

MINNESOTA STATUTES 1979 SUPPLEMENT

181.811 EMPLOYMENT; WAGES, CONDITIONS, HOURS, RESTRICTIONS

(1) In the case of employees covered by a collective bargaining agreement which was entered into between a labor organization and an employer and which was in effect on September 1, 1977, it shall take effect upon the termination of the agreement or on January 1, 1980, whichever comes first.

(2) Nothing contained in Laws 1978, Chapter 649 or Laws 1979, Chapter 40 shall be construed as requiring the rehiring, reinstatement or payment of additional benefits to an employee who terminates service prior to April 24, 1979, with an employer who employs 20 or more employees, or the rehiring, reinstatement or payment of additional benefits to an employee who terminates service prior to June 1, 1980, with an employer who employs less than 20 employees, pursuant to a mandatory retirement law or policy which mandates retirement prior to attaining 70 years of age, or any other employee who terminates service prior to the termination of a collectively bargained contract containing a mandatory retirement provision.

(3) Laws 1978, Chapter 649, Section 3, is effective January 1, 1979. Any person who was previously a member of and has received a refund of accumulated employee or member contributions from one or more of the covered retirement funds enumerated in section 356.32, subdivision 2 and who terminated service at age 65 or older for any reason whether or not the person was required to terminate service pursuant to a mandatory retirement statute or a uniformly applied mandatory retirement policy established by the employer between January 1, 1979 and April 24, 1979 shall be entitled to repay the refund of accumulated employee or member contributions to the respective retirement fund with compound interest at the rate of six percent from the date the refund was received to the date the refund is repaid. Upon repayment of a refund, the person shall be entitled if otherwise qualified to a proportionate annuity, with accrual to commence upon the first day of the month following the filing of a valid application for the annuity.

(4) Employers who employ fewer than 20 employees shall not be subject to the provisions of Laws 1978, Chapter 649, until June 1, 1980.

(5) In the case of an employee serving under a contract of unlimited tenure or a similar arrangement providing for unlimited tenure at a private institution which is an institution of higher education, as defined in section 1201(a) of the federal higher education act of 1965, Laws 1978, Chapter 649 is effective July 1, 1982.

[1979 c 40 s 4]

181.812 Rules.

The commissioner may promulgate rules which are deemed necessary to carry out the provisions of section 181.81.

[1979 c 40 s 5]

CHAPTER 181A. CHILD LABOR

Sec.
181A.08 Powers and duties of the department.

181A.08 Powers and duties of the department.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. The commissioner or his authorized representative may apply to any court of competent jurisdiction for an order restraining the violation of an order issued by the commissioner pursuant to subdivision 2, or for an order enjoining and restraining violations of this chapter or regulations adopted pursuant to section 181A.09.

[1979 c 202 s 1]

CHAPTER 184. EMPLOYMENT AGENCIES

Sec.
184.22 Licenses required.

MINNESOTA STATUTES 1979 SUPPLEMENT

UNIFORM CODE OF MILITARY JUSTICE 192A.25

184.22 Licenses required.

Subdivision 1. **Individuals; separate locations.** No person shall engage in the business of or act as an employment agent or counselor unless he first obtains a license from the department. Each separate location for the business of an employment agency or for employment counseling shall have a separate agency license and a licensed manager who shall have immediate control of only one location.

Subd. 2. **Exemptions.** The provisions of sections 184.21 to 184.41 shall not apply to any person, firm, corporation, partnership or association engaged in the business of a management consultant or management search consultant (hereafter "search firm") provided that: (1) the search firm is retained by, acts solely on behalf of and is compensated on a noncontingency basis solely by an employer, pursuant to a written retainer agreement specifying the particular search or consultation assignment, to identify, appraise or recommend an individual or individuals for consideration for an executive or professional position for a beginning annual base salary (exclusive of bonuses or commissions) of at least \$27,000, which amount shall be adjusted every second year by an amount equal to the percentage change in the Consumer Price Index recorded by the U. S. Department of Labor; and (2) in no instance does any individual who is identified, appraised or recommended for consideration for an executive or professional position become liable in whole or in part to pay a fee of any kind, directly or indirectly, on account of any service performed by the search firm; and (3) in no instance shall the search firm or its agents solicit, persuade or induce any individual to terminate his or her employment with an employer with whom the search firm has placed an individual; and (4) the search firm shall not carry on any other activity that comes within the definition of employment agency as hereinbefore defined. Each search firm shall file annually with the commissioner a sworn statement indicating whether or not it has conducted its business during the past year in a manner consistent with the above provisions, exempting search firms from regulation as employment agencies. The statement shall include, in addition to other information the commissioner may by rule require, a representation as to whether the search firm has placed any advertisements in the "help wanted" columns of newspapers published in Minnesota. If the commissioner at any time has reason to believe that the search firm has not conducted its business in a manner consistent with the above four conditions, the commissioner is authorized to inspect the relevant records of the search firm for the purpose of confirming whether the search firm has maintained its exempt status during the year. If it is determined, either by written admission by the search firm or by a finding of fact in a court of law or by a hearing officer pursuant to chapter 15, that any of the four conditions were not met, the search firm shall thereafter be considered an employment agency and subject to the provisions of sections 184.21 to 184.41. In the event an employment agency offers services which are the same or similar to those offered by a search firm, or in the event a search firm offers services which are the same or similar to those offered by an employment agency, the person or entity offering these combined employment agency and search firm services shall identify itself to the public by displaying the name in which it is registered with the commission as a licensed employment agency.

[1979 c 5 s 1]

CHAPTER 192A. UNIFORM CODE OF MILITARY JUSTICE

Sec.
192A.25 Opportunity to obtain witnesses and other evidence.

Sec.
192A.555 Drunken or reckless driving.

192A.25 Opportunity to obtain witnesses and other evidence.

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

Subd. 2. The military judge of a court-martial may:

(1) Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges disobeys a written order by the convening authority to appear before the court;