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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3446

02/12/2024 Authored by Berg; Nelson, M.; Frederick; Frazier; Kozlowski and others
The bill was read for the first time and referred to the Committee on Workforce Development Finance and Policy
03/20/2024 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to unemployment insurance; modifying eligibility under certain conditions
1.3 for applicants involved in a labor dispute; amending Minnesota Statutes 2022,
1.4 section 268.085, subdivision 13b.

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

1.6 Section 1. Minnesota Statutes 2022, section 268.085, subdivision 13b, is amended to read:

1.7 Subd. 13b. Labor dispute. (a) An applicant who has stopped working because of a labor
1.8 dispute at the establishment where the applicant is employed is not ineligible for
1.9 unemployment benefits; under this subdivision.

1.10 (1) until the end of the calendar week that the labor dispute was in active progress if the
1.11 applicant is participating in or directly interested in the labor dispute; or

1.12 (2) until the end of the calendar week that the labor dispute began if the applicant is not
1.13 participating in or directly interested in the labor dispute.

1.14 Participation includes any failure or refusal by an applicant, voluntarily or involuntarily,
1.15 to accept and perform available and customary work at the establishment.

1.16 (b) An applicant who has stopped working because of a jurisdictional controversy
1.17 between two or more labor organizations at the establishment where the applicant is employed
1.18 is ineligible for unemployment benefits until the end of the calendar week that the
1.19 jurisdictional controversy was in progress. labor dispute at the establishment where the
1.20 applicant is employed is not considered to have quit that employment or been discharged
1.21 from that employment under section 268.095 at the time the labor dispute began, nor is the

2.1 applicant considered to be on a leave of absence or suspended from that employment under  
2.2 subdivision 13 or 13a at the time the labor dispute began.

2.3 ~~(c) An applicant is not ineligible for unemployment benefits under this subdivision if:~~

2.4 ~~(1) the applicant stops working because of an employer's intentional failure to observe~~  
2.5 ~~the terms of the safety and health section of a union contract or failure to comply with an~~  
2.6 ~~official citation for a violation of federal or state laws involving occupational safety and~~  
2.7 ~~health;~~

2.8 ~~(2) the applicant stops working because of a lockout; or~~

2.9 ~~(3) the applicant is discharged before the beginning of a labor dispute.~~

2.10 ~~(d) (c) A quit from employment by the applicant during the time that the labor dispute~~  
2.11 ~~is in active progress at the establishment does not terminate the applicant's participation in~~  
2.12 ~~or direct interest in the labor dispute for purposes of this subdivision.~~ is considered a quit  
2.13 from employment at the time the quit occurred subject to section 268.095.

2.14 (d) An applicant who is discharged from employment during the time that the labor  
2.15 dispute is in active progress at the establishment is considered discharged from employment  
2.16 at the time the discharge occurred subject to section 268.095.

2.17 (e) For the purpose of this subdivision, the term "labor dispute" has the same definition  
2.18 as provided in section 179.01, subdivision 7.