

115.17

ARTICLE 5

115.18 **UNEMPLOYMENT INSURANCE FOR HOURLY SCHOOL WORKERS AND USE**
115.19 **OF DATA**

115.20 Section 1. Minnesota Statutes 2020, section 126C.43, subdivision 2, is amended to read:

115.21 Subd. 2. **Payment to unemployment insurance program trust fund by state and**

115.22 **political subdivisions.** (a) A district may levy the amount necessary (1) to pay the district's
115.23 obligations under section 268.052, subdivision 1, and (2) to pay for job placement services
115.24 offered to employees who may become eligible for benefits pursuant to section 268.085 for
115.25 the fiscal year the levy is certified.

115.26 (b) Districts with a balance remaining in their reserve for reemployment as of June 30,
115.27 2003, may not expend the reserved funds for future reemployment expenditures. Each year
115.28 a levy reduction must be made to return these funds to taxpayers. The amount of the levy
115.29 reduction must be equal to the lesser of: (1) the remaining reserved balance for reemployment,
115.30 or (2) the amount of the district's current levy under paragraph (a).

115.31 (c) The amount in paragraph (a) must be reduced by any amount received by the district
115.32 from the account established under section 268.193.

116.1 Sec. 2. Minnesota Statutes 2020, section 268.085, subdivision 7, is amended to read:

116.2 Subd. 7. **School employees; between terms denial.** (a) Wage credits from employment
116.3 with an educational institution or institutions may not be used for unemployment benefit
116.4 purposes for any week during the period between two successive academic years or terms
116.5 if:

116.6 (1) the applicant had employment for an educational institution or institutions in the
116.7 prior academic year or term; and

116.8 (2) there is a reasonable assurance that the applicant will have employment for an
116.9 educational institution or institutions in the following academic year or term.

116.10 This paragraph applies to a vacation period or holiday recess if the applicant was
116.11 employed immediately before the vacation period or holiday recess, and there is a reasonable
116.12 assurance that the applicant will be employed immediately following the vacation period
116.13 or holiday recess. This paragraph also applies to the period between two regular but not
116.14 successive terms if there is an agreement for that schedule between the applicant and the
116.15 educational institution.

116.16 This paragraph does not apply if the subsequent employment is substantially less
116.17 favorable than the employment of the prior academic year or term, or the employment prior
116.18 to the vacation period or holiday recess.

116.19 (b) Paragraph (a) does not apply to:

116.20 (1) an applicant who, at the end of the prior academic year or term, had an agreement
116.21 for a definite period of employment between academic years or terms in other than an
116.22 instructional, research, or principal administrative capacity and the educational institution
116.23 or institutions failed to provide that employment; or

116.24 (2) an applicant in a position for which no license is required by the Professional Educator
116.25 Licensing and Standards Board or the Board of School Administrators whose last employment
116.26 was with an employer defined in section 123A.55 or 123A.24, subdivision 2.

116.27 (c) If unemployment benefits are denied to any applicant under paragraph (a) who was
116.28 employed in the prior academic year or term in other than an instructional, research, or
116.29 principal administrative capacity and who was not offered an opportunity to perform the
116.30 employment in the following academic year or term, the applicant is entitled to retroactive
116.31 unemployment benefits for each week during the period between academic years or terms
116.32 that the applicant filed a timely continued request for unemployment benefits, but
116.33 unemployment benefits were denied solely because of paragraph (a).

117.1 (d) This subdivision applies to employment with an educational service agency if the
117.2 applicant performed the services at an educational institution or institutions. "Educational
117.3 service agency" means a governmental entity established and operated for the purpose of
117.4 providing services to one or more educational institutions.

117.5 (e) This subdivision applies to employment with Minnesota, a political subdivision, or
117.6 a nonprofit organization, if the services are provided to or on behalf of an educational
117.7 institution or institutions.

117.8 (f) Paragraph (a) applies beginning the Sunday of the week that there is a reasonable
117.9 assurance of employment.

117.10 (g) Employment and a reasonable assurance with multiple education institutions must
117.11 be aggregated for purposes of application of this subdivision.

117.12 (h) If all of the applicant's employment with any educational institution or institutions
117.13 during the prior academic year or term consisted of on-call employment, and the applicant
117.14 has a reasonable assurance of any on-call employment with any educational institution or
117.15 institutions for the following academic year or term, it is not considered substantially less
117.16 favorable employment.

117.17 (i) A "reasonable assurance" may be written, oral, implied, or established by custom or
117.18 practice.

117.19 (j) An "educational institution" is a school, college, university, or other educational entity
117.20 operated by Minnesota, a political subdivision or instrumentality thereof, or a nonprofit
117.21 organization.

117.22 (k) An "instructional, research, or principal administrative capacity" does not include
117.23 an educational assistant.

117.24 Sec. 3. Minnesota Statutes 2020, section 268.19, subdivision 1, is amended to read:

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

- 118.1 (1) state and federal agencies specifically authorized access to the data by state or federal
118.2 law;
- 118.3 (2) any agency of any other state or any federal agency charged with the administration
118.4 of an unemployment insurance program;
- 118.5 (3) any agency responsible for the maintenance of a system of public employment offices
118.6 for the purpose of assisting individuals in obtaining employment;
- 118.7 (4) the public authority responsible for child support in Minnesota or any other state in
118.8 accordance with section 256.978;
- 118.9 (5) human rights agencies within Minnesota that have enforcement powers;
- 118.10 (6) the Department of Revenue to the extent necessary for its duties under Minnesota
118.11 laws;
- 118.12 (7) public and private agencies responsible for administering publicly financed assistance
118.13 programs for the purpose of monitoring the eligibility of the program's recipients;
- 118.14 (8) the Department of Labor and Industry and the Commerce Fraud Bureau in the
118.15 Department of Commerce for uses consistent with the administration of their duties under
118.16 Minnesota law;
- 118.17 (9) the Department of Human Services and the Office of Inspector General and its agents
118.18 within the Department of Human Services, including county fraud investigators, for
118.19 investigations related to recipient or provider fraud and employees of providers when the
118.20 provider is suspected of committing public assistance fraud;
- 118.21 (10) local and state welfare agencies for monitoring the eligibility of the data subject
118.22 for assistance programs, or for any employment or training program administered by those
118.23 agencies, whether alone, in combination with another welfare agency, or in conjunction
118.24 with the department or to monitor and evaluate the statewide Minnesota family investment
118.25 program and other cash assistance programs, the Supplemental Nutrition Assistance Program,
118.26 and the Supplemental Nutrition Assistance Program Employment and Training program by
118.27 providing data on recipients and former recipients of Supplemental Nutrition Assistance
118.28 Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or 256K, child
118.29 care assistance under chapter 119B, or medical programs under chapter 256B or 256L or
118.30 formerly codified under chapter 256D;
- 118.31 (11) local and state welfare agencies for the purpose of identifying employment, wages,
118.32 and other information to assist in the collection of an overpayment debt in an assistance
118.33 program;

119.1 (12) local, state, and federal law enforcement agencies for the purpose of ascertaining
119.2 the last known address and employment location of an individual who is the subject of a
119.3 criminal investigation;

119.4 (13) the United States Immigration and Customs Enforcement has access to data on
119.5 specific individuals and specific employers provided the specific individual or specific
119.6 employer is the subject of an investigation by that agency;

119.7 (14) the Department of Health for the purposes of epidemiologic investigations;

119.8 (15) the Department of Corrections for the purposes of case planning and internal research
119.9 for preprobation, probation, and postprobation employment tracking of offenders sentenced
119.10 to probation and preconfinement and postconfinement employment tracking of committed
119.11 offenders;

119.12 (16) the state auditor to the extent necessary to conduct audits of job opportunity building
119.13 zones as required under section 469.3201; ~~and~~

119.14 (17) the Office of Higher Education for purposes of supporting program improvement,
119.15 system evaluation, and research initiatives including the Statewide Longitudinal Education
119.16 Data System;

119.17 (18) the Department of Education for the purposes of reimbursement under section
119.18 268.193; and

119.19 (19) the attorney general for the purpose of conducting an investigation pursuant to
119.20 section 177.45 or 181.1721.

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

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

119.29 Sec. 4. [268.193] SCHOOL REIMBURSEMENT ACCOUNT.

119.30 Subdivision 1. Definitions. For the purposes of this section only, the following terms
119.31 have the meanings given:

119.32 (1) "educational institution" means a:

- 120.1 (i) school district;
- 120.2 (ii) charter school; or
- 120.3 (iii) school cooperative, as defined in section 123A.24, subdivision 2; and

120.4 (2) "qualifying unemployment benefits" means unemployment benefits charged to an
120.5 educational institution under section 268.047 for an applicant who is in a position for which
120.6 no license is required by the Professional Educator Licensing and Standards Board or the
120.7 Board of School Administrators, and whose last employment was with an employer defined
120.8 in section 123A.55 or 123A.24, subdivision 2.

120.9 Subd. 2. **School reimbursement account.** (a) There is created in the special revenue
120.10 fund an account to be known as the "school reimbursement account," that does not lapse
120.11 nor revert to any other fund or account. This account consists of all money appropriated for
120.12 the purposes of this section, unless otherwise appropriated by session law. Funds appropriated
120.13 for the purposes of reimbursement under this section must be transferred to the school
120.14 reimbursement account in the special revenue fund.

120.15 (b) Money in the account is appropriated to the commissioner of education to reimburse
120.16 educational institutions for payments of qualifying unemployment benefits as provided
120.17 under subdivision 3.

120.18 (c) The commissioner of education may spend up to one percent of the amount
120.19 appropriated to the school reimbursement account for costs associated with administering
120.20 and monitoring payments under this section.

120.21 Subd. 3. **Reimbursement administered.** (a) The commissioner of employment and
120.22 economic development shall compute and certify the total qualifying unemployment benefit
120.23 payments credited to the reimbursable account of an educational institution under section
120.24 268.045 each calendar quarter, and share and transmit that certified amount to the
120.25 commissioner of education for the purpose of reimbursement under this subdivision.

120.26 (b) The commissioner of education shall issue payment of the reimbursement amounts
120.27 certified under paragraph (a) to each educational institution on or before the last day of the
120.28 month following the end of the next calendar quarter, as provided under this subdivision.

120.29 (c) The commissioner of education shall use money deposited in the school
120.30 reimbursement account to reimburse educational institutions for the qualifying unemployment
120.31 benefits certified under this subdivision.

121.1 (d) If the certified reimbursement amounts under this subdivision exceed the money
121.2 available in the school reimbursement account, reimbursement amounts shall be dispersed
121.3 to educational institutions on a pro rata basis.

121.4 Sec. 5. **REPEALER.**

121.5 Minnesota Statutes 2020, section 268.085, subdivision 8, is repealed.

121.6 Sec. 6. **EFFECTIVE DATE.**

121.7 Sections 1 to 5 are effective September 1, 2022.