

manner shall for all purposes constitute personal service thereof upon the licensee.

Approved April 11, 1974.

CHAPTER 477—H.F.No.1136

An act relating to unemployment compensation; benefits; disqualification; exception; amending Minnesota Statutes, 1973 Supplement, Section 268.09, Subdivision 1.

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

Section 1. Minnesota Statutes, 1973 Supplement, Section 268.09, Subdivision 1, is amended to read:

268.09 UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS. Subdivision 1. DISQUALIFYING CONDITIONS. An individual shall be disqualified for benefits:

(1) **VOLUNTARY LEAVING OR DISCHARGE FOR MISCONDUCT.** 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, or was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment, 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 discharged for gross misconduct connected with his work, 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;

(c) by an amount equal to 12 times his weekly benefit amount,

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when the separation occurs as a result of a discharge for gross misconduct.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

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 was due to serious illness of such individual.

(2) SEPARATION TO ASSUME FAMILY OBLIGATIONS. If such individual voluntarily leaves employment because of pregnancy without availing herself of maternity leave rights provided by law, provided that such disqualification shall be removed by subsequent employment in insured work for a period of not less than six weeks.

(3) LIMITED OR NO CHARGE OF BENEFITS. Benefits paid subsequent to an individual's separation under any of the foregoing clauses or because of his failure, without good cause, to accept an offer of suitable re-employment, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

(4) FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK. 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, lock-

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out, 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;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner.

(5) **LABOR DISPUTE.** 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 such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. 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 subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for a violation of federal and state laws involving occupational safety and health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer.

~~(a)~~-(b) who becomes unemployed because of a lockout,

~~(b)~~-(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

~~(e)~~-(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

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Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

(6) **REFUSAL OF SUITABLE RE-EMPLOYMENT.** If such individual has failed without good cause to accept suitable re-employment offered by a base period employer. Such disqualification shall prevail for the week in which the failure occurred and for a period of seven weeks of unemployment following such failure, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.

Approved April 11, 1974.

CHAPTER 478—H.F.No.1292

An act authorizing the Minnesota peace officer training board to set minimum standards of physical, mental and educational fitness which shall govern the recruitment of nonelective peace officers within the state; amending Minnesota Statutes 1971, Section 626.843, Subdivision 1.

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

Section 1. Minnesota Statutes 1971, Section 626.843, Subdivision 1, is amended to read:

626.843 PEACE OFFICER TRAINING; RECRUITMENT STANDARDS; RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR. Subdivision 1. The Minnesota peace officer training board may recommend to the attorney general rules and regulations with respect to ~~clauses (a); (b); (c); (e); (f); and (i); and may recommend standards, but not rules and regulations, as to clause (d) with respect to :~~

(a) The approval or disapproval thereof, of peace officer training schools or courses including training schools for the Minnesota highway patrol. Such schools shall include schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and such courses shall include police training courses taught at vocational schools and trade schools ; ;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each approved peace officers training school located within the state ; ;

(c) Minimum qualifications for instructors at approved peace officer training schools located within this state ; ;

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