



HOUSE BILL No. 5067

September 19, 1995, Introduced by Reps. Bullard, Walberg, Lowe, London, Perricone, Green and Horton and referred to the Committee on Human Resources and Labor.

A bill to amend section 28 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 422 of the Public Acts of 1994, being section 421.28 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 422 of the
3 Public Acts of 1994, being section 421.28 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 28. (1) An unemployed individual ~~shall be~~ IS eligi-
6 ble to receive benefits with respect to any week only if the com-
7 mission finds that:

8 (a) For benefit years established before the conversion date
9 prescribed in section 75, the individual has registered for work

1 at and ~~thereafter has~~ continued to report ~~at~~ TO an employment
2 office in accordance with ~~such~~ rules ~~as~~ THAT the commission
3 may prescribe, and ADDITIONALLY HAS PROVIDED THE COMMISSION WITH
4 EVIDENCE SATISFACTORY TO THE COMMISSION THAT HE OR SHE IS
5 AVAILABLE TO PERFORM SUITABLE FULL-TIME WORK, IS seeking work,
6 AND HAS APPLIED FOR SUITABLE WORK AT LEAST 5 TIMES EACH WEEK FOR
7 WHICH BENEFITS ARE SOUGHT. The requirements that the individual
8 ~~must~~ report ~~at~~ TO an employment office, ~~must~~ register for
9 work, ~~must~~ be available to perform suitable full-time work,
10 ~~and must~~ seek work, AND PROVIDE EVIDENCE THAT HE OR SHE IS
11 SEEKING WORK AND HAS APPLIED FOR SUITABLE WORK may be waived by
12 the commission if the individual is laid off and the employer who
13 laid the individual off notifies the commission in writing or by
14 computerized data exchange that the layoff is temporary and that
15 work is expected to be available for the individual within a
16 ~~declared~~ SPECIFIED number of days ~~,~~ THAT DO not ~~to~~ exceed
17 45 calendar days following the last day the individual worked.
18 ~~This~~ A waiver ~~shall~~ UNDER THIS SECTION IS not ~~be~~ effective
19 unless the notification from the employer ~~has been~~ IS received
20 by the commission before the individual ~~has completed~~ COMPLETES
21 his or her first compensable week following layoff. If the indi-
22 vidual is not recalled within the specified period, the waiver
23 shall cease to be operative with respect to that layoff. Except
24 for a period of disqualification, the requirement that the indi-
25 vidual ~~shall~~ seek work AND PROVIDE EVIDENCE THAT HE OR SHE HAS
26 APPLIED FOR SUITABLE WORK may be waived by the commission ~~where~~
27 IF it finds that suitable work is unavailable both in the

1 locality where the individual resides and in those localities in
2 which the individual has earned base period credit weeks. This
3 waiver ~~shall~~ DOES not apply ~~, for weeks of unemployment begin-~~
4 ~~ning on or after March 1, 1981,~~ to a claimant enrolled and
5 attending classes as a full-time student. An individual ~~shall~~
6 ~~have satisfied~~ SATISFIES the requirement of personal reporting
7 at an employment office, as applied to a week in a period during
8 which the requirements of registration and seeking work have been
9 waived by the commission pursuant to this subdivision, if the
10 individual has satisfied the personal reporting requirement with
11 respect to a preceding week in that period and the individual
12 ~~has reported~~ REPORTS with respect to the week by mail in
13 accordance with the rules promulgated by the commission.

14 For benefit years established after the conversion date pre-
15 scribed in section 75, the individual has registered for work and
16 has continued to report in accordance with ~~such~~ rules as the
17 commission may prescribe, and ADDITIONALLY HAS PROVIDED THE COM-
18 MISSION WITH EVIDENCE SATISFACTORY TO THE COMMISSION THAT HE OR
19 SHE is AVAILABLE TO PERFORM SUITABLE FULL-TIME WORK, IS seeking
20 work, AND HAS APPLIED FOR SUITABLE WORK AT LEAST 5 TIMES EACH
21 WEEK FOR WHICH BENEFITS ARE SOUGHT. The requirements that the
22 individual ~~must~~ report, ~~must~~ register for work, ~~must~~ be
23 available to perform suitable full-time work, ~~and must~~ seek
24 work, AND PROVIDE EVIDENCE THAT HE OR SHE IS SEEKING WORK AND HAS
25 APPLIED FOR SUITABLE WORK may be waived by the commission if the
26 individual is laid off and the employer who laid the individual
27 off notifies the commission in writing or by computerized data

1 exchange that the layoff is temporary and that work is expected
2 to be available for the individual within a ~~declared~~ SPECIFIED
3 number of days ~~7~~ THAT DO not ~~to~~ exceed 45 calendar days fol-
4 lowing the last day the individual worked. ~~This~~ A waiver
5 ~~shall~~ UNDER THIS SECTION IS not ~~be~~ effective unless the noti-
6 fication from the employer ~~has been~~ IS received by the commis-
7 sion before the individual ~~has completed~~ COMPLETES his or her
8 first compensable week following layoff. If the individual is
9 not recalled within the specified period, the waiver shall cease
10 to be operative with respect to that layoff. Except for a period
11 of disqualification, the requirement that the individual ~~shall~~
12 seek work AND PROVIDE EVIDENCE THAT HE OR SHE HAS APPLIED FOR
13 SUITABLE WORK may be waived by the commission where it finds that
14 suitable work is unavailable both in the locality where the indi-
15 vidual resides and in those localities in which the individual
16 has earned wages during or after the base period. This waiver
17 ~~shall~~ DOES not apply to a claimant enrolled and attending
18 classes as a full-time student. An individual ~~shall be consid-~~
19 ~~ered to have satisfied~~ SATISFIES the requirement of personal
20 reporting at an employment office, as applied to a week in a
21 period during which the requirements of registration and seeking
22 work have been waived by the commission pursuant to this subdivi-
23 sion, if the individual has satisfied the personal reporting
24 requirement with respect to a preceding week in that period and
25 the individual ~~has reported~~ REPORTS with respect to the week by
26 mail in accordance with the rules promulgated by the commission.

1 (b) The individual has made a claim for benefits in
2 accordance with section 32 and has provided the commission with
3 his or her social security number.

4 (c) The individual is able and available to perform suitable
5 full-time work of a character which the individual is qualified
6 to perform by past experience or training, which is of a charac-
7 ter generally similar to work for which the individual has previ-
8 ously received wages, and for which the individual is available,
9 full time, either at a locality at which the individual earned
10 wages for insured work during his or her base period or at a
11 locality where ~~it is found by~~ the commission FINDS that such
12 work is available.

13 (d) In the event of the death of an individual's immediate
14 family member, the eligibility requirements of availability and
15 reporting ~~shall be~~ ARE waived for the day of the death and for
16 4 consecutive calendar days thereafter. As used in this subdivi-
17 sion, "immediate family member" means a spouse, child, stepchild,
18 adopted child, grandchild, parent, grandparent, brother, or
19 sister of the individual or his or her spouse. It shall also
20 include the spouse of any of the persons specified in the previ-
21 ous sentence.

22 (e) The individual participates in reemployment services,
23 such as job search assistance services, if the individual has
24 been determined or redetermined by the commission to be likely to
25 exhaust regular benefits and need reemployment services pursuant
26 to a profiling system established by the commission.

1 (2) The commission may authorize an individual with an
2 unexpired benefit year to pursue vocational training or
3 retraining only if the commission finds that ALL OF THE FOLLOWING
4 REQUIREMENTS ARE MET:

5 (a) Reasonable opportunities for employment in occupations
6 for which the individual is fitted by training and experience do
7 not exist in the locality in which the individual is claiming
8 benefits.

9 (b) The vocational training course relates to an occupation
10 or skill for which there are, or are expected to be in the imme-
11 diate future, reasonable employment opportunities.

12 (c) The training course has been approved by a local
13 advisory council on which both management and labor are repre-
14 sented, or if there is no local advisory council, by the
15 commission.

16 (d) The individual has the required qualifications and apti-
17 tudes to complete the course successfully.

18 (e) The vocational training course has been approved by the
19 state board of education and is maintained by a public or private
20 school or by the commission.

21 (3) Notwithstanding any other provision of this act, an oth-
22 erwise eligible individual shall not be ineligible for benefits
23 because he or she is participating in training with the approval
24 of the commission. For each week that the commission finds that
25 an individual who is claiming benefits under this act and who is
26 participating in training with the approval of the commission, is
27 satisfactorily pursuing an approved course of vocational

1 training, it shall waive the requirements that he or she be
2 available for work AS PRESCRIBED IN SUBSECTION (1)(C) and be
3 seeking work as prescribed in subsection (1)(a), ~~and (c)~~, and
4 it shall find good cause for his or her failure to apply for
5 suitable work, report to a former employer for an interview con-
6 cerning suitable work, or accept suitable work as required in
7 section 29(1)(c), (d), and (e).

8 (4) The waiver of the requirement that a claimant seek work,
9 as provided in subsection (1)(a), shall not be applicable to
10 weeks of unemployment for which the claimant is claiming extended
11 benefits if section 64(8)(a)(ii) is in effect, unless the indi-
12 vidual is participating in training approved by the commission.

13 (5) Notwithstanding any other provisions of this act, an
14 otherwise eligible individual shall not be denied benefits for
15 any week ~~beginning after October 30, 1982~~ solely because the
16 individual is in training approved under section 236(a)(1) of the
17 trade act of 1974, ~~as amended~~, PUBLIC LAW 93-618, 19
18 U.S.C. 2296, nor shall the individual be denied benefits by
19 reason of leaving work to enter such training if the work left is
20 not suitable employment. Furthermore, an otherwise eligible
21 individual shall not be denied benefits because of the applica-
22 tion to any such week in training of provisions of this act, or
23 any applicable federal unemployment compensation law, relating to
24 availability for work, active search for work, or refusal to
25 accept work. For purposes of this subsection, "suitable
26 employment" means, with respect to an individual, work of a
27 substantially equal or higher skill level than the individual's

1 past adversely affected employment, as defined for purposes of
2 the trade act of 1974, ~~19 U.S.C. 2101 to 2495~~ PUBLIC LAW
3 93-618, 88 STAT. 1978, and wages for that work at not less than
4 80% of the individual's average weekly wage as determined for the
5 purposes of the trade act of 1974.