

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 992

02/28/2013 Authored by Melin and Mahoney

The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act
1.2 relating to employment; regulating eligibility for unemployment compensation;
1.3 amending Minnesota Statutes 2012, section 268.095, subdivisions 1, 3.

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

1.5 Section 1. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

1.6 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
1.7 unemployment benefits according to subdivision 10 except when:

1.8 (1) the applicant quit the employment because of a good reason caused by the
1.9 employer as defined in subdivision 3;

1.10 (2) the applicant quit the employment to accept other covered employment that
1.11 provided substantially better terms and conditions of employment, but the applicant did
1.12 not work long enough at the second employment to have sufficient subsequent earnings to
1.13 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10
1.14 for quitting the first employment;

1.15 (3) the applicant quit the employment within 30 calendar days of beginning the
1.16 employment because the employment was unsuitable for the applicant;

1.17 (4) the employment was unsuitable for the applicant and the applicant quit to enter
1.18 reemployment assistance training;

1.19 (5) the employment was part time and the applicant also had full-time employment
1.20 in the base period, from which full-time employment the applicant separated because of
1.21 reasons for which the applicant was held not to be ineligible, and the wage credits from
1.22 the full-time employment are sufficient to meet the minimum requirements to establish a
1.23 benefit account under section 268.07;

(6) the applicant quit because the employer notified the applicant that the applicant was going to be laid off because of lack of work within 30 calendar days. An applicant who quit employment within 30 calendar days of a notified date of layoff because of lack of work is ineligible for unemployment benefits through the end of the week that includes the scheduled date of layoff;

(7) the applicant quit the employment (i) because the applicant's serious illness or injury made it medically necessary that the applicant quit; or (ii) in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant. This exception only applies if the applicant informs the employer of the medical problem and requests accommodation and no reasonable accommodation is made available.

If the applicant's serious illness is chemical dependency, this exception does not apply if the applicant was previously diagnosed as chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency.

This exception raises an issue of the applicant's being available for suitable employment under section 268.085, subdivision 1, that the commissioner must determine;

(8) the applicant's loss of child care for the applicant's minor child caused the applicant to quit the employment, provided the applicant made reasonable effort to obtain other child care and requested time off or other accommodation from the employer and no reasonable accommodation is available.

This exception raises an issue of the applicant's being available for suitable employment under section 268.085, subdivision 1, that the commissioner must determine;

(9) domestic abuse of the applicant or an immediate family member of the applicant, necessitated the applicant's quitting the employment. Domestic abuse must be shown by one or more of the following:

(i) a district court order for protection or other documentation of equitable relief issued by a court;

(ii) a police record documenting the domestic abuse;

(iii) documentation that the perpetrator of the domestic abuse has been convicted of the offense of domestic abuse;

(iv) medical documentation of domestic abuse; or

(v) written statement that the applicant or an immediate family member of the applicant is a victim of domestic abuse, provided by a social worker, member of the clergy, shelter worker, attorney at law, or other professional who has assisted the applicant in dealing with the domestic abuse.

Domestic abuse for purposes of this clause is defined under section 518B.01; or
(10) the applicant quit in order to relocate to accompany a spouse whose job
employment location changed making it impractical for the applicant to commute; and
(i) the applicant's spouse is in the military; or
(ii) the spouse's employment provides better terms and conditions than the
applicant's employment.

Sec. 2. Minnesota Statutes 2012, section 268.095, subdivision 3, is amended to read:

Subd. 3. **Good reason caused by the employer defined.** (a) A good reason caused
by the employer for quitting is a reason:

(1) that is directly related to the employment and for which the employer is
responsible;

(2) that is adverse to the worker; and

(3) that would compel an average, reasonable worker to quit and become
unemployed rather than remaining in the employment.

(b) The analysis required in paragraph (a) must be applied to the specific facts
of each case.

(c) If an applicant was subjected to adverse working conditions by the employer, the
applicant must complain to the employer and give the employer a reasonable opportunity
to correct the adverse working conditions before that may be considered a good reason
caused by the employer for quitting.

(d) A reason for quitting employment is not considered a good reason caused by
the employer for quitting if the reason for quitting occurred because of the applicant's
employment misconduct.

(e) Notification of discharge in the future, including a layoff because of lack of work,
is not considered a good reason caused by the employer for quitting.

(f) An applicant has a good reason caused by the employer for quitting if it results
from the employer denying the applicant's request for reasonable time off from scheduled
work in order to deal with a matter of such a compelling nature that an average reasonable
worker would, in the circumstances, miss scheduled work. This paragraph applies only if:

(1) the applicant informed the employer of the reason for requesting the time off; and
(2) the applicant reasonably believed that missing work without approval would
result in discharge.

(g) An applicant has a good reason caused by the employer for quitting if it results
from sexual harassment of which the employer was aware, or should have been aware,
and the employer failed to take timely and appropriate action. Sexual harassment means

4.1 unwelcome sexual advances, requests for sexual favors, sexually motivated physical
4.2 contact or other conduct or communication of a sexual nature when:

4.3 (1) the applicant's submission to the conduct or communication is made a term
4.4 or condition of the employment;

4.5 (2) the applicant's submission to or rejection of the conduct or communication is the
4.6 basis for decisions affecting employment; or

4.7 (3) the conduct or communication has the purpose or effect of substantially
4.8 interfering with an applicant's work performance or creating an intimidating, hostile, or
4.9 offensive working environment.

4.10 ~~(g)~~ (h) The definition of a good reason caused by the employer for quitting
4.11 employment provided by this subdivision is exclusive and no other definition applies.