

**Section 1. Legislative retirement study commission; appropriation.** Subdivision 1. The sum of \$12,500 is appropriated from the general revenue fund in the state treasury to the legislature retirement study commission for the execution of its duties. Notwithstanding the provisions of Minnesota Statutes, Section 16.17 or any other provision of law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until fully expended.

Subd. 2. The appropriation provided by this act shall be effective upon final enactment of the act.

Approved March 12, 1969.

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CHAPTER 42—H. F. No. 364

*An act relating to employment security; amending Minnesota Statutes 1967, Section 268.09, Subdivision 1.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1.** Minnesota Statutes 1967, Section 268.09, Subdivision 1, is amended to read:

**268.09 Employment security; disqualification from benefits; future contributions.** Subdivision 1. **When disqualified.** An individual shall be disqualified for benefits:

(1) If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, for not less than five nor more than eight weeks of unemployment in addition to and following the waiting period, or was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment, if so found by the commissioner, for 12 weeks of unemployment in addition to and following the waiting period, which disqualification shall not be removed by subsequent employment, and provided further that the commissioner is empowered to impose a total disqualification for the benefit year and to cancel part or all of the wage credits from the last employer from whom he was so separated, and the maximum benefit amount payable to such individual shall be reduced as follows:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(a) by an amount equal to the weekly benefit amount times the number of weeks for which such individual was disqualified, when the separation occurs as a result of discharge for misconduct;

(b) by an amount equal to two times the weekly benefit amount, when the separation occurs because of a voluntary separation as described in this clause;

(c) by an amount equal to 12 times his weekly benefit amount, when the separation occurs as a result of a discharge for gross misconduct.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

(2) If such individual is separated from her employment because of pregnancy or voluntarily discontinues her employment for the purpose of visiting or living with her husband, or assuming the duties of a housewife; provided that such disqualification shall be removed by subsequent employment in insured work for a period of not less than six weeks.

(3) ~~Twenty percent of the benefits paid to any individual whose separation occurs because such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer, as provided in clause (1) of this subdivision, or who was separated from her employer because she assumed family obligations, as provided in clause (2) of this subdivision, shall be used as benefits charged to the employer in determining the experience ratio of the employer from whose employment such individual is separated, provided that the employer's experience ratio shall not be increased by more than one half of one percent in any 12 months period as a result of benefits charged under this clause. Benefits paid to any individual whose separation occurs because such individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, or whose separation occurs because such individual was discharged for gross misconduct, if so found by the commissioner, as provided in clause (1) of this subdivision, shall not be used as benefits charged to~~

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~~the employer in determining the experience ratio of the employer from whose employment such individual is separated. Benefits paid to any individual whose separation occurs under any of the conditions of the foregoing clauses of this subdivision shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual so separated.~~

(4) If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and for a period of seven weeks of unemployment immediately following such refusal or failure.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization.

(5) If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that this disqualification shall not act to deny any individual the right to benefits based on employment subsequent to his separation because of a strike or other labor dispute if such individual has in writing notified the employer in-

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involved in such strike or other labor dispute of his resignation and acceptance of his resignation and acceptance of other bona fide employment and provided further that such resignation is accepted by all parties to the strike or other labor dispute so that such individual is no longer considered an employee of such employer. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee who becomes unemployed because of a lockout or by dismissal during the period of negotiation in any labor dispute and prior to the commencement of a strike.

(6) If such individual has, during his benefit year, refused suitable reemployment offered by a base period employer. The wage credits of such individual earned from such base period employer shall be canceled; provided that this clause shall not apply if:

(a) prior to the date designated by such employer for the reemployment of such individual, such individual has been offered and accepted work with another employing unit, and on the date such individual was to have been reemployed by such base period employer, he was actually engaged in bona fide work with another employing unit, or

(b) on the date designated for the reemployment of such individual by such base period employer, he was unable to accept such reemployment because of his own serious illness, except that such serious illness shall not include pregnancy or any illness resulting therefrom, or

(c) on the date designated for the reemployment of such individual by such base period employer, he was unable to accept such reemployment because either he has moved his residence or the base period employer has removed the place of employment so as to render unreasonable the distance which such individual would be required to travel in order to accept the offer of reemployment.

For the purpose of this clause, reemployment offering substantially the same or better hourly wages and conditions of work previously provided to such individual by such base period employer during the base period shall be deemed to be "suitable reemployment."

Approved March 12, 1969.

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