

Unemployment Insurance Eligibility

Guidance to Hospitality Minnesota from the Minnesota Department of Employment and Economic Development

Employers encouraged to raise an issue when they encounter a situation where they have called their employees back to work and they have refused to return.

Common Reasons for Employers to Raise an Issue:

- The applicant's employment with you ended, or was suspended, for a reason other than a lack of work.
 - **Examples** - The applicant: was fired; quit (including voluntary retirement); is on disciplinary or investigatory suspension; is on strike or locked out; is on leave; **refused work**; or is unemployed due to a fire, act of nature, or condemnation of property.
- The applicant is currently working for you, full-time or part-time.
- The applicant received or will receive severance or separation pay of some kind, a monthly or lump sum pension, workers' compensation, or other employment-based payment(s). Exception: If an applicant is permanently separated from your employment, payout of vacation pay, sick pay, or PTO (personal time off) does NOT affect their eligibility.
- You have information that the applicant is not available for work, not authorized to work, or not seeking work.
 - You are a public or non-profit school and the applicant is on break between school years or terms.
 - The applicant was or is employed by you as a seasonal sports coach, referee, or athlete.
 - You employ the applicant as a volunteer firefighter or volunteer ambulance service employee.
 - You employed the applicant for at least six months as a replacement worker for a military reservist who was called to active duty, then returned to your employment.

Learn more here: <https://www.uimn.org/employers/raise-issue/raise-issue/index.jsp>

Here are the statutes related to this issue: Minn. Statute 268.085, subd. 13c:

Subd. 13c.Offers of suitable employment.

(a) An applicant is ineligible for all unemployment benefits for eight calendar weeks if the applicant, without good cause:

(1) failed to apply for available, suitable employment of which the applicant was advised by the commissioner or an employer;

(2) failed to accept suitable employment when offered; or

(3) avoided an offer of suitable employment.

(b) "Good cause" is a reason that would cause a reasonable individual who wants suitable employment to fail to apply for, accept, or avoid suitable employment. Good cause includes:

(1) the applicant is employed in other suitable employment;

(2) the applicant is in reemployment assistance training;

(3) the applicant formerly worked for the employer and the loss of employment occurred prior to the commencement of a labor dispute, was permanent or for an indefinite period, and the applicant failed to apply for or accept the employment because a labor dispute was in progress at the establishment; or

(4) the applicant formerly worked for the employer and quit that employment because of a good reason caused by the employer.

(c) This subdivision only applies to offers of suitable employment with a new or a former employer and does not apply to any type of job transfers, position reassignments, or changes in job duties or responsibilities during the course of employment with an employer.

(d) The period of ineligibility under this subdivision begins the Sunday of the week the applicant failed to apply for, failed to accept, or avoided suitable employment without good cause.

(e) This subdivision applies to offers of suitable employment that occur before the effective date of the benefit account and that occur during the benefit year.

(f) This subdivision only applies to offers of suitable employment that are covered employment under section [268.035, subdivision 12](#).

For more information, contact Ben Wogsland, Director of Government Relations at ben@hospitalitymn.com