

the party so advancing the money, the profits of such business or ventures; nor shall its provisions apply to mutual building associations or any banks for cooperatives created or operating under the Federal Farm Credit Act of 1933, as amended, which by law or contract with its borrowers operates as a cooperative.

Approved May 10, 1967.

CHAPTER 342—H. F. No. 915

An act relating to employment security; amending Minnesota Statutes 1965, Section 268.09, Subdivision 1.

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

Section 1. Minnesota Statutes 1965, Section 268.09, Subdivision 1, is amended to read:

268.09 Employment security; disqualification from benefits; married women. Subdivision 1. **When disqualified.** An individual shall be disqualified for benefits:

(1) If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner for not less than five nor more than eight weeks of unemployment in addition to and following the waiting period, and the maximum benefit amount payable to such individual shall be reduced as follows:

(a) by an amount equal to the weekly benefit amount times the number of weeks for which such individual was disqualified, when the separation occurs as a result of discharge for misconduct;

(b) by an amount equal to two times the weekly benefit amount, when the separation occurs because of a voluntary separation as described in this clause.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment as due to serious illness of such individual.

(2) If such individual is separated from her employment be-

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cause of pregnancy or voluntarily discontinues her employment for the purpose of visiting or living with her husband, or assuming the duties of a housewife; provided that such disqualification shall be removed by subsequent employment in insured work for a period of not less than **six weeks**.

(3) Twenty percent of the benefits paid to any individual whose separation occurs under any of the conditions of the foregoing clauses of this subdivision shall be used as benefits charged to the employer in determining the experience ratio of the employer from whose employment such individual so separated, provided that no employer's experience ratio shall be increased by more than one half of one percent in any 12 months period as a result of benefits charged under this section.

(4)—If such individual's unemployment was caused by separation from employment pursuant to a rule of any employer of such individual whereby any female in the employ of any such employer shall be dismissed within a period of 90 days after acquiring a marital status or after such marital status first becomes known to the employer all wage credits earned in such employment shall be canceled; provided, however, that:

(a)—Such rule shall have been in effect and posted continuously in a conspicuous place in each establishment of the employer's place of business not less than six months immediately preceding the date on which such marital status was acquired; and

(b)—Such individual's wages are not the only support of herself or the main support of an immediate member of her family;

(c)—Such employer may re-employ such individual for a period not exceeding 90 days in any one year without invalidating the marital rule or without affecting any previous disqualification because of such rule; provided that such wage credits earned in such reemployment shall not also be canceled because of such marital rule.

(5) (4) If such individual was discharged for gross misconduct, if so found by the commissioner, for 12 weeks of unemployment in addition to and following the waiting period, which disqualification shall not be removed by subsequent employment, and provided further that the 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 so separated.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act,

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or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

(6) (5) If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and for a period of seven weeks of unemployment immediately following such refusal or failure.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization.

(7) (6) If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that this disqualification shall not act to deny any individual the right to benefits based on employment subsequent to his separation because of a strike or other labor dispute if such an individual has in writing notified the employer involved in such strike or other labor dispute of his resignation and acceptance of his resignation and acceptance of other bona fide employment and provided further that such resignation is accepted by all parties to the strike or other labor dispute so that such

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individual is no longer considered an employee of such employer. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subsection shall be deemed to deny benefits to any employee who becomes unemployed because of a lockout or by dismissal during the period of negotiation in any labor dispute and prior to the commencement of a strike.

(8) (7) If such individual has, during his benefit year, refused suitable reemployment offered by a base period employer. The wage credits of such individual earned from such base period employer shall be canceled; provided that this clause shall not apply if:

(a) prior to the date designated by such employer for the reemployment of such individual, such individual has been offered and accepted work with another employing unit, and on the date such individual was to have been reemployed by such base period employer, he was actually engaged in bona fide work with another employing unit, or

(b) on the date designated for the reemployment of such individual by such base period employer, he was unable to accept such reemployment because of his own serious illness, except that such serious illness shall not include pregnancy or any illness resulting therefrom, or

(c) on the date designated for the reemployment of such individual by such base period employer, he was unable to accept such reemployment because either he has moved his residence or the base period employer has removed the place of employment so as to render unreasonable the distance which such individual would be required to travel in order to accept the offer of reemployment.

For the purpose of this clause, reemployment offering substantially the same or better hourly wages and conditions of work previously provided to such individual by such base period employer during the base period shall be deemed to be "suitable reemployment."

Approved May 10, 1967.

CHAPTER 343—H. F. No. 943

[Not Coded]

An act relating to clerk hire in the office of probate court in Winona county; repealing Extra Session Laws 1961, Chapter 41.

Changes or additions indicated by italics, deletions by ~~strikeout~~.