

1.1 Senator moves to amend S.F. No. 32 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 126C.43, subdivision 2, is amended to read:

1.4 Subd. 2. **Payment to unemployment insurance program trust fund by state and**
1.5 **political subdivisions.** (a) A district may levy the amount necessary (1) to pay the district's
1.6 obligations under section 268.052, subdivision 1, and (2) to pay for job placement services
1.7 offered to employees who may become eligible for benefits pursuant to section 268.085 for
1.8 the fiscal year the levy is certified. A district must not include in its levy authority under
1.9 this section the costs associated with school employees under section 268.085, subdivision
1.10 7, paragraph (b).

1.11 (b) Districts with a balance remaining in their reserve for reemployment as of June 30,
1.12 2003, may not expend the reserved funds for future reemployment expenditures. Each year
1.13 a levy reduction must be made to return these funds to taxpayers. The amount of the levy
1.14 reduction must be equal to the lesser of: (1) the remaining reserved balance for reemployment,
1.15 or (2) the amount of the district's current levy under paragraph (a).

1.16 Sec. 2. Minnesota Statutes 2022, section 268.085, subdivision 7, is amended to read:

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

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

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

1.25 ~~This paragraph applies to a vacation period or holiday recess if the applicant was~~
1.26 ~~employed immediately before the vacation period or holiday recess, and there is a reasonable~~
1.27 ~~assurance that the applicant will be employed immediately following the vacation period~~
1.28 ~~or holiday recess.~~ This paragraph also applies to the period between two regular but not
1.29 successive terms if there is an agreement for that schedule between the applicant and the
1.30 educational institution.

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

2.4 (b) Paragraph (a) does not apply to ~~an applicant who, at the end of the prior academic~~
2.5 ~~year or term, had an agreement for a definite period of employment between academic years~~
2.6 ~~or terms in other than an instructional, research, or principal administrative capacity and~~
2.7 ~~the educational institution or institutions failed to provide that employment~~ any week during
2.8 the period between two successive academic years or terms if an applicant worked for an
2.9 elementary school or secondary school in a capacity other than instructional, research, or
2.10 principal administrative.

2.11 (e) ~~If unemployment benefits are denied to any applicant under paragraph (a) who was~~
2.12 ~~employed in the prior academic year or term in other than an instructional, research, or~~
2.13 ~~principal administrative capacity and who was not offered an opportunity to perform the~~
2.14 ~~employment in the following academic year or term, the applicant is entitled to retroactive~~
2.15 ~~unemployment benefits for each week during the period between academic years or terms~~
2.16 ~~that the applicant filed a timely continued request for unemployment benefits, but~~
2.17 ~~unemployment benefits were denied solely because of paragraph (a).~~

2.18 (c) Paragraph (a) does not apply to an applicant who was employed in the prior academic
2.19 year or term for other than an elementary school or secondary school in a capacity other
2.20 than instructional, research, or principal administrative and who, at the end of the prior
2.21 academic year or term, had an agreement for a definite period of employment between
2.22 academic years or terms in other than an instructional, research, or principal administrative
2.23 capacity and the educational institution or institutions failed to provide that employment.

2.24 (d) If unemployment benefits are denied to any applicant under paragraph (a) who was
2.25 employed in the prior academic year or term for other than an elementary school or secondary
2.26 school in a capacity other than instructional, research, or principal administrative and who
2.27 was not offered an opportunity to perform the employment in the following academic year
2.28 or term, the applicant is entitled to retroactive unemployment benefits for each week during
2.29 the period between academic years or terms that the applicant filed a timely continued
2.30 request for unemployment benefits, but unemployment benefits were denied solely because
2.31 of paragraph (a).

2.32 (e) Paragraph (a) applies to a vacation period or holiday recess if the applicant was
2.33 employed immediately before the vacation period or holiday recess, and there is a reasonable
2.34 assurance that the applicant will be employed immediately following the vacation period

3.1 or holiday recess, including applicants who worked in a capacity other than instructional,
3.2 research, or principal administrative.

3.3 ~~(d)~~ (f) This subdivision applies to employment with an educational service agency if the
3.4 applicant performed the services at an educational institution or institutions. "Educational
3.5 service agency" means a governmental entity established and operated for the purpose of
3.6 providing services to one or more educational institutions.

3.7 ~~(e)~~ (g) This subdivision applies to employment with Minnesota, a political subdivision,
3.8 or a nonprofit organization, if the services are provided to or on behalf of an educational
3.9 institution or institutions.

3.10 ~~(f)~~ (h) Paragraph (a) applies beginning the Sunday of the week that there is a reasonable
3.11 assurance of employment.

3.12 ~~(g)~~ (i) Employment and a reasonable assurance with multiple education institutions must
3.13 be aggregated for purposes of application of this subdivision.

3.14 ~~(h)~~ (j) If all of the applicant's employment with any educational institution or institutions
3.15 during the prior academic year or term consisted of on-call employment, and the applicant
3.16 has a reasonable assurance of any on-call employment with any educational institution or
3.17 institutions for the following academic year or term, it is not considered substantially less
3.18 favorable employment.

3.19 ~~(i)~~ (k) A "reasonable assurance" may be written, oral, implied, or established by custom
3.20 or practice.

3.21 ~~(j)~~ (l) An "educational institution" is a school, college, university, or other educational
3.22 entity operated by Minnesota, a political subdivision or instrumentality thereof, or a nonprofit
3.23 organization.

3.24 ~~(k)~~ (m) An "instructional, research, or principal administrative capacity" does not include
3.25 an educational assistant.

3.26 **EFFECTIVE DATE.** This section is effective May 28, 2023.

3.27 Sec. 3. **REPORT.**

3.28 By January 15 of each year, the Department of Education, in consultation with the
3.29 Department of Employment and Economic Development, must report to the legislative
3.30 committees with jurisdiction over education about the annual reimbursable costs and the
3.31 number of hourly school workers receiving unemployment insurance benefits during the

4.1 summer term. To the extent possible, the report must categorize eligible employees by major
 4.2 job class. The report must be filed according to Minnesota Statutes, section 3.195.

4.3 Sec. 4. **REPEALER.**

4.4 Minnesota Statutes 2022, section 268.085, subdivision 8, is repealed.

4.5 **EFFECTIVE DATE.** This section is effective the day following final enactment."

4.6 Delete the title and insert:

4.7 "A bill for an act
 4.8 relating to unemployment insurance; modifying school employee between terms
 4.9 denial provisions; requiring reports; amending Minnesota Statutes 2022, sections
 4.10 126C.43, subdivision 2; 268.085, subdivision 7; repealing Minnesota Statutes
 4.11 2022, section 268.085, subdivision 8."