Apprenticeship committees and programs.

[For text of subd 1, see M.S.1978]

Subd. 2. **Members.** (a) The total number of members on a committee may range from four to twelve.

(b) In joint participation there shall be equal representation of employers and employees.

(c) Members shall be selected by the group or groups they represent subject to approval by the director.

(d) A committee may have as one of its employee representatives, an active apprentice of record, provided that he or she has completed a minimum of 6,000 hours of an apprenticeship term or has entered the fourth year of the term.

[For text of subd 3, see M.S.1978]

[1979 c 130 s 4]

178.06 Apprentice.

The term "apprentice," as used herein, means a person at least 16 years of age who has entered into a written agreement, hereinafter called an apprentice agreement, with a committee, an employer, an association of employers, or an organization of employees, which apprentice agreement provides for not less than 2,000 hours or one year of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through concurrent, supplementary education in related subjects. Whenever a minimum age exceeding 16 years is prescribed by federal or state law to apply to workers in certain hazardous occupations, the minimum age so prescribed shall be applicable to apprentices.

[1979 c 130 s 5]

CHAPTER 179. LABOR RELATIONS

Sec. 179.04	Expenses; fees.	Sec. 179.67	Exclusive representation; elections; decertification.
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179.04 Expenses; fees.

Subdivision 1. The director of mediation services and his employees, or any special mediator, shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties. Vouchers for such expenses shall be itemized and sworn to by the person incurring the expense.

Subd. 2. The director shall charge a fee to each participant at a labor relations education seminar or workshop so that all expenditures except salaries of bureau employees are reimbursed at least 100 percent. Receipts shall be credited to the general fund.

[1979 c 333 s 89]

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179.121 Operation of vehicle where dispute is in progress.

Any person who operates a motor vehicle which is entering or leaving a place of business or employment where there is a clear notice that a labor dispute is in progress, and who fails to bring the vehicle to a full stop at the entrance to or exit from that place, or who fails to exercise caution in entering or leaving that place, is guilty of a misdemeanor.

[1979 c 331 s 1]

179.63 Definitions.

[For text of subs 1 to 10, see M.S.1978]

Subd. 11. "Essential employee" means firefighters, police officers, highway patrolmen, guards at correctional institutions, employees of hospitals other than state hospitals and registered nurses, as defined in section 148.171, engaged in the practice of professional nursing and employed in a state hospital or state nursing home.

[For text of subs 12 to 19, see M.S.1978]

[1979 c 332 art 1 s 58]

179.64 Strikes; prohibition; penalties.

[For text of subs 1 to 6, see M.S.1978]

Subd. 7. A violation of section 179.68, subdivision 2, clause (9), a refusal by the employer to request binding arbitration when requested by the exclusive representative pursuant to section 179.69, subdivision 3 or 5, or, as applied to state employees, a disapproval by the legislative commission on employee relations pursuant to section 3.855 or a failure by the legislature to approve a negotiated agreement or arbitration award pursuant to section 179.74, is a defense to a violation of this section, except as to essential employees. As to all public employees, no other unfair labor practice or violation of sections 179.61 to 179.76 by a public employer shall be a violation of this section but may be considered by the court in mitigation of or retraction of any penalties as to employees and employee organizations.

[1979 c 332 art 1 s 59]

179.65 Rights and obligations of employees.

[For text of subs 1 to 5, see M.S.1978]

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. Units of supervisory or confidential employees shall not participate in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted.

[For text of subd 7, see M.S.1978]

[1979 c 332 art 1 s 60]

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179.66 Rights and obligations of employers.

Subdivision 1. A public employer is not required to meet and negotiate on matters of inherent managerial policy, which include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure and selection and direction and number of personnel. No public employer shall sign an agreement which limits the right of the public employer to select persons to serve as supervisory employees or state managers pursuant to section 43.127 or requires the use of seniority in their selection.

[For text of subs 2 to 10, see M.S.1978]

[1979 c 332 art 1 s 61]

179.67 Exclusive representation; elections; decertification.

[For text of subs 1 to 4, see M.S.1978]

Subd. 4a. The director shall not consider a petition for a decertification election during the effective term of a contract covering employees of the executive branch of the state of Minnesota except for a period for not more than 270 to not less than 210 days before its date of termination.

[For text of subs 5 to 14, see M.S.1978]

[1979 c 332 art 1 s 62]

179.70 Contracts; grievances; arbitration.

Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. The duration of the contract shall be negotiable except in no event shall contracts be for a term exceeding three years. Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a term of two years beginning on July 1 of each odd-numbered year. For contracts effective July 1, 1979 or thereafter, the written contract executed by an employer school board and an exclusive representative of teachers shall contain the teachers' compensation including fringe benefits for the entire two year term and shall not contain a wage reopening clause or any other provision for the renegotiation of the teachers' compensation for the second year of the contract. All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances including all disciplinary actions. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5, clause (i). Employees covered by civil service systems created pursuant to chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, may pursue a redress of their grievances through the grievance procedure established pursuant to this section. When the resolution of a grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, the aggrieved employee shall have the option of pursuing redress through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent the employee's right to pursue redress in the alternative manner is terminated. This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment as defined in section 179.63, subdivision 18.

[For text of subs 2 to 6, see M.S.1978]

[1979 c 50 s 20; 1979 c 183 s 1]

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179.72 Public employment relations board; powers and duties; arbitration.

Subdivision 1. There is hereby established a public employment relations board with the powers and duties assigned to it by this section. The board shall consist of five members appointed by the governor of the state of Minnesota with the advice and consent of the senate. Two members shall be representative of public employees; two shall be representative of public employers; and one shall be representative of the public at large. Public employers and employee organizations representing public employees may submit for consideration names of persons representing their interests to serve as members of the board. The board shall select one of its members to serve as chairman for a term beginning May 1 each year.

[For text of subds 1a to 7, see M.S.1978]

Subd. 7a. Notwithstanding the provisions of subdivision 7, for employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

Subd. 7b. Notwithstanding the provisions of subdivision 7, for essential employees, supervisory employees, confidential employees, and principals and assistant principals who are not employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

[For text of subds 8 to 12, see M.S.1978]

[1979 c 332 art 1 s 63,64; 1979 c 333 s 90]

NOTE: Subdivision 7a expires July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 116.

NOTE: Subdivision 7b is effective June 30, 1980. See Laws 1979, Chapter 332, Article 1, Section 116.

179.74 State and its employees; negotiations; appropriate units.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions in the bureau of mediation services, all hearing examiners in the office of hearing examiners, employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Subd. 5. The commissioner of personnel is authorized to and may enter into agreements. The provisions of the negotiated agreements and arbitration awards shall be submitted to the legislature to be accepted or rejected. A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not reached a proposed agreement with the state which has been submitted by the commissioner to the legislative commission on employee relations on or before April 15 of an odd numbered year, shall

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not receive the wage and economic fringe benefit increases provided pursuant to an agreement executed and approved under this subdivision. Disapproval by the legislative commission on employee relations pursuant to section 3.855 or failure of the legislature to approve a negotiated agreement or arbitration award with respect to wages and economic fringe benefits by the time of adjournment of the regular legislative session in an odd numbered year shall be a defense to a violation of section 179.64.

[1979 c 332 art 1 s 65,66]

CHAPTER 180. MINE INSPECTORS

Sec.
180.03 Duties.

180.03 Duties.

[For text of subd 1, see M.S.1978]

Subd. 2. Every person, firm or corporation that is or has been engaged in the business of mining or removing iron ore, taconite, semitaconite or other minerals except sand, crushed rock and gravel by the open pit method in any county which has appointed an inspector of mines pursuant to section 180.01 shall erect two inch by four inch mesh fencing along the outside perimeter of the excavation, open pit, or shaft of any mine in which mining operations have ceased for a period of six consecutive months or longer. The top and bottom wire shall not be less than 9 gauge and the filler wire shall not be less than 11 gauge. The fencing shall be not less than five feet in height with two strands of barbed wire six inches apart affixed to the top of the fence. The fence posts shall be no more than ten feet apart. In the case of open pit mines in which mining operations cease after November 1, 1979, and before March 1, 1980, the fencing shall be erected as soon as possible after March 1, 1980. Where mining operations cease on or after March 1, 1980, the fencing shall be erected forthwith. In the case of open pit mines in which mining operations had ceased for a period of six consecutive months or longer before November 1, 1979, and not resumed, the fencing shall be erected within two years after November 1, 1979. Any fencing required by an inspector of mines pursuant to subdivision 3 or other applicable law shall meet the standards of this section as a minimum. This subdivision does not apply to any excavation, open pit, or shaft, or any portion thereof, exempted from its application by the commissioner of natural resources pursuant to laws relating to mineland reclamation or exempted from its application by the county mine inspector pursuant to subdivision 4.

[For text of subds 3 and 4, see M.S.1978]

[1979 c 333 s 91]

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

Sec.		Sec.	
181.81	Dismissal for age; prohibition; exceptions; remedies.	181.811	Mandatory retirement age.
		181.812	Rules.

181.81 Dismissal for age; prohibition; exceptions; remedies.

Subdivision 1. (a) It is unlawful for any employer, public or private, excluding the United States government and any of its instrumentalities, to refuse to hire or employ, or to discharge, dismiss, reduce in grade or position, or demote any individual on the grounds that the individual has reached an age of less than 70, except in cases where federal statutes or rules or other state statutes, not including special laws compel or specifically authorize such action. Nothing in this section shall prohibit compulsory retirement of employees who have attained 70 years of age or more; provided further that nothing in this section shall prohibit compulsory retirement of an employee who has attained at least 65 years of age and who for the two year period immediately before retirement is employed in an executive or a high policy making position if that employee is