

prorated on a monthly basis.

Sec. 4. Laws 1971, Chapter 184, Section 1, Subdivision 5, as amended by Laws 1973, Chapter 283, Section 4, is amended to read:

Subd. 5. The fire department relief association may provide that when a member of the association becomes permanently disabled, as certified by two physicians designated by the association and the city manager, so that he cannot continue with his duties as a volunteer ~~fireman~~ firefighter for the city of Anoka, as a result of performing the duties pertaining to a volunteer ~~fireman~~ firefighter, then he shall be paid a lump sum service pension equal to ~~\$600~~ \$800 a year for 20 years of service, or if the member has more than 20 years of service a lump sum equal to ~~\$600~~ \$800 for each year of service up to the date of his disability shall be paid, and that in computation of such service pension, any fraction of a year shall be prorated on a monthly basis.

Sec. 5. Laws 1971, Chapter 184, Section 1, Subdivision 6, as amended by Laws 1973, Chapter 283, Section 5, is amended to read:

Subd. 6. The fire department relief association may provide that when a member of the association dies as a result of performing the duties pertaining to a volunteer ~~fireman~~ firefighter then his surviving widow shall receive a lump sum death benefit payment equal to ~~\$600~~ \$800 a year for 20 years of service, or if the member had more than 20 years of service a lump sum equal to ~~\$600~~ \$800 for each year of service up to the date of his death shall be paid. In the event he leaves no surviving widow, then his surviving minor children shall receive the lump sum death payment hereunder. In the event he dies without a surviving widow or minor children, then no lump sum death benefits will be payable whatsoever.

Sec. 6. Laws 1971, Chapter 184, Section 2, Subdivision 2, as amended by Laws 1973, Chapter 283, Section 6, is amended to read:

Subd. 2. A volunteer having performed service in the department when his position is eliminated and he does not become a full time ~~fireman~~ firefighter shall be paid a service pension equal to ~~\$600~~ \$800 for each year of service up to the date his position was eliminated, and that in computation of such service pension benefits, any fraction of a year shall be prorated on a monthly basis.

Sec. 7. This act is effective upon approval by the Anoka city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 28, 1978.

CHAPTER 618-H.F.No.1773

An act relating to unemployment compensation; providing limited benefits to certain employees, and benefits for certain persons reaching mandatory retirement age; permitting the

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commissioner to waive interest penalties in payment of employer contributions; amending Minnesota Statutes, 1977 Supplement, Sections 268.09, Subdivision 1; and 268.16, Subdivision 1; and Laws 1977, Chapter 242, by adding a section.

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1, is amended to read:

268.09 UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS. 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:

(1) **VOLUNTARY LEAVE.** If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer.

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

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

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

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

(c) If such 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; ~~or~~

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

(e) If such individual is terminated by his employer because he gave notice of intention to terminate employment at some future date. This exception shall be effective only to the date of intended termination as indicated by the individual in his notice, or for a period of four weeks from the date of the notice, whichever is shorter.

(3) **DISCHARGE FOR GROSS MISCONDUCT.** If such 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

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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 ~~clause~~ clauses (2)(c) and (2)(e), or because of his 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 from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy; provided further that no charges against an employer's account shall be made for benefits paid to an individual separated under clause (2)(e), if the employer paid to the individual his normal wage or salary for the period between the date of notice and the date of intended termination, or for four weeks, whichever is shorter.

Sec. 2. Minnesota Statutes 1976, Section 268.16, Subdivision 1, is amended to read:

268.16 COLLECTION OF CONTRIBUTIONS. Subdivision 1. **INTEREST ON PAST DUE CONTRIBUTIONS.** If contributions are not paid on the date on which they are due the unpaid balance thereof shall bear interest at the rate of one percent per month or any part thereof for the first 12 months of delinquency and one-half of one percent per month thereafter. Contributions received by mail postmarked on a day following the date on which the law requires contributions to be paid shall be deemed to have been paid on the due date if there is substantial evidence tending to prove that the contribution was actually deposited in the United States mails properly addressed to the department with postage prepaid thereon on or before the due date. Interest collected pursuant to this subdivision shall be paid into the contingent account. Interest on contributions due under this subdivision may be waived in accordance with rules as the commissioner may adopt.

Sec. 3. Laws 1977, Chapter 242, is amended by adding a section to read:

Sec. 2. Benefits provided pursuant to chapter 268 shall be provided to individuals defined in section 268.09, subdivision 1, clause (2)(d), when the separation from employment occurs on July 2, 1977, or thereafter.

Sec. 4. Section 3 is effective the day following final enactment.

Approved March 28, 1978.

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