

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 1390**

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DATE	D-PG	OFFICIAL STATUS
02/25/2021	548	Introduction and first reading
		Referred to Jobs and Economic Growth Finance and Policy
03/01/2021	628	Author added McEwen

1.1 A bill for an act

1.2 relating to unemployment; modifying timeline for determination of eligibility

1.3 appeals; amending Minnesota Statutes 2020, section 268.101, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2020, section 268.101, subdivision 2, is amended to read:

1.6 Subd. 2. **Determination.** (a) The commissioner must determine any issue of ineligibility

1.7 raised by information required from an applicant under subdivision 1, paragraph (a) or (c),

1.8 and send to the applicant and any involved employer, by mail or electronic transmission, a

1.9 document titled a determination of eligibility or a determination of ineligibility, as is

1.10 appropriate. The determination on an issue of ineligibility as a result of a quit or a discharge

1.11 of the applicant must state the effect on the employer under section 268.047. A determination

1.12 must be made in accordance with this paragraph even if a notified employer has not raised

1.13 the issue of ineligibility.

1.14 (b) The commissioner must determine any issue of ineligibility raised by an employer

1.15 and send to the applicant and that employer, by mail or electronic transmission, a document

1.16 titled a determination of eligibility or a determination of ineligibility as is appropriate. The

1.17 determination on an issue of ineligibility as a result of a quit or discharge of the applicant

1.18 must state the effect on the employer under section 268.047.

1.19 If a base period employer:

1.20 (1) was not the applicant's most recent employer before the application for unemployment

1.21 benefits;

2.1 (2) did not employ the applicant during the six calendar months before the application  
2.2 for unemployment benefits; and

2.3 (3) did not raise an issue of ineligibility as a result of a quit or discharge of the applicant  
2.4 within ten calendar days of notification under subdivision 1, paragraph (b);

2.5 then any exception under section 268.047, subdivisions 2 and 3, begins the Sunday two  
2.6 weeks following the week that the issue of ineligibility as a result of a quit or discharge of  
2.7 the applicant was raised by the employer.

2.8 A communication from an employer must specifically set out why the applicant should  
2.9 be determined ineligible for unemployment benefits for that communication to be considered  
2.10 to have raised an issue of ineligibility for purposes of this section. A statement of "protest"  
2.11 or a similar term without more information does not constitute raising an issue of ineligibility  
2.12 for purposes of this section.

2.13 (c) Subject to section 268.031, an issue of ineligibility is determined based upon that  
2.14 information required of an applicant, any information that may be obtained from an applicant  
2.15 or employer, and information from any other source.

2.16 (d) Regardless of the requirements of this subdivision, the commissioner is not required  
2.17 to send to an applicant a copy of the determination where the applicant has satisfied a period  
2.18 of ineligibility because of a quit or a discharge under section 268.095, subdivision 10.

2.19 (e) The department is authorized to issue a determination on an issue of ineligibility  
2.20 within 24 months from the establishment of a benefit account based upon information from  
2.21 any source, even if the issue of ineligibility was not raised by the applicant or an employer.

2.22 If an applicant obtained unemployment benefits through misrepresentation under section  
2.23 268.18, subdivision 2, the department is authorized to issue a determination of ineligibility  
2.24 within 48 months of the establishment of the benefit account.

2.25 If the department has filed an intervention in a worker's compensation matter under  
2.26 section 176.361, the department is authorized to issue a determination of ineligibility within  
2.27 48 months of the establishment of the benefit account.

2.28 (f) A determination of eligibility or determination of ineligibility is final unless an appeal  
2.29 is filed by the applicant or employer within ~~20~~ 60 calendar days after sending. The  
2.30 determination must contain a prominent statement indicating the consequences of not  
2.31 appealing. Proceedings on the appeal are conducted in accordance with section 268.105.

2.32 (g) An issue of ineligibility required to be determined under this section includes any  
2.33 question regarding the denial or allowing of unemployment benefits under this chapter

- 3.1 except for issues under section 268.07. An issue of ineligibility for purposes of this section
- 3.2 includes any question of effect on an employer under section 268.047.