CHAPTER 179

LABOR RELATIONS

MINNESOTA LABOR RELATIONS ACT

179.01 DEFINITIONS; MINNESOTA LABOR RELATIONS ACT.

Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 179.01 to 179.17, shall be given the meanings subjoined to them.

Subd. 2. **Person.** "Person" includes individuals, partnerships, associations, corporations, trustees, and receivers.

Subd. 3. **Employer.** "Employer" includes all persons employing others and all persons acting in the interest of an employer, but does not include the state, or any political or governmental subdivision thereof, nor any person subject to the Federal Railway Labor Act, as amended from time to time, nor the state or any political or governmental subdivision thereof except when used in section 179.13.

Subd. 4. **Employee.** "Employee" includes, in addition to the accepted definition of the word, any employee whose work has ceased because of any unfair labor practice,

as defined in section 179.12, on the part of the employer or because of any current labor dispute and who has not obtained other regular and substantially equivalent employment, but does not include any individuals employed in agricultural labor or by a parent or spouse or in domestic service of any person at the person's own home.

Subd. 5. **Representative of employees.** "Representative of employees" means a labor organization or one or more individuals selected by a group of employees as provided in section 179.16.

Subd. 6. **Labor organization.** "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances or terms or conditions of employment.

Subd. 7. **Labor dispute.** "Labor dispute" includes any controversy concerning employment, tenure or conditions or terms of employment or concerning the association or right of representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms, tenure, or other conditions of employment, regardless of whether or not the relationship of employer and employee exists as to the disputants.

Subd. 8. **Strike.** "Strike" means the temporary stoppage of work by the concerted action of two or more employees as a result of a labor dispute.

Subd. 9. **Lockout.** "Lockout" is the refusal of the employer to furnish work to employees as a result of a labor dispute.

Subd. 10. **Commission.** "Commission" means the commission of three members which may be appointed by the governor to conduct hearings under this chapter.

Subd. 11. **Unfair labor practice.** "Unfair labor practice" means an unfair labor practice defined in sections 179.11 and 179.12.

Subd. 12. **Competent evidence.** "Competent evidence" means evidence admissible in a court of equity and such other evidence other than hearsay as is relevant and material to the issue and is of such character that it would be accepted by reasonable persons as worthy of belief.

Subd. 13. **Agricultural products.** "Agricultural products" includes, but is not restricted to, horticultural, viticultural, dairy, livestock, poultry, bee, and any farm products.

Subd. 14. **Processor.** "Processor" means the person who first processes or prepares agricultural products, or manufactures products therefrom, for sale after receipt thereof from the producer.

Subd. 15. **Marketing organization.** "Marketing organization" means any organization of producers or processors organized to engage in any activity in connection with the marketing or selling of agricultural products or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof, or in connection with the manufacturing, selling or supply of machinery, equipment, or supplies for their members or patrons.

Subd. 16. **Professional strikebreaker.** "Professional strikebreaker" means any person who:

(a) Makes an offer to an employer at whose place of business a labor dispute is presently in progress to work as a replacement for an employee or employees involved in such labor dispute; and

(b) During a period of five years immediately preceding such offer, has, on more than one occasion, made an offer to employers to work as a temporary employee to personally replace employees involved in labor disputes. For the purposes of this subdivision, " work" shall mean the rendering of services for wages or other consideration. For the purposes of this subdivision, "offer" shall include arrangements made for or on behalf of employers by any person.

History: *(4254-21) 1939 c 440 s 1; 1943 c 624 s 1,5; 1973 c 149 s 1; 1986 c 444*

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.

History: *(4254-22) 1939 c 440 s 2; 1949 c 739 s 14; 1951 c 713 s 17; 1969 c 1129 art 2 s 1; 1977 c 305 s 25*

179.03 POLITICAL ACTIVITIES FORBIDDEN.

Any mediator, under the provisions of sections 179.01 to 179.17, who exerts personal influence, directly or indirectly, to induce any other person to adopt the mediator's political views, or to favor any particular candidate for office, or to contribute funds for political purposes shall forthwith be removed from office or position by the appointing authority; provided, that before removal the director of mediation services shall be entitled to a hearing before the governor, and any other employee shall be entitled to a similar hearing before the director of mediation services.

History: *(4254-23) 1939 c 440 s 3; 1969 c 1129 art 2 s 2; 1974 c 139 s 1; 1986 c 444*

179.04 EXPENSES; FEES.

Subdivision 1. The director of mediation services and 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.

History: *(4254-24) 1939 c 440 s 4; 1969 c 1129 art 2 s 3; 1979 c 333 s 89; 1986 c 444*

179.05 RULES FOR HEARINGS.

The director of mediation services shall adopt reasonable and proper rules relative to and regulating the conduct of the hearings. Such rules shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such rule shall be filed with the secretary of the state, and any change therein or additions thereto shall not take effect until 20 days after such filing.

History: *(4254-25) 1939 c 440 s 5; 1969 c 1129 art 2 s 4; 1985 c 248 s 70*

179.06 COLLECTIVE BARGAINING AGREEMENTS.

Subdivision 1. **Notices.** When any employee, employees, or representative of employees, or labor organization shall desire to negotiate a collective bargaining agreement, or make any change in any existing agreement, or shall desire any changes in the rates of pay, rules or working conditions in any place of employment, it shall give written notice to the employer of its demand, which notice shall follow the employer if the place of employment is changed, and it shall thereupon be the duty of the employer and the representative of employee or labor organization to endeavor in good faith to reach an agreement respecting such demand. An employer shall give a like notice to employees, representative, or labor organizations of any intended change in any existing agreement. If no agreement is reached at the expiration of ten days after

service of such notice, any employees, representative, labor organization, or employer may at any time thereafter petition the director of mediation services to take jurisdiction of the dispute and it shall be unlawful for any labor organization or representative to institute or aid in the conduct of a strike or for an employer to institute a lockout, unless such petition has been served by the party taking such action upon the director and the other parties to the labor dispute at least ten days before the strike or lockout becomes effective. Unless the strike or lockout is commenced within 90 days from the date of service of the petition upon the director, it shall be unlawful for any of the parties to institute or aid in the conduct of a strike or lockout without serving a new petition in the manner prescribed for the service of the original petition, provided that the 90-day period may be extended by written agreement of the parties filed with the director.

A petition by the employer shall be signed by the employer or a duly authorized officer or agent; and a petition by the employees shall be signed by their representative or its officers, or by the committee selected to negotiate with the employer. In either case the petition shall be served by delivering it to the director in person or by sending it by certified mail addressed to the director at the director's office. The petition shall state briefly the nature of the dispute and the demands of the party who serves it. Upon receipt of a petition, the director shall fix a time and place for a conference with the parties to the labor dispute upon the issues involved in the dispute, and shall then take whatever steps the director deems most expedient to bring about a settlement of the dispute, including assisting in negotiating and drafting a settlement agreement. It shall be the duty of all parties to a labor dispute to respond to the summons of the director for joint or several conferences with the director and to continue in such conference until excused by the director, not beyond the ten-day period heretofore prescribed except by mutual consent of the parties.

Subd. 2. **Director, powers and duties.** The director may at the request of either party to a labor dispute render assistance in settling the dispute without the necessity of filing the formal petition referred to in subdivision 1. If the director takes jurisdiction of the dispute as a result of such a request, the director shall then proceed as provided in subdivision 1.

History: *(4254-26) 1939 c 440 s 6; 1941 c 469 s 1; 1955 c 837 s 1; 1969 c 1129 art 2 s 5; 1986 c 444*

179.07 LABOR DISPUTE AFFECTING PUBLIC INTERESTS; PROCEDURE.

If the dispute is in any industry, business, or institution affected with a public interest, which includes, but is not restricted to, any industry, business, or institution engaged in supplying the necessities of life, safety, or health, so that a temporary suspension of its operation would endanger the life, safety, health, or well-being of a substantial number of people of any community, the provisions of section 179.06 shall apply and the director of mediation services shall also notify the governor who may appoint a commission of three to conduct a hearing and make a report on the issues involved and the merits of the respective contentions of the parties to the dispute. If the governor decides to appoint a commission, the governor shall so advise the director who shall immediately notify the parties to the labor dispute and also inform them of the date of the notification to the governor. The members of such commission shall on account of vocations, employment, or affiliations be representatives of employees, employers, and the public, respectively. Such report shall be filed with the governor not less than five days before the end of the 30-day period hereinafter provided and may be published as the governor may determine in one or more legal newspapers in the counties where the dispute exists. If and when the governor shall notify the director of the decision to appoint a commission, neither party to the dispute shall make any change in the situation affecting the dispute and no strike or lockout shall be instituted until 30 days shall have elapsed after the notification to the governor. In case the governor shall fail to appoint a commission within five days after the notification, this limitation on the parties shall be suspended and inoperative. If the governor shall

thereafter appoint a commission, no strike or lockout having been instituted in the meantime, the limitation shall again become operative, but in no case for more than the 30-day period. The 30-day period may be extended by stipulation upon the record of the hearing before the commission or by written stipulation signed by the parties to the labor dispute and filed with the director. If so extended, the report of the commission shall be filed with the governor not less than five days before the end of the extended period.

History: *(4254-27) 1939 c 440 s 7; 1941 c 469 s 2; 1969 c 1129 art 2 s 6; 1986 c 444*

179.08 POWERS OF COMMISSION APPOINTED BY GOVERNOR.

(1) The commission appointed by the governor pursuant to the provisions of sections 179.01 to 179.17 shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may by its chair administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the labor dispute has arisen or exists;

(2) In case of contumacy or refusal to obey a subpoena issued under clause (1), the district court of the state for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, or application by the commission shall have jurisdiction to issue to such person an order requiring such person to appear before the commission, there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by the court as a contempt thereof;

(3) Any party to or party affected by the dispute may appear before the commission in person or by attorney or by their representative, and shall have the right to offer competent evidence and to be heard on the issues before the report is made.

Any commissioners so appointed shall be paid a per diem of $75 and their necessary expenses while serving.

History: *(4254-28) 1939 c 440 s 8; 1941 c 469 s 3; 1969 c 1129 art 2 s 7; 1986 c 444*

179.083 JURISDICTIONAL CONTROVERSIES.

Whenever two or more labor organizations adversely claim for themselves or their members jurisdiction over certain classifications of work to be done for any employer or in any industry, or over the persons engaged in or performing such work and such jurisdictional interference or dispute is made the ground for picketing an employer or declaring a strike or boycott against the employer, the director of mediation services shall certify that fact to the governor. Upon receipt of such certification the governor may appoint a labor referee to hear and determine the jurisdictional controversy. If the labor organizations involved in the controversy have an agreement between themselves defining their respective jurisdictions, or if they are affiliated with the same labor federation or organization which has by the charters granted to the contending organizations limited their jurisdiction, the labor referee shall determine the controversy in accordance with the proper construction of the agreement or of the provisions of the charters of the contending organizations. If there is no agreement or charter which governs the controversy, the labor referee shall make such decision as, in consideration of past history of the organization, harmonious operation of the industry, and most effective representation for collective bargaining, will best promote industrial peace. If the labor organizations involved in the controversy so desire, they may submit the controversy to a tribunal of the federation or labor organization which has granted their charters or to arbitration before a tribunal selected by themselves, provided the controversy is so submitted prior to the appointment by the governor of a labor referee to act in the controversy. After the appointment of the labor referee by the governor,

or the submission of the controversy to another tribunal as herein provided, it shall be unlawful for any person or labor organization to call or conduct a strike or boycott against the employer or industry or to picket any place of business of the employer or in the industry on account of such jurisdictional controversy.

History: *1943 c 624 s 6; 1969 c 1129 art 2 s 8; 1986 c 444*

179.09 ARBITRATION.

When a labor dispute arises which is not settled by mediation such dispute may, by written agreement of the parties, be submitted to arbitration on such terms as the parties may specify, including among other methods the arbitration procedure under the terms of sections 572.08 to 572.26 and arbitration under the voluntary industrial arbitration tribunal of the American arbitration association. If such agreement so provides, the director of mediation services may act as a member of any arbitration tribunal created by any such agreement and, if the agreement so provides, the director may appoint one or more of such arbitrators. Either or both of the parties to any such agreement or any arbitration tribunal created under any such agreement may apply to the director to have the tribunal designated as a temporary arbitration tribunal and, if so designated, the temporary arbitration tribunal shall have power to administer oaths to witnesses and to issue subpoenas for the attendance of witnesses and the production of evidence, which subpoenas shall be enforced in the same manner as subpoenas issued by the commission under section 179.08. Any such temporary arbitration tribunal shall file with the director a copy of its report, duly certified by its chair.

History: *(4254-29) 1939 c 440 s 9; 1957 c 633 s 24; 1969 c 1129 art 2 s 9; 1986 c 444*

179.10 JOINING LABOR ORGANIZATIONS; UNITING FOR COLLECTIVE BARGAINING.

Subdivision 1. **Employees' right of self-organization.** Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection; and such employees shall have the right to refrain from any and all such activities.

Subd. 2. **Employers associations.** Employers have the right to associate together for the purpose of collective bargaining.

History: *(4254-30) 1939 c 440 s 10; 1941 c 469 s 4*

179.11 UNFAIR LABOR PRACTICES BY EMPLOYEES.

It shall be an unfair labor practice:

(1) For any employee or labor organization to institute a strike if such strike is a violation of any valid collective agreement between any employer and its employees or labor organization and the employer is, at the time, in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.06 or 179.07;

(3) For any person to seize or occupy property unlawfully during the existence of a labor dispute;

(4) For any person to picket or cause to be picketed a place of employment of which place the person is not an employee while a strike is in progress affecting the place of employment, unless the majority of persons engaged in picketing the place of employment at these times are employees of the place of employment;

(5) For more than one person to picket or cause to be picketed a single entrance to any place of employment where no strike is in progress at the time;

(6) For any person to interfere in any manner with the operation of a vehicle or the operator thereof when neither the owner nor operator of the vehicle is at the time a party to a strike;

(7) For any employee, labor organization, or officer, agent, or member thereof, to compel or attempt to compel any person to join or to refrain from joining any labor organization or any strike against the person's will by any threatened or actual unlawful interference with the person, or immediate family member, or physical property, or to assault or unlawfully threaten any such person while in pursuit of lawful employment;

(8) Unless the strike has been approved by a majority vote of the voting employees in a collective bargaining unit of the employees of an employer or association of employers against whom such strike is primarily directed, for any person or labor organization to cooperate in engaging in, promoting or inducing a strike. Such vote shall be taken by secret ballot at an election called by the collective bargaining agent for the unit, and reasonable notice shall be given to all employees in the collective bargaining unit of the time and place of election.

(9) For any person or labor organization to hinder or prevent by intimidation, force, coercion or sabotage, or by threats thereof, the production, transportation, processing or marketing by a producer, processor or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, in order to bring such processor or marketing organization against its will into a concerted plan to coerce or inflict damage upon any producer; provided that nothing in this subsection shall prevent a strike which is called by the employees of such producer, processor or marketing organization for the bona fide purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative or collective bargaining.

(10) The violation of clauses (2), (3), (4), (5), (6), (7), (8) and (9) are hereby declared to be unlawful acts.

History: *(4254-31) 1939 c 440 s 11; 1941 c 469 s 7; 1943 c 624 s 2,3; 1986 c 444*

179.12 EMPLOYERS' UNFAIR LABOR PRACTICES.

It shall be an unfair labor practice for an employer:

(1) To institute any lockout of its employees in violation of any valid collective bargaining agreement between the employer and its employees or labor organization if the employees at the time are in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) To institute any lockout of its employees in violation of section 179.06 or 179.07;

(3) To encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any terms or conditions of employment; provided, that this clause shall not apply to the provisions of collective bargaining agreements entered into voluntarily by an employer and its employees or a labor organization representing the employees as a bargaining agent, as provided by section 179.16;

(4) To discharge or otherwise to discriminate against an employee because the employee has signed or filed any affidavit, petition, or complaint or given any information or testimony under this chapter;

(5) To spy directly or through agents or any other persons upon any activities of employees or their representatives in the exercise of their legal rights;

(6) To distribute or circulate any blacklist of individuals exercising any legal right or of members of a labor organization for the purpose of preventing individuals so blacklisted from obtaining or retaining employment;

(7) To engage or contract for the services of a person who is an employee of another if such employee is paid a wage which is less than is agreed to be paid by the engaging or contracting employer under an existing union contract for work of the same grade or classification;

(8) Willfully and knowingly to utilize any professional strikebreaker to replace an employee or employees involved in a strike or lockout at a place of business located within this state;

(9) The violation of clauses (2), (4), (5), (6), (7), and (8) are hereby declared to be unlawful acts.

History: *(4254-32) 1939 c 440 s 12; 1941 c 469 s 8; 1955 c 669 s 1; 1973 c 149 s 2; 1986 c 444*

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.

History: *1979 c 331 s 1*

179.13 INTERFERENCES WHICH ARE UNLAWFUL.

Subdivision 1. It shall be unlawful for any person at any time to interfere with the free and uninterrupted use of public roads, streets, highways or methods of transportation or conveyance or to wrongfully obstruct ingress to and egress from any place of business or employment.

Subd. 2. It is an unfair labor practice for any employee or labor organization to commit an unlawful act as defined in subdivision 1.

History: *(4254-33) 1939 c 440 s 13; 1943 c 624 s 4*

179.135 PROTECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Subdivision 1. **Agreement protected from intervention.** No employer holding a valid collective bargaining agreement with any labor organization recognized or certified by the director of mediation services or the National Labor Relations Board as the accredited bargaining representative for the employees or any group of employees of such employer shall be required to enter into negotiations with any other labor organization respecting the employees covered by the existing union agreement, so long as the existing agreement remains in full force and effect in accordance with its terms except where a successor labor organization has been certified as the representative of the employees covered by such agreement by the director of mediation services or the National Labor Relations Board and recognized by the employer.

Subd. 2. **Prohibition against violation.** The violation of the provisions of this section by any officer, business agent, employee or other representative of any labor organization is prohibited.

History: *1947 c 593 s 1,2; 1969 c 1129 art 2 s 10*

179.14 INJUNCTIONS; TEMPORARY RESTRAINING ORDERS.

When any unfair labor practice is threatened or committed, a suit to enjoin such practice may be maintained in the district court of any county wherein such practice has occurred or is threatened. In any suit to enjoin any of the unfair labor practices set forth in sections 179.11 and 179.12, the provisions of sections 185.02 to 185.19 shall not apply. No court of the state shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of the violation of sections 179.11 and 179.12, as herein defined, except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations

made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court to the effect that the acts set forth in sections 179.11 and 179.12 have been threatened and will be committed unless restrained, or have been committed and will be continued unless restrained. No temporary restraining order may be issued under the provisions of sections 179.01 to 179.17 except upon the testimony of witnesses produced by the applicant in open court and upon a record being kept of such testimony nor unless the temporary restraining order is returnable within seven days from the time it is granted which shall be noted on the order of the court. It shall be the duty of the court to give the trial or hearing of any suits or proceedings arising under this section precedence over all other civil suits which are ready for trial. Failure of the trial court to decide a motion for a temporary injunction within seven days from the date the hearing thereon is concluded shall dissolve any restraining order issued therein without further order of the court. Failure of the trial court to decide any suit brought under this section within 45 days from the date the trial was ended shall dissolve any restraining order or temporary injunction issued therein without further order of the court.

History: *(4254-34) 1939 c 440 s 14; 1941 c 469 s 5; 1943 c 658 s 1*

179.15 VIOLATORS NOT ENTITLED TO BENEFITS OF CERTAIN SECTIONS.

Any employer, employee, or labor organization who has violated any of the provisions of sections 179.01 to 179.17 with respect to any labor dispute shall not be entitled to any of the benefits of sections 179.01 to 179.17 respecting such labor disputes and such employer, employee, or labor organization shall not be entitled to maintain in any court of this state an action for injunctive relief with respect to any matters growing out of that labor dispute, until good faith use is made of all means available under the laws of the state of Minnesota for the peaceable settlement of the dispute.

History: *(4254-35) 1939 c 440 s 15; 1986 c 444*

179.16 REPRESENTATIVES FOR COLLECTIVE BARGAINING.

Subdivision 1. **To be exclusive.** Representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment, provided, that any individual employee or group of employees shall have the right at any time to present grievances to their employer in person or through representatives of their own choosing.

Subd. 2. **Certification of group representative by director.** When a question concerning the representative of employees is raised by an employee, group of employees, labor organization, or employer the director of mediation services or any person designated by the director shall, at the request of any of the parties, investigate such controversy and certify to the parties in writing, the name or names of the representatives that have been designated or selected. The director shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the purpose of this chapter, the unit appropriate for the purpose of collective bargaining shall be the employer unit, craft unit, plant unit; provided, that any larger unit may be decided upon with the consent of all employers involved, and provided that when a craft exists, composed of one or more employees then such craft shall constitute a unit appropriate for the purpose of collective bargaining for such employee or employees belonging to such craft and a majority of such employees of such craft may designate a representative for such unit. Two or more units may, by voluntary consent, bargain through the same agent or agents with an employer or employers, their agent or agents. Supervisory employees shall not be considered in the selection of a bargaining agent. In any such investigation, the director may provide for an appropriate hearing, and may take a secret ballot of employees or utilize any other suitable method to ascertain such representatives, but

the director shall not certify any labor organization which is dominated, controlled, or maintained by an employer. If the director has certified the representatives as herein provided, the director shall not be required to again consider the matter for a period of one year unless it appears to the director that sufficient reason exists.

Subd. 3. **Witnesses; powers of director.** In the investigation of any controversy concerning the representative of employees for collective bargaining, the director of mediation services shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates directly to any matter involved in any such hearing, and the director or representative may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the question has arisen or exists.

Subd. 4. **Contempt of court.** In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides shall have jurisdiction to issue to such person an order requiring such person to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

History: *(4254-36) 1939 c 440 s 16; 1941 c 469 s 6; 1969 c 1129 art 2 s 11,12; 1986 c 444*

179.17 CITATION, LABOR RELATIONS ACT.

Sections 179.01 to 179.17 may be cited as the Minnesota labor relations act.

History: *1939 c 440 s 19*

MINNESOTA LABOR UNION DEMOCRACY ACT

179.18 DEFINITIONS; MINNESOTA LABOR UNION DEMOCRACY ACT.

Subdivision 1. **Persons.** "Persons" includes individuals, partnerships, associations, corporations, trustees, and receivers.

Subd. 2. **Labor organization.** "Labor organization" means any organization of employees or of persons seeking employment which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances or terms or conditions of employment, but shall not include any labor organization subject to the Federal Railway Labor Act as amended from time to time.

Subd. 3. **Employer.** "Employer" includes all persons employing others and all persons acting in the interest of an employer, but does not include the state or any political or governmental subdivision thereof, nor any person subject to the Federal Railway Labor Act, as amended from time to time.

Subd. 4. **Employee.** "Employee" includes, in addition to the accepted definition of the word, any employee whose work has ceased because of any unfair labor practice as defined in section 179.12 on the part of the employer or because of any current labor dispute and who has not obtained other regular and substantially equivalent employment, but does not include any individuals employed in agricultural labor or by a parent or spouse or in domestic service of any person at the person's own home.

Subd. 5. **Representative of employees.** "Representative of employees" means any person acting or asserting the right to act for employees or persons seeking employment in collective bargaining or dealing with employers concerning grievances or terms or conditions of employments.

Subd. 6. **Competent evidence.** "Competent evidence" means evidence admissible in a court of equity and such other evidence other than hearsay as is relevant and material to the issue and is of such character that it would be accepted by reasonable persons as worthy of belief.

History: *1943 c 625 s 1; 1986 c 444*

179.19 ELECTION OF OFFICERS OF LABOR ORGANIZATION.

The officers of every labor organization shall be elected for such terms, not exceeding four years, as the constitution or bylaws may provide. The election shall be by secret ballot. The constitution or bylaws may provide for multiple choice voting, nomination by primaries or run-off elections, or other method of election by which selection by a majority may be obtained. In the absence of such provision, the candidate for any office receiving the largest number of votes cast for that office shall be declared elected. It is the duty of every labor organization and the officers thereof to hold an election for the purpose of electing the successor of every such officer prior to the expiration of a term. Any employee who is elected to a full time position in a labor organization shall be given a leave of absence for the duration of time holding such office, without losing seniority or entitlement to any rights acquired as a result of employment.

History: *1943 c 625 s 2; 1969 c 853 s 1; 1986 c 444*

179.20 NOTICE OF ELECTIONS GIVEN.

Subdivision 1. **Publication.** No election required hereunder shall be valid unless reasonable notice thereof shall have been given to all persons eligible to vote thereat. Proof of publication of notice of an election in a trade union paper of general circulation among the membership of the union holding such election shall be conclusive proof of reasonable notice as required in this subdivision.

Subd. 2. **Plurality required.** No result of an election required hereunder shall be valid unless a plurality of the eligible persons voting thereat shall have cast their votes by secret ballot in favor of such result.

History: *1943 c 625 s 3*

179.21 REPORTS OF RECEIPTS AND DISBURSEMENTS.

It is hereby made the duty of the officer of every labor organization who is charged with responsibility of money and property thereof to furnish to the members thereof in good standing a statement of the receipts and disbursements of the labor organization from the date of the next preceding statement and the assets and liabilities thereof to the date of the current statement. Such statement shall be furnished by such officer at the time prescribed by the constitution or laws of the labor organization, or it shall be furnished not later than the 1st day of July next following such calendar year.

History: *1943 c 625 s 4*

179.22 LABOR REFEREE.

There is hereby created an office, to be known as labor referee. The governor may from time to time appoint labor referees for particular disputes as hereinafter provided. Such appointment shall be for the duration only of the particular dispute. Such labor referees shall be paid a per diem of $75 per day while so engaged, and their necessary expenses. When approved by the director, the director of mediation services shall cause to be paid, from the appropriation to the director, the amount due to the labor referees for services and expenses.

History: *1943 c 625 s 5; 1969 c 1129 art 2 s 13; 1986 c 444*

179.23 DIRECTOR TO CERTIFY VIOLATIONS TO GOVERNOR.

Subdivision 1. **Certification to governor.** Whenever it reasonably appears to the director of mediation services that any labor organization has failed substantially to comply with any of the requirements of sections 179.18 to 179.25, the director shall certify that fact to the governor and transmit to the governor all the information the director has received with reference thereto.

Subd. 2. **Governor may appoint a labor referee.** Upon receipt of such certification by the director of mediation services, the governor, within five days from the date of

such certification, shall appoint, if the governor deems it advisable, a labor referee to act in the dispute. If the governor does not appoint a labor referee within five days, the governor shall so notify the director and return the files to the director, which shall close the dispute.

Subd. 3. **Qualification of labor referee.** Upon receipt of notice of appointment as labor referee, such officer shall qualify by taking an oath of office and filing the same in the office of the secretary of state. The officer shall also notify the director of mediation services in writing of the date of filing such oath.

Subd. 4. **Notice of time and place of hearing.** Within ten days from the date of appointment, the labor referee shall fix the time and place of hearing upon the complaint and send notice thereof by certified mail to the labor organization and to the officers thereof who are charged in the complaint with dereliction of duties, the complainant and to such other persons as may be named as parties to the dispute.

Subd. 5. **Appearance; evidence.** Any party to or party affected by the dispute may appear at the hearing before the labor referee in person or by attorney or by other representative, and shall have the right to offer competent evidence and to be heard on the issues before any order herein provided is made. When all evidence has been adduced and the arguments heard, the labor referee shall prepare and file with the director of mediation services within 30 days from the close of testimony, findings of fact and an order sustaining or dismissing the charges. If the charges are sustained, such labor organization is thereby disqualified from acting as the representative of employees until such disqualification has been removed as provided herein.

Subd. 6. **Removal of disqualification by labor organization.** Any labor organization which has been disqualified from acting as a representative of employees pursuant to subdivision 5 for failure to perform any duty imposed upon it by sections 179.18 to 179.25 may remove such disqualification by applying to the director of mediation services and submitting proof of performance of the duty for the nonperformance of which the disqualification was imposed. Upon receipt of such application, the director shall notify all parties who participated in the hearing before the referee as adversary parties by mail of the filing of such application. If within 20 days after the mailing of such notice, written objection to the removal of such disqualification is filed with the director, the director shall certify the dispute to the governor, and further proceedings shall thereupon be had in like manner hereinbefore provided for the determination of disputes. Thereupon the labor referee appointed for such proceedings shall make and file an order either confirming the prior order for disqualification or removing the disqualification, as the case may require. If no objection is so filed, the director shall make an order removing such disqualification.

Subd. 7. **Power of labor referee.** (1) The labor referee appointed by the governor pursuant to the provisions of sections 179.18 to 179.25 shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing, but hearings shall be held in a county where the dispute has arisen or exists.

(2) In case of contumacy or refusal to obey a subpoena issued under clause (1), the district court for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, on application by the labor referee shall have jurisdiction to issue to such person an order requiring such person to appear before the labor referee, there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

History: *1943 c 625 s 6; 1969 c 1129 art 2 s 14-18; 1978 c 674 s 60; 1986 c 444*

179.24 UNLAWFUL ACTS.

It is unlawful for any labor organization which has been disqualified under section 179.23, subdivision 5, to act as a representative of employees.

History: *1943 c 625 s 7*

179.25 CITATION, LABOR UNION DEMOCRACY ACT.

Sections 179.18 to 179.25 may be cited as the Minnesota labor union democracy act.

History: *1943 c 625 s 8*

179.254 CONSTRUCTION WORKERS INSURANCE BENEFIT FUNDS; DEFINITIONS.

Subdivision 1. For the purposes of sections 179.254 to 179.256, the following terms shall have the meanings subscribed to them.

Subd. 2. "Benefit fund" means any trust fund established and operated for the purpose of providing medical, hospitalization, and other types of insurance, and other health, welfare and pension benefits for construction workers.

Subd. 3. "Construction worker" means any laborer or member of a trade who is employed in the building or construction industry and who is engaged in, but not limited to, any of the following occupations: carpenters, electricians, plumbers, bricklayers, masons, steamfitters, pipefitters, iron workers, sheet metal workers, cement finishers, laborers, operating engineers, lathers, plasterers, painters, pipe coverers, and glasiers.

Subd. 4. "Member" means any construction worker who is qualified to receive benefits from a benefit fund under the rules of that fund.

History: *1974 c 50 s 1; 1976 c 232 s 1; 1986 c 444*

179.255 PAYMENTS INTO HOME BENEFIT FUND.

Whenever a construction worker who is a member of a benefit fund works temporarily in a location such that contributions are made by or for the worker into another benefit fund, the trustees of the fund, or their agent, shall pay all such moneys to the trustees of the fund to which the construction worker is a member, except that such payment shall not exceed the rate of contribution to the fund in which the construction worker is a member. Payments may be made by check and shall be made promptly and regularly, at least once every 30 days. Each such payment from the trustees of one fund to the trustees of another shall be accompanied by a written statement including the name, address, and social security number of each construction worker for whom payment is made, the amount being paid for each worker, and the number of hours of work for which payment is being made.

History: *1974 c 50 s 2; 1986 c 444*

179.256 NOTIFICATION.

Whenever a construction worker may qualify for the reimbursement of benefit payments to a home benefit fund as described in section 179.255, the trustees of the benefit fund of which the worker is a member, or their agent, shall so notify the trustees of the benefit fund to which payments will be made during the temporary period of work. Such notification shall be made promptly in writing and shall include the name, address, and social security number of the construction worker and the starting date of the temporary period of work.

History: *1974 c 50 s 3; 1986 c 444*

179.257 APPLICATION.

The provisions of sections 179.254 to 179.256 requiring the transfer of payments between benefit funds shall apply only to those benefit funds which are established,

located and maintained within this state. However nothing contained herein shall be construed to discourage the legislature of another state or to prohibit the trustees of a benefit fund which is located in another state from providing, in accordance with sections 179.254 to 179.257 and on a wholly reciprocal basis, transfers between such foreign benefit fund or funds and a benefit fund located within the state of Minnesota.

History: *1974 c 50 s 4*

CERTAIN REPRESENTATION DISPUTES; STRIKES, BOYCOTTS PROHIBITED

179.26 DEFINITIONS; CERTAIN REPRESENTATION DISPUTES.

When used in sections 179.26 to 179.29, unless the context clearly indicates otherwise, each of the following words: employee, labor organization, strike, and lockout shall have the meaning ascribed to it in section 179.01.

History: *1945 c 414 s 1; 1949 c 299 s 1*

179.27 STRIKES OR BOYCOTTS PROHIBITED.

When certification of a representative of employees for collective bargaining purposes has been made by proper federal or state authority, it is unlawful during the effective period of such certification for any employee, representative of employees or labor organization to conduct a strike or boycott against the employer of such employees or to picket any place of business of the employer in order, by such strike, boycott or picketing, (1) to deny the right of the representative so certified to act as such representative or (2) to prevent such representative from acting as authorized by such certification, or (3) to interfere with the business of the employer in an effort to do either act specified in clauses (1) and (2) hereof.

History: *1945 c 414 s 2*

179.28 RECOVERY FOR TORT.

Any employer injured through commission of any unlawful act as provided in section 179.27 shall have a cause of action against any employees, representative of employees, or labor organization committing such unlawful act, and shall recover in a civil action all damages sustained by the employer from such injury.

History: *1945 c 414 s 3; 1986 c 444*

179.29 DISTRICT COURT HAS JURISDICTION.

The district court of any county in which the employer does any business shall have jurisdiction to entertain an action arising under sections 179.26 to 179.29. Such action shall be tried by the court with a jury unless a jury be waived.

History: *1945 c 414 s 4*

HOSPITALS; STRIKES PROHIBITED, COMPULSORY ARBITRATION REQUIRED

179.35 DEFINITIONS; HOSPITAL NO STRIKE AND ARBITRATION ACT.

Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of sections 179.35 to 179.39, shall be given the meanings subjoined to them.

Subd. 2. "Charitable hospital" includes all county and municipal hospitals and any hospital no part of the net income of which inures to the benefit of any private member, stockholder, or individual.

Subd. 3. "Hospital employee" includes any person employed in any capacity by

a charitable hospital, except an employee whose services are performed exclusively in connection with the operation of a commercial or industrial enterprise owned or operated by the charitable hospital for the production of profit, irrespective of the purposes to which such profit may be applied, and not engaged in any activity affecting the essential functions of the hospital.

Subd. 4. "Labor dispute" includes any controversy concerning employment, tenure, conditions, or terms of employment or concerning the association or right of representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms, tenure, or other conditions of employment, regardless of whether or not the relationship of employer and employee exists as to the disputants.

Subd. 5. "Strike" means the temporary stoppage of work by the concerted action of two or more hospital employees as a result of a labor dispute.

Subd. 6. "Lockout" means the refusal of a charitable hospital to furnish work to employees as a result of a labor dispute.

History: *1947 c 335 s 1; 1973 c 626 s 1*

179.36 STRIKES PROHIBITED.

It is unlawful for any hospital employee or representative of the employee, as defined in Minnesota Statutes 1945, section 179.01, subdivision 5, to encourage, participate in, or cause any strike or work stoppage against or directly involving a charitable hospital.

History: *1947 c 335 s 2*

179.37 LOCKOUTS PROHIBITED.

It is contrary to public policy and is hereby declared to be unlawful for any charitable hospital to institute, cause, or declare any lockout.

History: *1947 c 335 s 3*

179.38 ARBITRATION MANDATORY.

In the event of the existence of any labor dispute which cannot be settled by negotiation between the charitable hospital employers and their employees, either such employers or employees may petition and avail themselves of the provisions of sections 179.01 to 179.17, insofar as sections are not inconsistent with the provisions of sections 179.35 to 179.39. If such dispute is not settled within ten days after submission to mediation, any unsettled issue of maximum hours of work, minimum hourly wage rates, and other conditions of employment concerning union security shall, upon service of written notice by either party upon the other party and the director of mediation services, be submitted to the determination of a board of arbitrators whose determination shall be final and binding upon the parties. The board of arbitrators shall be selected and proceed in the following manner, unless otherwise agreed between the parties: the employers shall appoint one arbitrator, the employees shall appoint one arbitrator, and the two arbitrators so chosen shall appoint a third arbitrator who shall act as chair and who shall receive reasonable compensation for the work; but if said arbitrators are unable to agree upon the appointment of such third arbitrator within five days after submission to arbitration, the governor shall submit five names to the parties and the parties shall select the third arbitrator, who shall act as chair, from the five submitted by the governor. The selection of the third arbitrator shall be by the process of elimination, with the parties taking turns at striking names from the list of five submitted by the governor, until only one name remains. If the parties are unable to agree with respect to which party shall take the first turn for the purpose of striking a name, it shall be decided by the flip of a coin. Each party shall be responsible for compensating the arbitrator of their choice, and the parties shall share equally the compensation paid to the third arbitrator. The board of arbitrators shall serve as a temporary arbitration tribunal and shall have the powers provided for commissioners under section 179.08. The board of arbitrators shall make its determination with all due diligence and shall file a copy of its report with the director of mediation services.

History: *1947 c 335 s 4; 1969 c 1129 art 2 s 19; 1973 c 723 s 1; 1986 c 444*

179.39 SECTIONS NOT APPLICABLE.

The provisions of Minnesota Statutes 1945, sections 185.02 to 185.19, shall not apply in the case of a threatened or existing strike or other work stoppage by hospital employees or in the case of a lockout by a charitable hospital, and such threatened or existing strike or other work stoppage or lockout may be enjoined by a court of equity.

History: *1947 c 335 s 5*

SECONDARY BOYCOTTS PROHIBITED

179.40 SECONDARY BOYCOTT; DECLARATION OF POLICY.

As a guide to the interpretation and application of sections 179.40 to 179.47, the public policy of this state is declared to be:

To protect and promote the interests of the public, employees and employers alike, with due regard to the situation and to the rights of the others;

To promote industrial peace, regular and adequate income for employees, and uninterrupted production of goods and services; and

To reduce the serious menace to the health, morals and welfare of the people of this state arising from economic insecurity due to stoppages and interruptions of business and employment.

It is recognized that whatever may be the rights of disputants with respect to each other in any controversy, they should not be permitted, in their controversy, to intrude directly into the primary rights of third parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by lawful means and free from molestation, interference, restraint or coercion. The legislature, therefore, declares that, in its considered judgment, the public good and the general welfare of the citizens of this state will be promoted by prohibiting secondary boycotts and other coercive practices in this state.

History: *1947 c 486 s 1*

179.41 SECONDARY BOYCOTT DEFINED.

As used in sections 179.40 to 179.47, the term "secondary boycott" means any combination, agreement, or concerted action;

(a) to refuse to handle goods or to perform services for an employer because of a labor dispute, agreement, or failure of agreement between some other employer and its employees or a bona fide labor organization, or

(b) to cease performing or to cause any employees to cease performing any services for an employer, or to cause loss or injury to such employer or to its employees, for the purpose of inducing or compelling such employer to refrain from doing business with, or handling the products of, any other employer because of a dispute, agreement, or failure of agreement between the latter and its employees or a labor organization, or

(c) to cease performing or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to its employees, for the purpose of inducing or compelling such other employer to refrain from doing business with, or handling the products of, any other employer because of an agreement, dispute, or failure of agreement between the latter and its employees or a labor organization.

History: *1947 c 486 s 2; 1986 c 444*

179.42 UNLAWFUL ACT AND UNFAIR LABOR PRACTICE.

It is an unlawful act and an unfair labor practice for any person or organization to combine with another, to cause loss or injury to an employer, to refuse to handle or work on particular goods or equipment or perform services for an employer, or to withhold patronage, or to induce, or to attempt to induce, another to withhold patronage or other business intercourse, for the purpose of inducing or coercing such employer

to persuade or otherwise encourage or discourage its employees to join or to refrain from joining any labor union or organization or for the purpose of coercing such employer's employees to join or refrain from joining any labor union or organization.

History: *1947 c 486 s 3; 1986 c 444*

179.43 ILLEGAL COMBINATION; VIOLATION OF PUBLIC POLICY.

A secondary boycott as hereinbefore defined is hereby declared to be an illegal combination in restraint of trade and in violation of the public policy of this state.

History: *1947 c 486 s 4*

179.44 UNFAIR LABOR PRACTICE.

The violation of any provision of section 179.41 is hereby declared to be an unfair labor practice and an unlawful act.

History: *1947 c 486 s 5*

179.45 RIGHTS AND REMEDIES.

Any person who shall be affected by, or subjected to, or threatened with a secondary boycott, or any of the acts declared to be unlawful by sections 179.40 to 179.47, shall have all the rights and remedies provided for in Minnesota Statutes 1945, chapter 179, but shall not be restricted to such remedies.

History: *1947 c 486 s 6*

179.46 LIMITATIONS; FEDERAL ACT.

Nothing in sections 179.40 to 179.47 shall be construed as requiring any person to work or perform services against the person's will for any other person, nor to prohibit a strike, picketing or bannering which is otherwise lawful under the statutes and laws of this state; nothing in sections 179.40 to 179.47 shall be construed to apply to the refusal by an employee to enter upon the premises of an employer other than the employee's own employer when the employees of such other employer are engaged in a strike which is not an unfair labor practice, but does not include any person subject to the Federal Railway Labor Act as amended from time to time.

History: *1947 c 486 s 7; 1986 c 444*

179.47 CONSTRUCTION OF SECTIONS 179.40 TO 179.47.

Nothing contained in sections 179.40 to 179.47 is intended or shall be construed to repeal sections 179.01 to 179.13 and 179.14 to 179.39, or any part or parts thereof.

History: *1947 c 486 s 9*

179.50 [Repealed, Ex1971 c 33 s 17]
179.51 [Repealed, Ex1971 c 33 s 17]
179.52 [Repealed, Ex1971 c 33 s 17]
179.521 [Repealed, Ex1971 c 33 s 17]
179.522 [Repealed, Ex1971 c 33 s 17]
179.53 [Repealed, Ex1971 c 33 s 17]
179.54 [Repealed, Ex1971 c 33 s 17]
179.55 [Repealed, Ex1971 c 33 s 17]
179.56 [Repealed, Ex1971 c 33 s 17]
179.57 [Repealed, Ex1971 c 33 s 17]
179.571 [Repealed, Ex1971 c 33 s 17]
179.572 [Repealed, Ex1971 c 33 s 17]
179.58 [Repealed, Ex1971 c 33 s 17]

PROHIBITING COERCION OF EMPLOYEE

179.60 INTERFERING WITH EMPLOYEE OR MEMBERSHIP IN UNION.

It shall be unlawful for any person, company, or corporation, or any agent, officer, or employee thereof, to coerce, require, or influence any person to enter into any agreement, written or verbal, not to join, become, or remain a member of any lawful labor organization or association, as a condition of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any person, company, or corporation, or any officer or employee thereof, to coerce, require, or influence any person to contribute or pay to any person, company, or corporation, or any officer or employee thereof, any sum of money or other valuable thing for the sole purpose of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any two or more corporations or employers to combine, to agree to combine, or confer together for the purpose of interfering with any person in procuring, or in preventing the person from procuring, employment, or to secure the discharge of any employee by threats, promises, circulating blacklists, or any other means whatsoever. It shall be unlawful for any company or corporation, or any agent or employee thereof, to blacklist any discharged employee, or by word or writing seek to prevent, hinder, or restrain a discharged employee, or one who has voluntarily left its employ, from obtaining employment elsewhere. Every person and corporation violating any of the foregoing provisions shall be guilty of a misdemeanor.

History: *(10378) RL s 5097; 1921 c 389 s 1; 1986 c 444*

179.61 [Repealed, 1984 c 462 s 28]
179.62 [Repealed, 1984 c 462 s 28]
179.63 [Repealed, 1984 c 462 s 28]
179.64 [Repealed, 1984 c 462 s 28]
179.65 [Repealed, 1984 c 462 s 28]
179.66 [Repealed, 1984 c 462 s 28]
179.67 [Repealed, 1984 c 462 s 28]
179.68 [Repealed, 1984 c 462 s 28]
179.69 [Repealed, 1984 c 462 s 28]
179.691 [Repealed, 1984 c 462 s 28]
179.692 [Repealed, 1984 c 462 s 28]
179.70 [Repealed, 1984 c 462 s 28]

NOTE: Subdivision 1 was also amended by Laws 1984, chapter 654, article 2, section 116, to read as follows:

"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. Notwithstanding any home rule charter to the contrary, after the probationary period of employment, any disciplinary action, other than the termination of a teacher contract or the discharge of a teacher under section 125.12 or 125.17, is subject to the grievance procedure and compulsory binding arbitration. 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 (h). Employees covered by civil service systems created pursuant to chapters 43A, 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 43A, 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."

179.71 [Repealed, 1984 c 462 s 28]

179.72 [Repealed, 1984 c 462 s 28]

179.73 [Repealed, 1984 c 462 s 28]

179.74 [Repealed, 1984 c 462 s 28]

179.741 [Repealed, 1984 c 462 s 28]

NOTE: Subdivision 2 was also amended by Laws 1984, chapter 654, article 2, section 117, to read as follows:

"Subd. 2. **State employee severance.** Each of the following groups of employees has the right, as specified in this subdivision, to separate from the general professional, health treatment or general supervisory units provided for in subdivision 1: attorneys, physicians, professional employees of the higher education coordinating board who are compensated pursuant to section 43A.18, subdivision 4, state patrol-supervisors, regional enforcement officers employed by the department of natural resources, and criminal apprehension investigative-supervisors. This right shall be exercised by petition during the 60-day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their units may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 1. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance."

179.7411 [Repealed, 1984 c 462 s 28]

179.742 [Repealed, 1984 c 462 s 28]

179.743 [Repealed, 1984 c 462 s 28]

179.75 [Repealed, 1984 c 462 s 28]

179.76 [Repealed, 1984 c 462 s 28]

179.77 [Repealed, 1973 c 635 s 37]

LABOR-MANAGEMENT COMMITTEE GRANT PROGRAM

179.81 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 179.81 to 179.85, the terms defined in this section have the meanings given them.

Subd. 2. **Area labor-management committee.** "Area labor-management committee" or "committee" means a committee formed by and composed of multiple employers and multiple labor organizations, for the purpose of improving labor-management relations and enhancing economic development within the jurisdiction through labor-management cooperation.

Subd. 3. **Bureau.** "Bureau" means the bureau of mediation services.

Subd. 4. **Director.** "Director" means the director of the bureau of mediation services.

History: *1Sp1985 c 13 s 282*

179.82 GRANT PROGRAM CREATED; APPLICATIONS.

Subdivision 1. **Creation.** An area labor-management committee grant program is created within the bureau to be administered by the director.

Subd. 2. **Applications.** (a) Applications for area labor-management committee grants must be submitted to the bureau by October 15 of each year on a form developed by the director.

(b) The application must include a description of the area labor-management committee formed or to be formed consistent with the purposes of the area labor-management grant program, including an identification of the committee members and a brief description of the committee's existing or proposed operating procedures. A copy of the committee bylaws or other written operating procedures must be submitted.

(c) The application must include a statement of the labor-management problem or issue existing in the committee's area of jurisdiction. Grant applicants must document the problem using as much relevant data as is reasonably available, and must discuss the full range of impacts that the problem or issue is having upon the area or upon industry within the area.

(d) The application must include a statement of the approach to be used by the committee in solving the problem or dealing with the issue identified in paragraph (c) and an implementation plan setting forth the major steps to be taken and objectives sought in dealing with the problem or issue identified in paragraph (c), as well as a time table indicating when those steps will be taken and those objectives reached.

(e) The application must include a four-year financial plan detailing the amount of both state grant money and local, federal, and private sector money necessary for the applicant's program. The plan must show the total amount of state funding necessary to carry out the committee's goals and objectives, and the total money from other sources expected to be raised each year. The plan must be accompanied by a proposed committee budget, covering the life of the plan, detailing how all money, including state grant money, is to be expended.

History: *1Sp1985 c 13 s 283*

179.83 ACTION ON APPLICATION.

Subdivision 1. **Standard for approval.** After October 15 of each year, the director shall review the applications. Grants must be awarded on a competitive basis based on the appropriateness of the proposal, the attainability of the goals, the evidence of interest in the proposal among representatives of labor and management in the area within the committee's jurisdiction, and the thoroughness of the financial plan presented. Successful applicants shall be notified of the award no later than December 1 of each year.

Subd. 2. **Number of grants awarded.** On the basis of the review conducted under subdivision 1, the director may award no more than three grants in each of the two years following the effective date of sections 179.81 to 179.85, provided that not more than five grants are awarded in the biennium following July 1, 1985.

History: *1Sp1985 c 13 s 284*

179.84 GENERAL CONDITIONS AND TERMS OF GRANTS.

Subdivision 1. **Requirements.** For each grant awarded the director shall:

(1) require an approved work plan that establishes measurable goals and objectives for the committee within the committee's area of responsibility and that prohibits the committee from becoming involved in contract disputes, labor negotiations, or grievance procedures;

(2) establish a technical assistance delivery area outside the geographic area covered by the area labor-management committee;

(3) require the area labor-management committee to establish an approved technical assistance work plan for its external technical assistance delivery area; and

(4) annually review the operating performance of each area labor-management committee receiving state money under this program.

Subd. 2. **Work plans.** Regular work plans for each area labor-management committee must be directed toward improving labor-management relations within the area serviced by the committee. Technical assistance work plans must provide for the establishment of new area labor-management committees within the committee's technical assistance delivery area. Both types of work plans must provide for the following:

(1) information, resources, and materials on ways in which labor and management can work cooperatively to improve productivity and the quality of working life;

(2) educational programs such as seminars, workshops, and conferences on ways

in which labor and management can work cooperatively to improve productivity and the quality of work life;

(3) technical assistance to individuals, groups of firms, unions, and governmental units that are interested in developing labor management committees; and

(4) promotion, support, and assistance in the organization, establishment, and operation of local or regional area labor-management committees.

History: *1Sp1985 c 13 s 285*

179.85 FUNDING LIMITATIONS.

A new or existing area labor-management committee may apply for a maximum grant of $100,000 per year. A new or existing area labor-management committee may be awarded state grant money, and must provide money from other nonstate sources, in each of the four years covered by the financial plan in the following ratio of state and nonstate money: in the first year, 90 percent state and 10 percent nonstate; in the second year, 80 percent state and 20 percent nonstate; in the third year, 50 percent state and 50 percent nonstate; and in the fourth year, 30 percent state and 70 percent nonstate. In a grant to an existing or proposed area labor-management committee, $10,000 of the grant is designated and may only be used for technical assistance services within the technical assistance delivery area, both as specified by the director under section 179.84.

History: *1Sp1985 c 13 s 286*