



HOUSE BILL No. 5165

September 28, 1995, Introduced by Rep. Ciaramitaro and referred to the Committee on Human Resources and Labor.

A bill to amend section 14 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. 164 of the Public Acts of 1983, being section 421.14 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 164 of the
3 Public Acts of 1983, being section 421.14 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 14. (1) ~~The commission, after~~ AFTER affording A rea-
6 sonable opportunity for the submission of relevant information in
7 writing or in person, THE COMMISSION may ~~make determinations~~
8 ~~with respect to~~ DETERMINE whether an employing unit constitutes
9 an employer and whether services performed for or in connection

1 with the business of an employing unit constitute employment for
2 that employing unit subject to this act. The employing unit ~~—~~
3 or other interested ~~parties~~ PARTY, which may include an indi-
4 vidual who is or was employed by that employing unit, on his or
5 her request, shall be promptly notified of the determination and
6 the reasons for the determination. The determination shall be
7 final as to those parties unless the employing unit or other
8 interested ~~parties~~ PARTY files an application for a review and
9 redetermination in accordance with section 32a or, within 30 days
10 after the mailing or personal service of the notice of determina-
11 tion, pays under protest the amount charged or found to be due as
12 contributions. If evidence is presented indicating that an
13 employing unit ~~which~~ THAT has been determined not to be an
14 employer is or was ~~actually~~ an employer, or that services
15 ~~which~~ THAT have been held not to constitute employment are or
16 were ~~actually~~ employment, the previous determination shall be
17 reopened and reconsidered by the commission in accordance with
18 section 32a and a redetermination made as the facts and law
19 require. ~~— but~~ HOWEVER, in the absence of fraud, if the
20 employing unit is finally found to constitute an employer or to
21 be liable for contributions with respect to services previously
22 held nonsubject, contributions with respect to those services
23 ~~shall~~ ARE not ~~be~~ collectible for any period before the first
24 day of the last completed calendar year preceding the reopening
25 of the determination. In the absence of fraud, an individual,
26 legal entity, or employing unit shall not be retroactively

1 determined to be an employer for any period before the 3 calendar
2 years IMMEDIATELY preceding the issuance of the determination.

3 (2) IF AN INDIVIDUAL FILES A CLAIM FOR BENEFITS BASED ON
4 SERVICES PERFORMED FOR AN EMPLOYER WHO DOES NOT HAVE AN IDENTIFI-
5 CATION NUMBER ISSUED BY THE COMMISSION AT THE TIME OF THE CLAIM,
6 THE COMMISSION, IF IT DETERMINES THAT THERE IS SUFFICIENT INFOR-
7 MATION TO BELIEVE THAT AN EMPLOYMENT RELATIONSHIP IS ESTABLISHED
8 AND THAT THE CLAIMANT IS OTHERWISE ENTITLED TO THE RECEIPT OF
9 BENEFITS UNDER THIS ACT, SHALL ISSUE A TEMPORARY IDENTIFICATION
10 NUMBER TO THE EMPLOYER AND PROCEED TO PAY THE PROPER BENEFIT RATE
11 TO THE CLAIMANT.

12 (3) A determination or redetermination of the commission ~~—~~
13 or a decision of a referee, ~~or~~ the appeal board, or of the
14 courts of this state ~~, which has become~~ THAT IS final, together
15 with the record ~~thereof~~ OF THE DETERMINATION, REDETERMINATION,
16 OR DECISION, may be introduced in any proceeding involving a
17 claim for benefits and the facts ~~therein~~ found IN THE
18 PROCEEDING and the RESULTING determination, redetermination, or
19 decision ~~therein made shall be~~ IS conclusive unless substantial
20 evidence to the contrary is introduced by or on behalf of the
21 claimant.