

The legislature recognizes the fiscal constraints facing schools and the need to provide more cost effective delivery of educational services. At the same time, the legislature is committed to broad course offerings to meet the needs of secondary students. Therefore, the legislature encourages school districts and post-secondary institutions to participate in cooperative arrangements which will enhance curricular offerings available to secondary students.

Sec. 2. [123.3511] AUTHORIZATION FOR AGREEMENTS.

Notwithstanding any other law to the contrary, school districts, individually or in conjunction with other districts, may enter into agreements with post-secondary institutions to allow secondary students to enroll in courses which are not available at the secondary schools.

Sec. 3. [123.3512] IMPLEMENTATION.

Subdivision 1. CREDITS. Post-secondary institutions shall be the institutions awarding credit for instruction offered pursuant to section 2. Notwithstanding any law to the contrary, school districts may accept the transfer of those credits toward the awarding of diplomas of participating students.

Subd. 2. FINANCIAL ARRANGEMENTS. Reimbursement for instruction offered by post-secondary institutions pursuant to section 2 shall be determined by participating secondary and post-secondary institutions or their governing boards.

For purposes of appropriations to post-secondary institutions, student credit hours earned through programs authorized pursuant to section 2 shall not be included as regular instructional activity at participating post-secondary institutions.

State aid shall not be withheld from a school district pursuant to section 124.19, subdivision 3, as a result of a school district participating in a program authorized in section 2.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment.

Approved March 23, 1982

CHAPTER 619 — H.F.No. 1831

An act relating to human rights; clarifying that quitting work due to sexual harassment does not result in benefit disqualification; including sexual harassment as a form of unfair discriminatory practices for certain purposes; amending Minnesota Statutes 1980, Sections 268.09, Subdivision 1; and 363.01, Subdivision 10, and by adding a subdivision.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 268.09, Subdivision 1, is amended to read:

Subdivision 1. **DISQUALIFYING CONDITIONS.** An individual shall be disqualified for waiting week credit and benefits for the duration of his unemployment and until he has earned four times his weekly benefit amount in insured work if he is separated from employment under any of the following conditions:

(1) **VOLUNTARY LEAVE.** The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) **DISCHARGE FOR MISCONDUCT.** The 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.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to

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maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older; or

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178.

(3) DISCHARGE FOR GROSS MISCONDUCT. The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his 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 discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery or the malicious destruction of property or the theft of money or property of a value of \$100 or more or arson or sabotage or embezzlement. However, no person shall be deemed to have been discharged for gross misconduct for purposes of this chapter unless (1) the person makes an admission to the conduct in writing or under oath, or (2) the person is found to have engaged in such conduct by an appeals tribunal established pursuant to section 268.10, or (3) the person has been convicted by a court of competent jurisdiction of acts constituting gross misconduct.

(4) LIMITED OR NO CHARGE OF BENEFITS. Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

Sec. 2. Minnesota Statutes 1980, Section 363.01, Subdivision 10, is amended to read:

Subd. 10. **DISCRIMINATE.** The term "discriminate" includes segregate or separate and, for purposes of discrimination based on sex, it includes sexual harassment.

Sec. 3. Minnesota Statutes 1980, Section 363.01, is amended by adding a subdivision to read:

Subd. 10a. **SEXUAL HARASSMENT.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Sec. 4. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment and applies to any separation from employment occurring on or after that date. Section 2 is effective the day after final enactment.

Approved March 23, 1982

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