

CHAPTER 741—S. F. No. 800

[Coded in Part]

An act relating to employment security; and amending Minnesota Statutes 1961, Sections 268.04, Subdivisions 22, 24, 25, 26, and by adding new subdivisions thereto; 268.06, Subdivisions 5, 6, 8, 18, 22, and 24; 268.07, Subdivisions 2 and 3; 268.08, Subdivisions 1, 3, and by adding a new subdivision thereto; 268.09, Subdivision 1; and 268.12, Subdivision 3.

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

Section 1. Minnesota Statutes 1961, Section 268.04, Subdivision 22, is amended to read:

Subd. 22. **Employment security.** "State" includes, in addition to the states of the United States of America, ~~Alaska, Hawaii~~ *Puerto Rico*, and the District of Columbia.

Sec. 2. Minnesota Statutes 1961, Section 268.04, Subdivision 24, is amended to read:

Subd. 24. "Valid claim" with respect to any individual means a claim filed by an individual who has registered for work and who has earned wage credits *and established credit weeks* during his base period sufficient to entitle him to benefits under section 268.07, subdivision 2.

Sec. 3. Minnesota Statutes 1961, Section 268.04, Subdivision 25, is amended to read:

Subd. 25. "Wages" means all remuneration for services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(1) For the purpose of determining contributions payable under section 268.06, subdivision 2, clause (2), that part of the remuneration which, after remuneration equal to ~~\$3,000~~ *\$4,800* has been paid to an individual by an employer with respect to employment in this state or any other state during any calendar year subsequent to December 31, ~~1944~~ *1965* is paid to such individual by such employer with respect to employment during such calendar year; provided, that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of ~~\$3,000~~ *\$4,800* paid to an individual by an employer under the federal act during any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year to an individual by an employer subject

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thereto or his predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (a) retirement or (b) sickness or accident disability or (c) medical and hospitalization expenses in connection with sickness or accident disability, or (d) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (a) of the tax imposed upon an employee under section ~~1400~~ 3101 of the federal internal revenue code, or (b) of any payment required from an employee under a state unemployment compensation law;

(4) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not.

Sec. 4. Minnesota Statutes 1961, Section 268.04, Subdivision 26, is amended to read:

Subd. 26. "Wage credits" mean the ~~amount of wages paid and wages due but not paid by or remuneration earned~~ from an employer ~~to by an employee for insured work except that with~~ *respective respect to wages paid by or due earned* from an employer ~~to by an employee for seasonal employment (as defined in section 268.07, subdivision 5), "wage credits" shall mean the proportion (computed to the next highest multiple of five percent) of such wages the remuneration earned~~ which the customary period of operations bears to a calendar year. Wages earned in part-time employment by

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a student as an integral part of an occupational course of study, under a plan for vocational education accepted by the Minnesota department of education, shall not result in wage credits available for benefit purposes.

Sec. 5. Minnesota Statutes 1961, Section 268.04, as amended, is amended by adding new subdivisions thereto to read:

Subd. 29. "Credit week" is any week in which the remuneration earned from one or more employers by an employee equals \$26 or more.

Subd. 30. "Average weekly wage" means the quotient derived by dividing the total wage credits earned by an individual from all employers in insured work in the base period by the number of weeks in which such individual has earned \$26, or more, in wage credits.

Sec. 6. Minnesota Statutes 1961, Section 268.06, Subdivision 5, is amended to read:

Subd. 5. Notifications. (1) Benefits paid to an individual pursuant to a valid claim filed subsequent to June 30, 1941, shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who during his base period earned wages for part time employment with an employer who continues to give the employee part time employment substantially equal to the part time employment previously furnished such employee by such employer ~~or any benefits paid to an individual subsequent to his serving a period of disqualification for refusal to accept re-employment from his base period employer~~ shall not be charged to such employer's account. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

(2) When, however, the base period earnings of an individual to whom benefits are paid are less than ~~the minimum qualifying earnings for a valid claim from any given employer~~ \$520, then the proportional benefits which would ordinarily be charged to such employer shall not be charged to him, except that this provision shall not apply if the commissioner finds that the employment practices of an employer result in his separation of employees for whom work is available solely for the purpose of evading charges to his account.

In making computations under this provision, the amount of

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wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Sec. 7. Minnesota Statutes 1961, Section 268.06, Subdivision 6, is amended to read:

Subd. 6. **Employer's separate account.** The commissioner shall, for the calendar year ~~1943~~ *1966*, and for each calendar year thereafter, compute an experience ratio for each employer whose account has been chargeable with benefits during the 36 consecutive calendar months immediately preceding July 1 of the preceding calendar year; except that, for any employer who has not been subject to the Minnesota employment security law for a period of time sufficient to meet the 36-consecutive months requirement, the commissioner shall, ~~for the calendar year 1956 and for each calendar year thereafter,~~ compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1 of the preceding calendar year. Such experience ratio shall be the quotient obtained by dividing *1¼ times* the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 36 consecutive calendar months ending on June 30 of the preceding calendar year, by his total taxable payroll for the same period ~~ending on such June 30~~ on which all contributions due have been paid to the department of employment security on or before July 31 of ~~such the~~ preceding calendar year. Such experience ratio shall be computed to the ~~fifth decimal point nearest one tenth of a percent.~~ Provided, that any employer who has not submitted contribution and wage reports or has not paid the contributions due and payable to the department of employment security on or before July 31 of the preceding calendar year with respect to taxable payrolls for previous periods within the experience period shall be entitled to have such taxable payroll included as a factor in the computation of his experience ratio and contribution rate upon filing with the commissioner written application therefor supported by affidavits showing to the satisfaction of the commissioner that good cause for such delinquency exists and submitting said reports and payment of contributions on or before September 30 of said preceding year.

Sec. 8. Minnesota Statutes 1961, Section 268.06, Subdivision 8, is amended to read:

Subd. 8. **Adjustments.** ~~For the year 1949 and for each calendar year thereafter the commissioner shall determine the contribution rate of each employer on the basis of the relationship of his experience ratio to the contribution rates in accordance with the following schedule of rate categories. When the total amount of money~~

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in the account of this state in the unemployment trust fund amounts to \$50,000,000 or less at the close of business on June 30 of the calendar year preceding the rate year; then the rates in column (A) shall apply. When the amount of money in the account of this state in the unemployment trust fund amounts to more than \$50,000,000 but less than \$100,000,000 at the close of business on June 30 of the calendar year preceding the rate year; then the rates in column (B) shall apply. When the amount of money in the account of this state in the unemployment trust fund amounts to \$100,000,000 or more at the close of business on June 30 of the calendar year preceding the rate year; then the rates in column (C) shall apply.

Category	Employer's Exp. Ratio		Contribution Rates (Percentage of Wages)		
	From	To	(A)	(B)	(C)
1	.00000	.00000	.60	.30	.10
2	.00001	.00099	.80	.50	.30
3	.00100	.00139	1.00	.70	.50
4	.00140	.00179	1.20	.90	.70
5	.00180	.00219	1.40	1.10	.90
6	.00220	.00259	1.60	1.30	1.10
7	.00260	.00299	1.80	1.50	1.30
8	.00300	.00339	2.00	1.70	1.50
9	.00340	.00379	2.20	1.90	1.70
10	.00380	.00419	2.40	2.10	1.90
11	.00420	.00459	2.60	2.30	2.10
12	.00460	.00499	2.80	2.50	2.30
13	.00500	.00539	3.00	2.70	2.50
14	.100540	99.99999	3.00	2.70	2.70

For the year 1966 and for each calendar year thereafter the commissioner shall determine the contribution rate of each employer by adding the experience ratio to the minimum rate. The minimum rate for all employers shall be seven tenths of one percent if that amount in the unemployment compensation fund is less than \$50,000,000 on June 30 of the preceding calendar year; or five tenths of one percent if the fund is more than \$50,000,000 but less than \$60,000,000; or three tenths of one percent if the fund is more than \$60,000,000 but less than \$70,000,000; or one tenth of one percent if the fund is \$70,000,000 or more; provided that no employer shall have a contribution rate of more than 4-5/10 percent.

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Sec. 9. Minnesota Statutes 1961, Section 268.06, Subdivision 18, is amended to read:

Subd. 18. **Notice to employer.** The commissioner shall at least *once twice* each year notify each employer of the benefits as determined by the department which have been charged to his account subsequent to the last notice. Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of a referee, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 10. Minnesota Statutes 1961, Section 268.06, Subdivision 22, is amended to read:

Subd. 22. **Employment experience record transfer.** For experience rating purposes, one or more employing units which is or are the subject of or parties to a change of ownership or any form of organization or reorganization of an employing enterprise including a change in legal identity or form, shall upon application be deemed to be a successor entitled to the transfer of the employment experience record of all or any severable portion thereof; ~~including the war risk account~~ of one or more such employing enterprises involved in such change of ownership, organization, or reorganization if the commissioner finds that

(1) there is a continuation of the employment activities of the predecessor employing unit or units and that the purpose of such change is not to avoid a contribution rate in excess of 2.7 percent, and such transfer would not be inequitable and would not tend to defeat the object and purpose of this law.

(2) ~~The provisions of this subdivision apply to such changes occurring in the calendar year 1943 and thereafter. Any successor employing enterprise, resulting from a change of ownership or any form of organization or reorganization to which the provisions of this subdivision apply, occurring subsequent to June 30, 1951, but prior to January 1, 1952, shall make application for the transfer of the employment experience record of the predecessor not later than June 30, 1952, in order to avail itself of the provisions of this subdivision.~~

Provided that in no event shall a successor be assigned a rate of less than 2.7 percent until such time as all of the unpaid contributions of the predecessor have been paid. Credits due to a predecessor

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as a result of overpayment of contributions under this subdivision may be granted to the successor upon assignment thereof by such predecessor in such form and in accordance with such regulations as may be prescribed by the commissioner. *Employment with a predecessor employer shall not be deemed to have been terminated if similar employment is offered by the successor employer and accepted by the employee.*

Sec. 11. Minnesota Statutes 1961, Section 268.06, Subdivision 24, is amended to read:

Subd. 24. **Reassignment.** Notwithstanding any inconsistent provisions of law any employer who has been assigned a contribution rate pursuant to subdivisions 4, 6, and 8 may, for the calendar year 1949, or any calendar year thereafter, upon the voluntary payment of an amount equivalent to any portion or all of the benefits charged to his account during the period ending June 30 of the preceding year used for the purpose of computing an employer's experience ratio as authorized by said subdivisions 4, 6 and 8, obtain a cancelation of benefits charged to his account during such period equal to such payment so voluntarily made. Upon the payment of such voluntary contribution, *plus a surcharge of 25% of such benefit charged*, within 30 days from the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, the commissioner shall cancel the benefits equal to such payment, *excluding the 25% surcharge*, so voluntarily made and compute a new experience ratio for such employer. The employer then shall be assigned the contribution rate applicable to the category within which his recomputed experience ratio is included. In the event that the employer fails to make the voluntary contribution within the 30-day period above specified and it is shown by proper evidence that such failure was, in the opinion of the commissioner, for good cause, the commissioner may extend the time for payment but in no event shall the commissioner extend such time for payment beyond the expiration of a period of 120 days from the beginning of the year for which such rates are effective. Any adjustments under this subdivision shall be used only in the form of credits against accrued or future contributions.

Sec. 12. Minnesota Statutes 1961, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. **Maximums.** ~~(1) An individual's maximum amount of benefits payable during his benefit year and weekly benefit amount shall be the amounts appearing in Column B and C, respectively, in the table in this subdivision, on the line on which in Column A of such table there appear the total wage credits accruing in his base period for insured work:~~

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A. Wage Credits in Base Period	B. Total Maximum Amount of Benefits Payable During a Benefit Year		C. Weekly Benefit Amount
Under \$520	None		None
\$ 520	\$ 549.99	\$216.00	\$12.00
550	649.99	234.00	13.00
650	749.99	266.00	14.00
750	849.99	285.00	15.00
850	949.99	323.00	17.00
950	1,049.99	360.00	18.00
1,050	1,149.99	380.00	19.00
1,150	1,249.99	400.00	20.00
1,250	1,349.99	441.00	21.00
1,350	1,449.99	462.00	22.00
1,450	1,549.99	506.00	23.00
1,550	1,649.99	528.00	24.00
1,650	1,749.99	575.00	25.00
1,750	1,849.99	598.00	26.00
1,850	1,949.99	621.00	27.00
1,950	2,049.99	644.00	28.00
2,050	2,149.99	667.00	29.00
2,150	2,249.99	690.00	30.00
2,250	2,349.99	744.00	31.00
2,350	2,449.99	768.00	32.00
2,450	2,549.99	792.00	33.00
2,550	2,649.99	816.00	34.00
2,650	2,749.99	875.00	35.00
2,750	2,849.99	900.00	36.00
2,850	2,999.99	962.00	37.00
3,000	and over	988.00	38.00

(2) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, payable to him with respect to such week which is in excess of \$6. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(3) No individual shall, however, be eligible for unemployment benefits under sections 268.03 to 268.24 unless either (a) he

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has earned wage credits equal to an amount of at least \$400 in one calendar quarter of his base period and at least \$120 in another calendar quarter of such base period or (b) has earned a total of at least \$520 in his base period.

If the commissioner finds that an individual has earned 17, or more, credit weeks, and \$520 or more in wage credits, within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual as follows:

(1) *Weekly benefit amount shall be equal to 50% of the average weekly wage of such individual, computed to the nearest even dollar, subject to a maximum of \$47 per week.*

(2) *Benefits shall be paid weekly for a period not to exceed 70% of the number of credit weeks earned by such individual computed to the nearest even week, subject to a maximum of 26 weeks.*

(3) *Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, payable to him with respect to such week which is in excess of \$6. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.*

(4) *The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1957 1966.*

Sec. 13. Minnesota Statutes 1961, Section 268.07, Subdivision 3, is amended to read:

Subd. 3. **Wage credits.** (1) *The wage credits and credit weeks of an individual earned in employment with base period employers during the period commencing with the end of the base period and ending on the date on which he filed a valid claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has earned, in any part of the third and fourth quarters of the base period upon which the benefits for such subsequent benefit year are based, an amount equivalent to at least four times his current weekly benefit amount, and in the same period has established five credit weeks. A claim filed sufficiently in advance of anticipated unemployment to make the limitations of this clause ineffective shall be invalid. It is the purpose of this clause to prevent any individual from receiving benefits in more than one benefit year as a result of one separation from work.*

(2) *No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits*

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paid based upon earnings of such claimant during the next four calendar quarters following such base period unless he has employed such claimant in any part of the third and fourth quarters of such subsequent period.

Sec. 14. Minnesota Statutes 1961, Section 268.08, Subdivision 1, is amended to read:

268.08 Persons eligible to receive benefits. Subdivision 1. **When eligible.** An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that:

(1) He has registered for work at and thereafter has continued to report to an employment office, or agent of such office, in accordance with such regulations as the commissioner may prescribe; except that the commissioner may by regulation waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) He has made a claim for benefits in accordance with such regulations as the commissioner may prescribe;

(3) He was able to work and was available for work, *and was actively seeking work*, provided that individual's weekly benefit amount shall be reduced one-fifth for each day such individual is unable to work or unavailable for work;

(4) He has been unemployed for a waiting period of one week during which he is otherwise eligible for benefits under sections 268.03 to 268.24. No individual shall be required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which such valid claim was filed.

Sec. 15. Minnesota Statutes 1961, Section 268.08, Subdivision 3, is amended to read:

Subd. 3. **Not eligible.** An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) *termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; or provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period of*

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weeks equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period of weeks immediately following the last day of work; or

(2) *vacation allowance; or holiday pay; or*

(3) *compensation for loss of wages under the workmen's compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer; or*

(4) *a primary insurance benefit under Title II of the federal social security act, as amended, or similar old age benefits under any act of congress, or this state or any other state, or benefit payments from any fund, annuity, or insurance provided by or through the employer and to which the employer contributes 50 per cent or more of the total of the entire premiums or contributions to the fund.*

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply.

Sec. 16. Minnesota Statutes 1961, Section 268.08, is amended by adding a new subdivision thereto to read:

Subd. 4. Social security amount deducted from benefits. Any claimant aged 62 or over shall be required to state in writing at the time of the filing of his claim whether he intends to seek Title II social security benefits for any week during which he will receive unemployment benefits, and if he so intends there shall be withheld from his weekly unemployment benefits an amount sufficient to cover the weekly equivalent of his social security benefit. Any claimant disclaiming such intention but who nevertheless receives such social security benefits for weeks for which he previously received unemployment benefits shall be liable for repayment of such unemployment benefits and otherwise subject to the provisions of Minnesota Statutes, Section 269.18.

Sec. 17. Minnesota Statutes 1961, Section 268.09, Subdivision 1, is amended to read:

268.09 Disqualified from benefits. Subdivision 1. **When disqualified.** An individual shall be disqualified for benefits:

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(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 ~~three~~ *five* nor more than ~~seven~~ *eight* weeks of unemployment in addition to and following the waiting period, *and the maximum benefit amount payable to such individual shall be reduced as follows:*

(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.*

This provision shall not apply to any individual who left his employment to accept work in an industry, occupation or activity in accordance with War Manpower policies of the United States or 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 ~~two~~ *six* weeks.

(3) *Twenty percent of the 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 benefits charged to the employer in determining the future contribution rate experience ratio of the employer from whose employment such individual so separated, provided that no employer's experience ratio shall be increased by more than one half of one percent in any 12 months period as a result of benefits charged under this section.*

(4) If such individual's unemployment was caused by separation from employment pursuant to a rule of any employer of such individual whereby any female in the employ of any such employer shall be dismissed within a period of 90 days after acquiring a marital status or after such marital status first becomes known to the employer all wage credits earned in such employment shall be canceled; provided, however, that:

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(a) Such rule shall have been in effect and posted continuously in a conspicuous place in each establishment of the employer's place of business not less than six months immediately preceding the date on which such marital status was acquired; and

(b) Such individual's wages are not the only support of herself or the main support of an immediate member of her family;

(c) Such employer may re-employ such individual for a period not exceeding 90 days in any one year without invalidating the marital rule or without affecting any previous disqualification because of such rule; provided that such wage credits earned in such reemployment shall not also be cancelled because of such marital rule.

(d) During the present world war any employer may, by posting a notice in the same manner as provided in provision (a) of this clause; suspend the operation of such marital rule for a period of the duration and not exceeding six months following the cessation of hostilities in such war at which time such rule may be reinstated and will then become effective on any individual who has acquired a marital status during such period of suspension or was subject to dismissal under such rule at the time of suspension thereof.

(e) All the provisions of this clause relating to disqualification for separation due to a female's acquiring a marital status shall be suspended and have no force or effect for the period beginning July 1, 1945, and ending June 30, 1947.

(5) *If such individual was discharged for gross misconduct, 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.*

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.

(6) 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

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three 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.

(7) 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 an individual has in writing notified the employer 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 subsection 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.

(7) For the week with respect to which he knowingly and wilfully fails to disclose any remuneration received by him for serv-

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ices performed, for the purpose of obtaining benefits or a greater amount of benefits than he otherwise would have been paid, and for such additional weeks during his benefit year as the commissioner may determine according to the circumstances in each case:

(8) *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."

Sec. 18. Minnesota Statutes 1961, Section 268.12, Subdivision 3, is amended to read:

Subd. 3. **Rules, regulations.** Notwithstanding any inconsistent provision of law the commissioner is hereby authorized to adopt, amend, or rescind regulations as may be necessary for the administration of sections 268.03 to 268.24. Each proposed regulation, excepting those relating solely to the internal operation of the department, shall be published in one or more newspapers of general circulation in this state and be filed with the secretary of state prior to the time of publication. Any person or association desiring a copy of any proposed regulations shall file with the commissioner a written

Changes or additions indicated by italics, deletions by strikeout.

request therefor, containing his or its name and address. For a period of two years after the filing of such request the commissioner, at or prior to the time of any publication, shall mail to such person or association a copy of such proposed regulations. Each such proposed regulation, *if theretofore approved by the attorney general as to form and legality*, shall become final and effective ~~ten~~ 30 days after the publication thereof. Any employer, employee, or other person whose interest is or may be affected thereby may object to any such proposed regulation within ten days after publication thereof by filing with the commissioner a petition setting forth the grounds of objection to the proposed regulation and request a hearing thereon, whereupon a hearing shall thereafter be had before the commissioner or his duly authorized representative at a time and place designated by the commissioner or such representative after due notice of said hearing has been served by registered mail, upon the objecting party or parties not less than ten days before said hearing. In the event that the commissioner elects to amend such regulation after such hearing, then such amended regulation shall be filed with the secretary of state and a copy thereof mailed to each of the persons and associations who have filed a request for copies of proposed regulations as provided herein, and such amended regulation shall become effective five days after such filing and mailing. Judicial notice of any rule, regulation or order duly filed or published under the provisions of this subdivision shall be taken.

Sec. 19. *The provisions of this act shall become effective on July 1, 1966, except Sections 7 and 8, which shall become effective on January 1, 1966.*

Approved May 25, 1965.

CHAPTER 742—S. F. No. 801

An act relating to benefits under the workmen's compensation law, and the allowance for burial expenses; amending Minnesota Statutes 1961, Section 176.111, Subdivision 18.

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

Section 1. Minnesota Statutes 1961, Section 176.111, Subdivision 18, is amended to read:

Subd. 18. **Workmen's compensation; burial expense.** In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall

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