

# HOUSE BILL No. 5004

September 26, 2017, Introduced by Rep. Hoitenga and referred to the Committee on Commerce and Trade.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 28 (MCL 421.28), as amended by 2011 PA 269.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 28. (1) An unemployed individual is eligible to receive  
2       benefits with respect to any week only if the unemployment agency  
3       finds all of the following:

4       (a) ~~For benefit years established before October 1, 2000, the~~  
5       ~~individual has registered for work at and thereafter has continued~~  
6       ~~to report at an employment office in accordance with unemployment~~  
7       ~~agency rules and is seeking work. The requirements that the~~  
8       ~~individual must report at an employment office, must register for~~  
9       ~~work, must be available to perform suitable full-time work, and~~  
10       ~~must seek work may be waived by the unemployment agency if the~~

~~individual is laid off and the employer who laid the individual off  
notifies the unemployment agency in writing or by computerized data  
exchange that the layoff is temporary and that work is expected to  
be available for the individual within a declared number of days,  
not to exceed 45 calendar days following the last day the  
individual worked. This waiver shall not be effective unless the  
notification from the employer has been received by the  
unemployment agency before the individual has completed his or her  
first compensable week following layoff. If the individual is not  
recalled within the specified period, the waiver shall cease to be  
operative with respect to that layoff. Except for a period of  
disqualification, the requirement that the individual shall seek  
work may be waived by the unemployment agency where it finds that  
suitable work is unavailable both in the locality where the  
individual resides and in those localities in which the individual  
has earned base period credit weeks. This waiver shall not apply,  
for weeks of unemployment beginning on or after March 1, 1981, to a  
claimant enrolled and attending classes as a full-time student. An  
individual has satisfied the requirement of personal reporting at  
an employment office, as applied to a week in a period during which  
the requirements of registration and seeking work have been waived  
by the unemployment agency pursuant to this subdivision, if the  
individual has satisfied the personal reporting requirement with  
respect to a preceding week in that period and the individual has  
reported with respect to the week by mail in accordance with the  
rules promulgated by the unemployment agency. For benefit years  
established on or after October 1, 2000, the **THE** individual has~~

1 registered for work and has continued to report ~~in accordance with~~  
2 **PURSUANT TO** unemployment agency rules and is actively engaged in  
3 seeking work. The requirements that the individual must report,  
4 must register for work, must be available to perform suitable full-  
5 time work, and must seek work may be waived by the unemployment  
6 agency if the individual is laid off and the employer who laid the  
7 individual off notifies the unemployment agency in writing or by  
8 computerized data exchange that the layoff is temporary and that  
9 work is expected to be available for the individual within a  
10 declared number of days, not to exceed 45 calendar days following  
11 the last day the individual worked. This waiver ~~shall~~**IS** not be  
12 effective unless the notification from the employer ~~has been~~**IS**  
13 received by the unemployment agency before the individual has  
14 completed his or her first compensable week following layoff. If  
15 the individual is not recalled within the specified period, the  
16 waiver ~~shall cease~~**CEASES** to be operative with respect to that  
17 layoff. Except for a period of disqualification, the requirement  
18 that the individual shall seek work may be waived by the  
19 unemployment agency if it finds that suitable work is unavailable  
20 both in the locality where the individual resides and in those  
21 localities in which the individual has earned wages during or after  
22 the base period. This waiver does not apply to a claimant enrolled  
23 and attending classes as a full-time student. An individual is  
24 considered to have satisfied the requirement of personal reporting  
25 at an employment office, as applied to a week in a period during  
26 which the requirements of registration and seeking work have been  
27 waived by the unemployment agency pursuant to this subdivision, if

1 the individual has satisfied the personal reporting requirement  
2 with respect to a preceding week in that period and the individual  
3 has reported with respect to the week by mail ~~in accordance with~~  
4 **PURSUANT TO** the rules promulgated by the unemployment agency.

5 (b) The individual has made a claim for benefits ~~in accordance~~  
6 ~~with~~ **PURSUANT TO** section 32 and has provided the unemployment  
7 agency with his or her social security number **AND A COPY OF A PHOTO**  
8 **IDENTIFICATION ISSUED BY THIS STATE, ANOTHER STATE, THE FEDERAL**  
9 **GOVERNMENT, OR AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE**  
10 **DESCRIBED IN SECTION 5 OR 6 OF ARTICLE VIII OF THE STATE**  
11 **CONSTITUTION OF 1963 OR A JUNIOR COLLEGE OR COMMUNITY COLLEGE**  
12 **DESCRIBED IN SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF**  
13 **1963.**

14 (c) The individual is able and available to appear at a  
15 location of the unemployment agency's choosing for evaluation of  
16 eligibility for benefits, if required, and to perform suitable  
17 full-time work of a character ~~which~~ **THAT** the individual is  
18 qualified to perform by past experience or training, which is of a  
19 character generally similar to work for which the individual has  
20 previously received wages, and for which the individual is  
21 available, full time, either at a locality at which the individual  
22 earned wages for insured work during his or her base period or at a  
23 locality where it is found by the unemployment agency that such  
24 work is available. An individual is considered unavailable for work  
25 under any of the following circumstances:

26 (i) The individual fails during a benefit year to notify or  
27 update a chargeable employer with telephone, electronic mail, or

1 other information sufficient to allow the employer to contact the  
2 individual about available work.

3 (ii) The individual fails, without good cause, to respond to  
4 the unemployment agency within 14 calendar days of the later of the  
5 mailing of a notice to the address of record requiring the  
6 individual to contact the unemployment agency or of the leaving of  
7 a telephone message requesting a return call and providing a return  
8 name and telephone number on an automated answering device or with  
9 an individual answering the telephone number of record.

10 (iii) Unless the claimant shows good cause for failure to  
11 respond, mail sent to the individual's address of record is  
12 returned as undeliverable and the telephone number of record has  
13 been disconnected or changed or is otherwise no longer associated  
14 with the individual.

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

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

1           (2) The unemployment agency may authorize an individual with  
2 an unexpired benefit year to pursue vocational training or  
3 retraining only if the unemployment agency finds that:

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

7           (b) The vocational training course relates to an occupation or  
8 skill for which there are, or are expected to be in the immediate  
9 future, reasonable employment opportunities.

10          (c) The training course has been approved by a local advisory  
11 council on which both management and labor are represented, or if  
12 there is no local advisory council, by the unemployment agency.

13          (d) The individual has the required qualifications and  
14 aptitudes to complete the course successfully.

15          (e) The vocational training course has been approved by the  
16 state board of education and is maintained by a public or private  
17 school or by the unemployment agency.

18          (3) Notwithstanding any other provision of this act, an  
19 otherwise eligible individual ~~shall~~**IS** not ~~be~~ ineligible for  
20 benefits because he or she is participating in training with the  
21 approval of the unemployment agency. For each week that the  
22 unemployment agency finds that an individual who is claiming  
23 benefits under this act and who is participating in training with  
24 the approval of the unemployment agency, is satisfactorily pursuing  
25 an approved course of vocational training, it shall waive the  
26 requirements that he or she be available for work and be seeking  
27 work as prescribed in subsection (1)(a) and (c), and it shall find

1 good cause for his or her failure to apply for suitable work,  
 2 report to a former employer for an interview concerning suitable  
 3 work, or accept suitable work as required in section 29(1)(c), (d),  
 4 and (e).

5 (4) The waiver of the requirement that a claimant seek work ~~as provided in~~  
 6 ~~as provided in~~ **UNDER** subsection (1)(a) ~~, shall~~ **IS** not be applicable  
 7 to weeks of unemployment for which the claimant is claiming  
 8 extended benefits ~~if~~ **AND TO WHICH** section ~~64(8)(a)(ii)~~ **64(7)(A)(ii)**  
 9 ~~is in effect,~~ **APPLIES**, unless the individual is participating in  
 10 training approved by the unemployment agency.

11 (5) Notwithstanding any other provisions of this act, an  
 12 otherwise eligible individual ~~shall~~ **MUST** not be denied benefits ~~for~~  
 13 ~~any week beginning after October 30, 1982~~ solely because the  
 14 individual is in training approved under section 236(a)(1) of the  
 15 trade act of 1974, ~~as amended,~~ 19 USC 2296, nor shall the  
 16 individual be denied benefits by reason of leaving work to enter  
 17 such training if the work left is not suitable employment.  
 18 Furthermore, an otherwise eligible individual ~~shall~~ **MUST** not be  
 19 denied benefits because of the application to any such week in  
 20 training of provisions of this act, or any applicable federal  
 21 unemployment compensation law, relating to availability for work,  
 22 active search for work, or refusal to accept work. For purposes of  
 23 this subsection, "suitable employment" means, with respect to an  
 24 individual, work of a substantially equal or higher skill level  
 25 than the individual's past adversely affected employment, as  
 26 defined for purposes of the trade act of 1974, 19 USC 2101 to ~~2495,~~  
 27 **2497B**, and wages for that work at not less than 80% of the

1 individual's average weekly wage as determined for the purposes of  
2 the trade act of 1974, **19 USC 2101 TO 2497B.**

3 (6) For purposes of this section, for benefit years beginning  
4 on or after January 1, 2013, to be actively engaged in seeking  
5 work, an individual must conduct a systematic and sustained search  
6 for work in each week the individual is claiming benefits, using  
7 any of the following methods to report the details of the work  
8 search:

9 (a) Reporting at monthly intervals on the unemployment  
10 agency's online reporting system the name of each employer and  
11 physical or online location of each employer where work was sought  
12 and the date and method by which work was sought with each  
13 employer.

14 (b) Filing a written report with the unemployment agency by  
15 mail or facsimile transmission not later than the end of the fourth  
16 calendar week after the end of the week in which the individual  
17 engaged in the work search, on a form approved by the unemployment  
18 agency, indicating the name of each employer and physical or online  
19 location of each employer where work was sought and the date and  
20 method by which work was sought with each employer.

21 (c) Appearing at least monthly in person at a Michigan works  
22 agency office to report the name and physical or online location of  
23 each employer where the individual sought work during the previous  
24 month and the date and method by which work was sought with each  
25 employer.

26 (7) The work search conducted by the claimant is subject to  
27 random audit by the unemployment agency.



1           Enacting section 1. This amendatory act takes effect 90 days  
2   after the date it is enacted into law.