

CHAPTER 439—H. F. No. 1647

An act relating to employment security; amending Minnesota Statutes 1965, Sections 268.04, Subdivisions 2, 4, and 29; and 268.10, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1965, Section 268.04, Subdivision 2, is amended to read:

Subd. 2. **Employment security; separation notice; benefits.** “Base period” means the ~~first four of the last five completed calendar quarters~~ *period of fifty-two calendar weeks* immediately preceding the first day of an individual’s benefit year.

Sec. 2. Minnesota Statutes 1965, Section 268.04, Subdivision 4, is amended to read:

Subd. 4. “Benefit year” with respect to any individual means the ~~one year~~ *period of fifty-two calendar weeks* beginning with the first day of the first week with respect to which the individual files a valid claim for benefits.

Sec. 3. Minnesota Statutes 1965, Section 268.04, Subdivision 29, is amended 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 *in insured work*.

Sec. 4. Minnesota Statutes 1965, Section 268.10, Subdivision 1, is amended to read:

268.10 Determinations of claims for benefits; appeals. Subdivision 1. **Filing.** Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason shall furnish to such employee a separation notice which shall provide the employer’s name, address, and employer account number as registered with the department, the employee’s name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy

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of such separation notice shall be filed with the commissioner within three days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish such separation notices which he has received from all employers from whom such individual earned wage credits in the base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) *The total wage credits earned in the base period;*

(b) *The number of credit weeks which end within the base period;*

(c) *The week ending dates for each calendar week within the base period in which the individual earned less than \$26 and the amount of earnings in each such week;*

(d) *The reason for the separation or separations of such individual from the employ of the employer in the base period; and*

(e) *Such employer's protest, if any, relating to the ineligibility or disqualification of such individual.*

(3) *If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall determine an individual's benefit rights based on the claimant's statements or any other available information. Any employer shall be liable for a late filing fee of \$5 to be paid to the department of employment security and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. In the absence of fraud, if a re-determination of benefit rights based on an employer's late report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination.*

Sec. 5. Minnesota Statutes 1965, Section 268.10, Subdivision 2, is amended to read:

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Subd. 2. Determination of validity; redetermination; issues of eligibility and disqualification.

(1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and such determination shall be known as the determination of validity. Notice of any such determination of validity or any redetermination as provided for in clause (2) of this subdivision shall be promptly given the claimant and all other interested parties. Unless the claimant or such other interested party, *or parties; or employing unit or units* within seven calendar days after the delivery of such notification, or within seven calendar days after such notification was mailed to his last known address, files a *protest to an appeal from* such determination of validity *or makes an allegation of disqualification; or raises an issue of the chargeability to his account of benefits that may be paid to such claimant as a result of such claim;* such determination shall be final and benefits shall be paid or denied in accordance therewith. *If the claimant or an interested employer files a protest to such determination of validity of the employer makes an allegation disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim within the time aforesaid specified for the filing of wage and separation information as provided in section 268.10, subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if such claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of such determination delivered or mailed to all the interested parties and claimant and the employer.* Such determination shall become final unless any interested party *or parties* appeals therefrom within seven calendar days after the delivery of such notification or within seven calendar days after such notification was mailed to his last known address; provided that *the aforesaid such determinations in this subdivision* shall not become final until ten calendar days after *the* delivery or 12 calendar days after the mailing of the determination notice if the commissioner finds that the failure to file such *protest or* appeal timely was due to a compelling good cause. If benefits are paid to a claimant which would not have been paid to him except for a base period employer's failure to file such *protest or* appeal within the specified seven calendar day period required herein, then any benefits so paid prior to the receipt of a notice filed late with good cause shall remain charged to the account

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of such base period employer; subsequent benefits paid shall be charged or not charged to such employer's account in accordance with the provisions of section 268.09. If an appeal is filed, benefits may be paid on the uncontested portion of the claim; benefits on the contested portion of the claim, if any, shall be paid after the final determination of the appeal. Except in respect to cases arising under section 268.09, subdivision 1, clause ~~(6)~~ (7), if an appeal tribunal affirms an initial determination or the commissioner affirms a decision of the appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, such benefits so paid shall not be considered in determining any individual employer's future contribution rate under section 268.06.

(2) At any time within one year from the date of the filing of a claim for benefits by an individual, the commissioner on his own motion may reconsider a determination made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if such determination was made as a result of a non-disclosure or misrepresentation of a material fact.

(3) However, the commissioner may in his discretion refer any disputed claims directly to the appeal tribunal for hearing and determination in accordance with the procedure outlined in subdivision 3 *of this section and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to such tribunal from an initial determination.*

(4) If within the benefit year an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. Unless the claimant or such other interested party or parties or benefit year employer shall within seven calendar days after the delivery of such notice, or within seven days after such notice was mailed to his last known address, files an appeal from such determination, such determination shall be final and benefits shall be paid or denied in accordance therewith.

Sec. 6. **Effective date.** *The provisions of this act shall ap-*

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ply to claims for benefits which establish a benefit year subsequent to September 30, 1967.

Approved May 15, 1967.

CHAPTER 440—H. F. No. 1653

An act relating to aid to the disabled; providing certain exemptions in determining need; amending Minnesota Statutes 1965, Section 245.25, Subdivision 5.

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

Section 1. Minnesota Statutes 1965, Section 245.25, Subdivision 5, is amended to read:

Subd. 5. **Aid to disabled; fixing amount of assistance.** In determining need and in fixing the amount of assistance, there shall be taken into consideration all income and resources of the applicant or recipient, *however, of the first \$80 per month of income which is earned the county agency shall disregard not more than the first \$20 thereof plus one-half of the remainder, as well as expenses reasonably attributable to the earning of any such income.*

The county agency shall, for a period not in excess of 36 months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the state agency, as may be necessary for the fulfillment of such plan, but only with respect to the part or parts of such period during substantially all of which he is actually undergoing vocational rehabilitation.

Approved May 15, 1967.

CHAPTER 441—H. F. No. 1665

[Not Coded]

An act relating to an emergency fund in Hennepin county.

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

Section 1. **Hennepin county; emergency fund.** The county board of Hennepin county may designate one of the funds pro-

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