

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1695
Version: As introduced

DATE: March 23, 2015

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Subject: Unemployment Insurance, recommendations of the UI Advisory Council

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Overview

This bill contains the recommendations from the 2014 meetings of the Unemployment Insurance Advisory Council.

Article 1

Federal Conformity

Section

- 1 **Benefit accounts.** Prohibits an applicant from having two benefit accounts at the same time, which would violate federal law.
- 2 **Shared work plan.** Lowers the maximum number of hours an employee may work per week under a shared work plan. This brings MN into conformity with federal requirements.

Article 2

Policy and Housekeeping Proposals

- 1 **Preponderance of the evidence.** Clarifies the meaning of “preponderance of the evidence” for use in UI appeals.

Section

- 2 **Out of state benefit account.** Clarifies the rule that a person may only have one benefit account each 52 weeks. This section adds language that makes clear this rule applies to out-of-state benefit accounts as well as Minnesota accounts.
- 3 **Eligibility criteria.** Stylistic revision to requirement that an applicant must follow a work search plan, if required, in order to be eligible for benefits.
- 4 **Out of state benefit account.** Clarifies the rule that a person may only have one benefit account each 52 weeks. This section adds language that makes clear this rule applies to out-of-state benefit accounts as well as Minnesota accounts.
- 5 **Benefit eligibility for employees who quit.** Restricts eligibility for UI benefits for employees who quit to only spouses of those serving in the military, if the monetary benefits of the military career outweigh the monetary benefits of the job the spouse quit.
- 6 **Back pay.** Clarifies that an award of back pay from a former employer may not be used to satisfy the requirement of a period of ineligibility for a misconduct discharge.
- 7 **Appeals.** Clarifies standard for withdrawing and reinstating appeals.
- 8 **Time period for appeal.** Clarifies that the time period in which an applicant can appeal an adverse decision to the Court of Appeals is 33, not 30, days.
- 9 **Unemployment law judge powers.** Provides that an unemployment law judge, in addition to the commissioner of DEED, may administer oaths, take depositions, certify official acts, and issue subpoenas in connection with UI administration.
- 10 **Repealer.** Repeals the provision allowing for reciprocal arrangements with other states allowing for employees working in multiple states to be considered working in only one state for UI purposes. Minnesota does not enter into such agreements.

Article 3

Style and Technical Changes

- 1 **Past dates.** Deletes expired provisions.
- 2 & 3 **Stylistic changes.**
- 4 **Past dates.** Deletes expired provisions.
- 5 **Benefits accounts.** Clarifies standards for establishing a benefit account and conforms with federal requirements.
- 6 **UI trust fund.** Disallows use of 5% of recovered, overpaid UI benefits for UI administration. Provides that all recovered funds go into the UI trust fund.