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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5100

03/21/2024

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The bill was read for the first time and referred to the Committee on Workforce Development Finance and Policy

1.1 A bill for an act
1.2 relating to labor; establishing the Worker Opportunity Act; appropriating money;
1.3 amending Minnesota Statutes 2023 Supplement, section 268.19, subdivision 1;
1.4 proposing coding for new law as Minnesota Statutes, chapter 268C.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 268.19, subdivision 1, is amended
1.7 to read:

1.8 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from
1.9 any person under the administration of the Minnesota Unemployment Insurance Law are
1.10 private data on individuals or nonpublic data not on individuals as defined in section 13.02,
1.11 subdivisions 9 and 12, and may not be disclosed except according to a district court order
1.12 or section 13.05. A subpoena is not considered a district court order. These data may be
1.13 disseminated to and used by the following agencies without the consent of the subject of
1.14 the data:

1.15 (1) state and federal agencies specifically authorized access to the data by state or federal
1.16 law;

1.17 (2) any agency of any other state or any federal agency charged with the administration
1.18 of an unemployment insurance program;

1.19 (3) any agency responsible for the maintenance of a system of public employment offices
1.20 for the purpose of assisting individuals in obtaining employment;

1.21 (4) the public authority responsible for child support in Minnesota or any other state in
1.22 accordance with section 256.978;

- 2.1 (5) human rights agencies within Minnesota that have enforcement powers;
- 2.2 (6) the Department of Revenue to the extent necessary for its duties under Minnesota
2.3 laws;
- 2.4 (7) public and private agencies responsible for administering publicly financed assistance
2.5 programs for the purpose of monitoring the eligibility of the program's recipients;
- 2.6 (8) the Department of Labor and Industry and the Commerce Fraud Bureau in the
2.7 Department of Commerce for uses consistent with the administration of their duties under
2.8 Minnesota law;
- 2.9 (9) the Department of Human Services and the Office of Inspector General and its agents
2.10 within the Department of Human Services, including county fraud investigators, for
2.11 investigations related to recipient or provider fraud and employees of providers when the
2.12 provider is suspected of committing public assistance fraud;
- 2.13 (10) the Department of Human Services for the purpose of evaluating medical assistance
2.14 services and supporting program improvement;
- 2.15 (11) local and state welfare agencies for monitoring the eligibility of the data subject
2.16 for assistance programs, or for any employment or training program administered by those
2.17 agencies, whether alone, in combination with another welfare agency, or in conjunction
2.18 with the department or to monitor and evaluate the statewide Minnesota family investment
2.19 program and other cash assistance programs, the Supplemental Nutrition Assistance Program,
2.20 and the Supplemental Nutrition Assistance Program Employment and Training program by
2.21 providing data on recipients and former recipients of Supplemental Nutrition Assistance
2.22 Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or 256K, child
2.23 care assistance under chapter 119B, or medical programs under chapter 256B or 256L or
2.24 formerly codified under chapter 256D;
- 2.25 (12) local and state welfare agencies for the purpose of identifying employment, wages,
2.26 and other information to assist in the collection of an overpayment debt in an assistance
2.27 program;
- 2.28 (13) local, state, and federal law enforcement agencies for the purpose of ascertaining
2.29 the last known address and employment location of an individual who is the subject of a
2.30 criminal investigation;
- 2.31 (14) the United States Immigration and Customs Enforcement has access to data on
2.32 specific individuals and specific employers provided the specific individual or specific
2.33 employer is the subject of an investigation by that agency;

3.1 (15) the Department of Health for the purposes of epidemiologic investigations;

3.2 (16) the Department of Corrections for the purposes of case planning and internal research
 3.3 for preprobation, probation, and postprobation employment tracking of offenders sentenced
 3.4 to probation and preconfinement and postconfinement employment tracking of committed
 3.5 offenders;

3.6 (17) the state auditor to the extent necessary to conduct audits of job opportunity building
 3.7 zones as required under section 469.3201;

3.8 (18) the Office of Higher Education for purposes of supporting program improvement,
 3.9 system evaluation, and research initiatives including the Statewide Longitudinal Education
 3.10 Data System; ~~and~~

3.11 (19) the Family and Medical Benefits Division of the Department of Employment and
 3.12 Economic Development to be used as necessary to administer chapter 268B; and

3.13 (20) a private entity responsible for administering publicly financed worker opportunity
 3.14 benefits under section 268C.01, for the purposes of confirming eligibility of individual
 3.15 applicants.

3.16 (b) Data on individuals and employers that are collected, maintained, or used by the
 3.17 department in an investigation under section 268.182 are confidential as to data on individuals
 3.18 and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3
 3.19 and 13, and must not be disclosed except under statute or district court order or to a party
 3.20 named in a criminal proceeding, administrative or judicial, for preparation of a defense.

3.21 (c) Data gathered by the department in the administration of the Minnesota unemployment
 3.22 insurance program must not be made the subject or the basis for any suit in any civil
 3.23 proceedings, administrative or judicial, unless the action is initiated by the department.

3.24 **Sec. 2. [268C.01] WORKER OPPORTUNITY ACT.**

3.25 Subdivision 1. Citation. This section may be cited as the "Worker Opportunity Act."

3.26 Subd. 2. Worker opportunity benefits authorized; contract. (a) This section authorizes
 3.27 the payment of worker opportunity benefits, which must be administered by a third-party
 3.28 benefits administrator, to provide income assistance to unemployed workers who are
 3.29 ineligible for state or federal unemployment insurance benefits due to reasons related to
 3.30 authorization to work.

3.31 (b) As soon as practicable after final enactment, the commissioner of employment and
 3.32 economic development must contract with a third-party organization to serve as the benefits

4.1 administrator under this section. The solicitation process in chapter 16C applies to contracts
4.2 required by this section.

4.3 (c) The benefits administrator must pay and administer worker opportunity benefits on
4.4 a first-come, first-served basis from the money appropriated to the commissioner of
4.5 employment and economic development for the purposes of this section.

4.6 Subd. 3. **Eligible workers.** An individual is eligible to receive worker opportunity
4.7 benefits under this section for any week, regardless of immigration status, if the individual:

4.8 (1) has filed a request for worker opportunity benefits for the week under subdivision
4.9 4, and has met and verified all eligibility requirements in accordance with that subdivision;

4.10 (2) is unemployed through no fault of their own. For the purposes of this section,
4.11 "unemployed" has the meaning given in section 268.035, subdivision 26; and

4.12 (3) has not been found ineligible based on an outstanding overpayment due to
4.13 misrepresentation. For the purposes of this section, "misrepresentation" means making a
4.14 false statement or representation without a good-faith belief as to the correctness of the
4.15 statement or representation in order to obtain or attempt to obtain worker opportunity
4.16 benefits.

4.17 Subd. 4. **Application; verification of eligibility.** (a) An individual must apply for worker
4.18 opportunity benefits in the form and manner specified by the benefits administrator. The
4.19 benefits administrator must review, determine, and verify an individual applicant's eligibility
4.20 as provided in this subdivision. At minimum, the benefits administrator, in coordination
4.21 with the Department of Employment and Economic Development, must establish a process:

4.22 (1) by which individuals may apply for benefits and verify their eligibility under this
4.23 section;

4.24 (2) for notifying individuals of the acceptance or denial of their application in a timely
4.25 manner;

4.26 (3) for individuals to request a review of the denial;

4.27 (4) for providing outreach and education assistance regarding worker opportunity benefits
4.28 under this section; and

4.29 (5) for helping to identify and prevent overpayment due to misrepresentation.

4.30 (b) To verify eligibility for benefits, an individual applicant must:

4.31 (1) self-attest to meeting eligibility requirements;

5.1 (2) establish their identity by providing a Minnesota identification card or driver's license
5.2 issued under chapter 171; and

5.3 (3) provide documentation to verify their employment in Minnesota, establish residency
5.4 in Minnesota for at least six months, and demonstrate wages of at least \$14,400 from
5.5 employment in Minnesota for the four most recent completed calendar quarters.

5.6 Documentation may include any one or a combination of the following:

5.7 (i) an individual pay stub, a Form W-2, or a Form 1099 documenting the individual's
5.8 employment and wage withholding; or

5.9 (ii) a federal or state tax return for the taxable year immediately preceding the date of
5.10 application for benefits, with proof of filing using a Social Security number or valid federal
5.11 individual taxpayer identification number.

5.12 (c) To the extent possible, the benefits administrator must confirm an individual's identity,
5.13 employment, wage earnings, and residency eligibility.

5.14 Subd. 5. **Weekly benefit amount.** (a) To the extent available, the benefits administrator
5.15 must pay worker opportunity benefits to an individual who has met the eligibility and
5.16 verification requirements under subdivisions 3 and 4 on a first-come, first-served basis.

5.17 (b) To the extent available, an individual found eligible for worker opportunity benefits
5.18 may receive a payment of \$300 for each qualifying week of unemployment.

5.19 (c) The maximum amount of worker opportunity benefits paid to an individual under
5.20 this section may not exceed 13 weeks.

5.21 Subd. 6. **Data privacy and protection.** (a) Worker opportunity benefits under this
5.22 section are administered and paid by a third-party benefits administrator under a contract
5.23 with the Department of Employment and Economic Development. This contract is subject
5.24 to section 13.05, subdivision 11.

5.25 (b) Data collected from any individual under this section are classified as private data
5.26 on individuals, as defined by section 13.02, subdivision 12. This data may be used,
5.27 considered, or disclosed only for the purposes of administering worker opportunity benefits
5.28 under this section.

5.29 (c) Notwithstanding any law to the contrary, the commissioner and the third-party benefits
5.30 administrator administering this section must not share or disseminate data classified by
5.31 paragraph (b) except as necessary for the purposes of administering worker opportunity
5.32 benefits. An entity authorized by this paragraph to receive data must not use the data for
5.33 civil immigration enforcement purposes or further disclose the data to a state or federal

6.1 government entity that primarily enforces immigration law or to any employee or agent of
6.2 any such government entity.

6.3 (d) The commissioner and the third-party benefits administrator administering this section
6.4 must oppose discovery of data classified by paragraph (b) pursuant to section 13.03,
6.5 subdivision 6, and, if necessary, seek a protective order preventing any further dissemination
6.6 of the data.

6.7 (e) Violation of this subdivision by the commissioner, the third-party benefits
6.8 administrator administering this section, a government entity, or an employee or agent
6.9 thereof constitutes a violation of the Minnesota Government Data Practices Act and may
6.10 be subject to penalties and remedies applicable under chapter 13.

6.11 **EFFECTIVE DATE.** This section is effective July 1, 2027.

6.12 Sec. 3. **APPROPRIATION.**

6.13 \$10,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
6.14 of employment and economic development for the purpose of administering and
6.15 implementing the Worker Opportunity Act and contracting with a third-party benefits
6.16 administrator to pay and administer worker opportunity benefits as provided under Minnesota
6.17 Statutes, section 268C.01. This is a onetime appropriation and is available until June 30,
6.18 2030. Any unencumbered balance after June 30, 2030, cancels back to the general fund.