

**SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 604**

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending sections 17, 27, 28c, 28d, 29, 32, 32c, and 48 (MCL  
421.17, 421.27, 421.28c, 421.28d, 421.29, 421.32, 421.32c, and  
421.48), sections 17, 27, 28c, 28d, 29, 32, and 48 as amended and  
section 32c as added by 2020 PA 229, and by adding section 29a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 17. (1) The unemployment agency shall maintain in the  
2       unemployment compensation fund a nonchargeable benefits account and  
3       a separate experience account for each employer as provided in this  
4       section. This act does not give an employer or individuals in the  
5       employer's service prior claims or rights to the amount paid by the  
6       employer to the unemployment compensation fund. All contributions

1 to that fund ~~shall~~**must** be pooled and available to pay benefits to  
2 any individual entitled to the benefits under this act,  
3 irrespective of the source of the contributions.

4 (2) The nonchargeable benefits account shall be credited with  
5 the following:

6 (a) All net earnings received on money, property, or  
7 securities in the fund.

8 (b) Any positive balance remaining in the employer's  
9 experience account as of the second June 30 computation date  
10 occurring after the employer has ceased to be subject to this act  
11 or after the employer has elected to change from a contributing  
12 employer to a reimbursing employer.

13 (c) The proceeds of the nonchargeable benefits component of  
14 employers' contribution rates determined as provided in section  
15 19(a)(5).

16 (d) All reimbursements received under section 11(c).

17 (e) All amounts that may be paid or advanced by the federal  
18 government under section 903 or section 1201 of the social security  
19 act, 42 USC 1103 and 1321, to the account of the state in the  
20 federal unemployment trust fund.

21 (f) All benefits improperly paid to claimants that have been  
22 recovered and that were previously charged to an employer's  
23 account.

24 (g) Any benefits forfeited by an individual by application of  
25 section 62(b).

26 (h) The amount of any benefit check, any employer refund  
27 check, any claimant restitution refund check, or other payment duly  
28 issued that has not been presented for payment within 1 year after  
29 the date of issue.

1 (i) Any other unemployment fund income not creditable to the  
2 experience account of any employer.

3 (j) Any negative balance transferred to an employer's new  
4 experience account pursuant to this section.

5 (k) Amounts transferred from the contingent fund under section  
6 10.

7 (3) The nonchargeable benefits account shall be charged with  
8 the following:

9 (a) Any negative balance remaining in an employer's experience  
10 account as of the second June 30 computation date occurring after  
11 the employer has ceased to be subject to this act or has elected to  
12 change from a contributing employer to a reimbursing employer.

13 (b) Refunds of amounts erroneously collected due to the  
14 nonchargeable benefits component of an employer's contribution  
15 rate.

16 (c) All training benefits paid under section 27(g) not  
17 reimbursable by the federal government and based on service with a  
18 contributing employer.

19 (d) Any positive balance credited or transferred to an  
20 employer's new experience account under this subsection.

21 (e) Repayments to the federal government of amounts advanced  
22 by it under section 1201 of the social security act, 42 USC 1321,  
23 to the unemployment compensation fund established by this act.

24 (f) The amounts received by the unemployment compensation fund  
25 under section 903 of the social security act, 42 USC 1103, that may  
26 be appropriated to the unemployment agency in accordance with  
27 subsection (8).

28 (g) All benefits determined to have been improperly paid to  
29 claimants that have been credited to employers' accounts in

1 accordance with section 20(a).

2 (h) The amount of any substitute check or other payment issued  
3 to replace an uncashed benefit check, employer refund check,  
4 claimant restitution refund check, or other payment previously  
5 credited to this account.

6 (i) The amount of any benefit check or other payment issued  
7 that would be chargeable to the experience account of an employer  
8 who has ceased to be subject to this act, and who has had a balance  
9 transferred from the employer's experience account to the solvency  
10 or nonchargeable benefits account.

11 (j) All benefits that become nonchargeable to an employer  
12 under section 19(b) or (c), ~~29(1)(a)(ii) or (iii)~~ **29(1)(a)(i) to (iv)**  
13 or (3), or 42a.

14 (k) For benefit years ~~beginning before October 1, 2000, with~~  
15 ~~benefits allocated under section 20(c)(2) for a week of~~  
16 ~~unemployment in which a claimant earns remuneration with a~~  
17 ~~contributing employer that equals or exceeds the amount of benefits~~  
18 ~~allocated to that contributing employer, and for benefit years~~  
19 ~~beginning on or after October 1, 2000, with~~ benefits allocated  
20 under section 20(f) for a week of unemployment in which a claimant  
21 earns remuneration with a contributing employer that equals or  
22 exceeds the amount of benefits allocated to that contributing  
23 employer.

24 (l) Benefits that are nonchargeable to an employer's account in  
25 accordance with section 20(i) or (j).

26 (m) Benefits otherwise chargeable to the account of an  
27 employer when the benefits are payable solely on the basis of  
28 combining wages paid by a Michigan employer with wages paid by a  
29 non-Michigan employer under the interstate arrangement for

1 combining employment and wages under 20 CFR 616.1 to 616.11.

2 (4) All contributions paid by an employer ~~shall~~**must** be  
3 credited to the unemployment compensation fund, and, except as  
4 otherwise provided with respect to the proceeds of the  
5 nonchargeable benefits component of employers' contribution rates  
6 by section 19(a)(5), to the employer's experience account, as of  
7 the date when paid. However, ~~those~~**the** contributions paid during  
8 any July shall be credited as of the immediately preceding June 30.  
9 Additional contributions paid by an employer as the result of a  
10 retroactive contribution rate adjustment, solely for the purpose of  
11 this subsection, ~~shall~~**must** be credited to the employer's  
12 experience account as if paid when due, if the payment is received  
13 within 30 days after the issuance of the initial assessment that  
14 results from the contribution rate adjustment and a written request  
15 for the application is filed by the employer during this period.

16 (5) If an employer who has ceased to be subject to this act,  
17 and who has had a positive or negative balance transferred as  
18 provided in subsection (2) or (3) from the employer's experience  
19 account to the solvency or nonchargeable benefits account as of the  
20 second computation date after the employer has ceased to be subject  
21 to this act, becomes subject to this act again within 6 years after  
22 that computation date, the unemployment agency shall transfer the  
23 positive or negative balance, adjusted by the debits and credits  
24 that are made after the date of transfer, to the employer's new  
25 experience account.

26 (6) If an employer's status as a reimbursing employer is  
27 terminated within 6 years after the date the employer's experience  
28 account as a prior contributing employer was transferred to the  
29 solvency or nonchargeable benefits account as provided in

1 subsection (2) or (3) and the employer continues to be subject to  
 2 this act as a contributing employer, any positive or negative  
 3 balance in the employer's experience account as a prior  
 4 contributing employer ~~, which~~**that** was transferred to the solvency  
 5 or nonchargeable benefits account ~~, shall~~**must** be transferred to  
 6 the employer's new experience account. However, an employer who is  
 7 delinquent with respect to any reimbursement payments in lieu of  
 8 contributions for which the employer may be liable ~~shall~~**must** not  
 9 have a positive balance transferred during the delinquency.

10 (7) If a balance is transferred to an employer's new account  
 11 under subsection (5) or (6), the employer ~~shall~~**is** not be  
 12 considered a "qualified employer" until the employer has again been  
 13 subject to this act for the period set forth in section 19(a) (1).

14 (8) All money credited under section 903 of the social  
 15 security act, 42 USC 1103, to the account of the state in the  
 16 federal unemployment trust fund ~~shall~~**must** immediately be credited  
 17 by the unemployment agency to the fund's nonchargeable benefits  
 18 account. There is authorized to be appropriated to the unemployment  
 19 agency from the money credited to the nonchargeable benefits  
 20 account under this subsection, an amount determined to be necessary  
 21 for the proper and efficient administration by the unemployment  
 22 agency of this act for purposes for which federal grants under  
 23 title 3 of the social security act, 42 USC 501 to ~~504,~~**505**, and the  
 24 Wagner-Peyser act, 29 USC 49 to ~~49l-2,~~ are not available or are  
 25 insufficient. The appropriation ~~shall expire~~**expires** not more than  
 26 2 years after the date of enactment and ~~shall~~**must** provide that any  
 27 unexpended balance ~~shall then be~~**is** credited to the nonchargeable  
 28 benefits account. An appropriation ~~shall not be made~~ under this  
 29 subsection ~~for an amount that exceeds~~**must not exceed** the "adjusted

balance" of the nonchargeable benefits account on the most recent computation date. Appropriations made under this subsection ~~shall~~ **must** limit the total amount that may be obligated by the unemployment agency during a fiscal year to an amount that does not exceed the amount by which the aggregate of the amounts credited to the nonchargeable benefits account under this subsection during the fiscal year and the 24 preceding fiscal years, exceeds the aggregate of the amounts obligated by the unemployment agency by appropriation under this subsection and charged against the amounts thus credited to the nonchargeable benefits account during any of the 25 fiscal years and any amounts credited to the nonchargeable benefits account that have been used for the payment of benefits.

(9) Notwithstanding any other provision of this act, any benefit paid to a claimant that is laid off or placed on a leave of absence must not be charged to the account of any employer who otherwise would have been charged but instead must be charged to the nonchargeable benefits account. This subsection does not apply after ~~December 31, 2020.~~ **March 31. 2021.**

Sec. 27. (a) (1) When a determination, redetermination, or decision is made that benefits are due an unemployed individual, the benefits become payable from the fund and continue to be payable to the unemployed individual, subject to the limitations imposed by the individual's monetary entitlement, if the individual continues to be unemployed and to file claims for benefits, until the determination, redetermination, or decision is reversed, a determination, redetermination, or decision on a new issue holding the individual disqualified or ineligible is made, or, for benefit years beginning before October 1, 2000, a new separation issue arises resulting from subsequent work.

1 (2) Benefits are payable in person or by mail through  
2 employment security offices in accordance with rules promulgated by  
3 the unemployment agency.

4 (b)(1) Subject to subsection (f), the weekly benefit rate for  
5 an individual, with respect to benefit years beginning before  
6 October 1, 2000, is 67% of the individual's average after tax  
7 weekly wage, except that the individual's maximum weekly benefit  
8 rate must not exceed \$300.00. However, with respect to benefit  
9 years beginning on or after October 1, 2000, the individual's  
10 weekly benefit rate is 4.1% of the individual's wages paid in the  
11 calendar quarter of the base period in which the individual was  
12 paid the highest total wages, plus \$6.00 for each dependent as  
13 defined in subdivision (4), up to a maximum of 5 dependents,  
14 claimed by the individual at the time the individual files a new  
15 claim for benefits, except that the individual's maximum weekly  
16 benefit rate must not exceed \$300.00 before April 26, 2002 and  
17 \$362.00 for claims filed on and after April 26, 2002. The weekly  
18 benefit rate for an individual claiming benefits on and after April  
19 26, 2002 must be recalculated subject to the \$362.00 maximum weekly  
20 benefit rate. The unemployment agency shall establish the  
21 procedures necessary to verify the number of dependents claimed. If  
22 a person fraudulently claims a dependent, that person is subject to  
23 the penalties set forth in sections 54 and 54c. For benefit years  
24 beginning on or after October 2, 1983, the weekly benefit rate must  
25 be adjusted to the next lower multiple of \$1.00.

26 (2) For benefit years beginning before October 1, 2000, the  
27 state average weekly wage for a calendar year is computed on the  
28 basis of the 12 months ending the June 30 immediately before that  
29 calendar year.



1           (3) For benefit years beginning before October 1, 2000, a  
2 dependent means any of the following persons who are receiving and  
3 for at least 90 consecutive days immediately before the week for  
4 which benefits are claimed, or, in the case of a dependent husband,  
5 wife, or child, for the duration of the marital or parental  
6 relationship, if the relationship has existed less than 90 days,  
7 has received more than 1/2 the cost of his or her support from the  
8 individual claiming benefits:

9           (a) A child, including stepchild, adopted child, or grandchild  
10 of the individual who is under 18 years of age, or 18 years of age  
11 or over if, because of physical or mental infirmity, the child is  
12 unable to engage in a gainful occupation, or is a full-time student  
13 as defined by the particular educational institution, at a high  
14 school, vocational school, community or junior college, or college  
15 or university and has not attained the age of 22.

16           (b) The husband or wife of the individual.

17           (c) The legal father or mother of the individual if that  
18 parent is either more than 65 years of age or is permanently  
19 disabled from engaging in a gainful occupation.

20           (d) A brother or sister of the individual if the brother or  
21 sister is orphaned or the living parents are dependent parents of  
22 an individual, and the brother or sister is under 18 years of age,  
23 or 18 years of age or over if, because of physical or mental  
24 infirmity, the brother or sister is unable to engage in a gainful  
25 occupation, or is a full-time student as defined by the particular  
26 educational institution, at a high school, vocational school,  
27 community or junior college, or college or university and is less  
28 than 22 years of age.

29           (4) For benefit years beginning on or after October 1, 2000, a

1 dependent means any of the following persons who received for at  
2 least 90 consecutive days immediately before the first week of the  
3 benefit year or, in the case of a dependent husband, wife, or  
4 child, for the duration of the marital or parental relationship if  
5 the relationship existed less than 90 days before the beginning of  
6 the benefit year, has received more than 1/2 the cost of his or her  
7 support from the individual claiming the benefits:

8 (a) A child, including stepchild, adopted child, or grandchild  
9 of the individual who is under 18 years of age, or 18 years of age  
10 and over if, because of physical or mental infirmity, the child is  
11 unable to engage in a gainful occupation, or is a full-time student  
12 as defined by the particular educational institution, at a high  
13 school, vocational school, community or junior college, or college  
14 or university and has not attained the age of 22.

15 (b) The husband or wife of the individual.

16 (c) The legal father or mother of the individual if that  
17 parent is either more than 65 years of age or is permanently  
18 disabled from engaging in a gainful occupation.

19 (d) A brother or sister of the individual if the brother or  
20 sister is orphaned or the living parents are dependent parents of  
21 an individual, and the brother or sister is under 18 years of age,  
22 or 18 years of age and over if, because of physical or mental  
23 infirmity, the brother or sister is unable to engage in a gainful  
24 occupation, or is a full-time student as defined by the particular  
25 educational institution, at a high school, vocational school,  
26 community or junior college, or college or university and is less  
27 than 22 years of age.

28 (5) The number of dependents established for an individual at  
29 the beginning of the benefit year shall remain in effect during the

1 entire benefit year.

2 (6) Dependency status of a dependent, child or otherwise, once  
3 established or fixed in favor of a person is not transferable to or  
4 usable by another person with respect to the same week.

5 Failure on the part of an individual, due to misinformation or  
6 lack of information, to furnish all information material for  
7 determination of the number of the individual's dependents is good  
8 cause to issue a redetermination as to the amount of benefits based  
9 on the number of the individual's dependents as of the beginning of  
10 the benefit year.

11 (c) Subject to subsection (f), all of the following apply to  
12 eligible individuals:

13 (1) Each eligible individual must be paid a weekly benefit  
14 rate with respect to the week for which the individual earns or  
15 receives no remuneration. Notwithstanding the definition of week in  
16 section 50, if within 2 consecutive weeks in which an individual  
17 was not unemployed within the meaning of section 48 there was a  
18 period of 7 or more consecutive days for which the individual did  
19 not earn or receive remuneration, that period is considered a week  
20 for benefit purposes under this act if a claim for benefits for  
21 that period is filed not later than 30 days after the end of the  
22 period.

23 (2) The weekly benefit rate is reduced with respect to each  
24 week in which the eligible individual earns or receives  
25 remuneration at the rate of 40 cents for each whole \$1.00 of  
26 remuneration earned or received during that week. Beginning October  
27 1, 2015, an eligible individual's weekly benefit rate is reduced at  
28 the rate of 50 cents for each whole \$1.00 of remuneration in which  
29 the eligible individual earns or receives remuneration in that

1 benefit week. The weekly benefit rate is not reduced under this  
2 subdivision for remuneration received for on-call or training  
3 services as a volunteer firefighter, if the volunteer firefighter  
4 receives less than \$10,000.00 in a calendar year for services as a  
5 volunteer firefighter.

6 (3) An individual who receives or earns partial remuneration  
7 may not receive a total of benefits and earnings that exceeds 1-3/5  
8 times his or her weekly benefit amount. For each dollar of total  
9 benefits and earnings that exceeds 1-3/5 times the individual's  
10 weekly benefit amount, benefits are reduced by \$1.00. Beginning  
11 October 1, 2015, the total benefits and earnings for an individual  
12 who receives or earns partial remuneration may not exceed 1-1/2  
13 times his or her weekly benefit amount. The individual's benefits  
14 are reduced by \$1.00 for each dollar by which the total benefits  
15 and earnings exceed 1-1/2 times the individual's weekly benefit  
16 amount.

17 (4) If the reduction in a claimant's benefit rate for a week  
18 in accordance with subdivision (2) or (3) results in a benefit rate  
19 greater than zero for that week, the claimant's balance of weeks of  
20 benefit payments is reduced by 1 week.

21 (5) All remuneration for work performed during a shift that  
22 terminates on 1 day but that began on the preceding day is  
23 considered to have been earned by the eligible individual on the  
24 preceding day.

25 (6) The unemployment agency shall report annually to the  
26 legislature the following information with regard to subdivisions  
27 (2) and (3):

28 (a) The number of individuals whose weekly benefit rate was  
29 reduced at the rate of 40 or 50 cents for each whole \$1.00 of

1 remuneration earned or received over the immediately preceding  
2 calendar year.

3 (b) The number of individuals who received or earned partial  
4 remuneration at or exceeding the applicable limit of 1-1/2 or 1-3/5  
5 times their weekly benefit amount prescribed in subdivision (3) for  
6 any 1 or more weeks during the immediately preceding calendar year.

7 (7) The unemployment agency shall not use prorated quarterly  
8 wages to establish a reduction in benefits under this subsection.

9 (d) Subject to subsection (f) and this subsection, the maximum  
10 benefit amount payable to an individual in a benefit year for  
11 purposes of this section and section 20(d) is the number of weeks  
12 of benefits payable to an individual during the benefit year,  
13 multiplied by the individual's weekly benefit rate. The number of  
14 weeks of benefits payable to an individual shall be calculated by  
15 taking 43% of the individual's base period wages and dividing the  
16 result by the individual's weekly benefit rate. If the quotient is  
17 not a whole or half number, the result is rounded down to the  
18 nearest half number. However, for each eligible individual filing  
19 an initial claim before January 15, 2012, not more than 26 weeks of  
20 benefits or less than 14 weeks of benefits are payable to an  
21 individual in a benefit year. For each eligible individual filing  
22 an initial claim on or after January 15, 2012, not more than 20  
23 weeks of benefits or less than 14 weeks of benefits are payable to  
24 an individual in a benefit year. The limitation of total benefits  
25 set forth in this subsection does not apply to claimants declared  
26 eligible for training benefits in accordance with subsection (g).  
27 Notwithstanding any other provision of this act, **and subject to**  
28 **subsection (q)**, with respect to benefit years and claims for weeks  
29 beginning before ~~January~~ **April** 1, 2021, for each eligible

1 individual who files a claim for benefits and establishes a benefit  
2 year, not more than 26 weeks of benefits or less than 14 weeks of  
3 benefits may be payable to an individual in a benefit year.

4 (e) When a claimant dies or is judicially declared insane or  
5 mentally incompetent, unemployment compensation benefits accrued  
6 and payable to that person for weeks of unemployment before death,  
7 insanity, or incompetency, but not paid, become due and payable to  
8 the person who is the legal heir or guardian of the claimant or to  
9 any other person found by the commission to be equitably entitled  
10 to the benefits by reason of having incurred expense in behalf of  
11 the claimant for the claimant's burial or other necessary expenses.

12 (f)(1) For benefit years beginning before October 1, 2000, and  
13 notwithstanding any inconsistent provisions of this act, the weekly  
14 benefit rate of each individual who is receiving or will receive a  
15 "retirement benefit", as defined in subdivision (4), is adjusted as  
16 provided in subparagraphs (a), (b), and (c). However, an  
17 individual's extended benefit account and an individual's weekly  
18 extended benefit rate under section 64 is established without  
19 reduction under this subsection unless subdivision (5) is in  
20 effect. Except as otherwise provided in this subsection, all other  
21 provisions of this act continue to apply in connection with the  
22 benefit claims of those retired persons.

23 (a) If and to the extent that unemployment benefits payable  
24 under this act would be chargeable to an employer who has  
25 contributed to the financing of a retirement plan under which the  
26 claimant is receiving or will receive a retirement benefit yielding  
27 a pro rata weekly amount equal to or larger than the claimant's  
28 weekly benefit rate as otherwise established under this act, the  
29 claimant must not receive unemployment benefits that would be

1 chargeable to the employer under this act.

2 (b) If and to the extent that unemployment benefits payable  
3 under this act would be chargeable to an employer who has  
4 contributed to the financing of a retirement plan under which the  
5 claimant is receiving or will receive a retirement benefit yielding  
6 a pro rata weekly amount less than the claimant's weekly benefit  
7 rate as otherwise established under this act, then the weekly  
8 benefit rate otherwise payable to the claimant and chargeable to  
9 the employer under this act is reduced by an amount equal to the  
10 pro rata weekly amount, adjusted to the next lower multiple of  
11 \$1.00, which the claimant is receiving or will receive as a  
12 retirement benefit.

13 (c) If the unemployment benefit payable under this act would  
14 be chargeable to an employer who has not contributed to the  
15 financing of a retirement plan under which the claimant is  
16 receiving or will receive a retirement benefit, then the weekly  
17 benefit rate of the claimant as otherwise established under this  
18 act is not reduced due to receipt of a retirement benefit.

19 (d) If the unemployment benefit payable under this act is  
20 computed on the basis of multiemployer credit weeks and a portion  
21 of the benefit is allocable under section 20(e) to an employer who  
22 has contributed to the financing of a retirement plan under which  
23 the claimant is receiving or will receive a retirement benefit, the  
24 adjustments required by subparagraph (a) or (b) apply only to that  
25 portion of the weekly benefit rate that would otherwise be  
26 allocable and chargeable to the employer.

27 (2) If an individual's weekly benefit rate under this act was  
28 established before the period for which the individual first  
29 receives a retirement benefit, any benefits received after a

1 retirement benefit becomes payable must be determined in accordance  
2 with the formula stated in this subsection.

3 (3) When necessary to assure prompt payment of benefits, the  
4 commission shall determine the pro rata weekly amount yielded by an  
5 individual's retirement benefit based on the best information  
6 currently available to it. In the absence of fraud, a determination  
7 must not be reconsidered unless it is established that the  
8 individual's actual retirement benefit in fact differs from the  
9 amount determined by \$2.00 or more per week. The reconsideration  
10 applies only to benefits that may be claimed after the information  
11 on which the reconsideration is based was received by the  
12 commission.

13 (4)(a) As used in this subsection, "retirement benefit" means  
14 a benefit, annuity, or pension of any type or that part thereof  
15 that is described in subparagraph (b) that is both:

16 (i) Provided as an incident of employment under an established  
17 retirement plan, policy, or agreement, including federal Social  
18 Security if subdivision (5) is in effect.

19 (ii) Payable to an individual because the individual has  
20 qualified on the basis of attained age, length of service, or  
21 disability, whether or not the individual retired or was retired  
22 from employment. Amounts paid to individuals in the course of  
23 liquidation of a private pension or retirement fund because of  
24 termination of the business or of a plant or department of the  
25 business of the employer involved are not retirement benefits.

26 (b) If a benefit as described in subparagraph (a) is payable  
27 or paid to the individual under a plan to which the individual has  
28 contributed:

29 (i) Less than 1/2 of the cost of the benefit, then only 1/2 of



1 the benefit is treated as a retirement benefit.

2 (ii) One-half or more of the cost of the benefit, then none of  
3 the benefit is treated as a retirement benefit.

4 (c) The burden of establishing the extent of an individual's  
5 contribution to the cost of his or her retirement benefit for the  
6 purpose of subparagraph (b) is upon the employer who has  
7 contributed to the plan under which a benefit is provided.

8 (5) Notwithstanding any other provision of this subsection,  
9 for any week that begins after March 31, 1980, and with respect to  
10 which an individual is receiving a governmental or other pension  
11 and claiming unemployment compensation, the weekly benefit amount  
12 payable to the individual for those weeks is reduced, but not below  
13 zero, by the entire prorated weekly amount of any governmental or  
14 other pension, retirement or retired pay, annuity, or any other  
15 similar payment that is based on any previous work of the  
16 individual. This reduction is made only if it is required as a  
17 condition for full tax credit against the tax imposed by the  
18 federal unemployment tax act, 26 USC 3301 to 3311.

19 (6) For benefit years beginning on or after October 1, 2000,  
20 notwithstanding any inconsistent provisions of this act, the weekly  
21 benefit rate of each individual who is receiving or will receive a  
22 retirement benefit, as defined in subdivision (4), is adjusted as  
23 provided in subparagraphs (a), (b), and (c). However, an  
24 individual's extended benefit account and an individual's weekly  
25 extended benefit rate under section 64 is established without  
26 reduction under this subsection, unless subdivision (5) is in  
27 effect. Except as otherwise provided in this subsection, all the  
28 other provisions of this act apply to the benefit claims of those  
29 retired persons. However, if the reduction would impair the full

1 tax credit against the tax imposed by the federal unemployment tax  
2 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as  
3 provided in subparagraphs (a), (b), and (c) for receipt of any  
4 governmental or other pension, retirement or retired pay, annuity,  
5 or other similar payment that was not includable in the gross  
6 income of the individual for the taxable year in which it was  
7 received because it was a part of a rollover distribution.

8 (a) If any base period or chargeable employer has contributed  
9 to the financing of a retirement plan under which the claimant is  
10 receiving or will receive a retirement benefit yielding a pro rata  
11 weekly amount equal to or larger than the claimant's weekly benefit  
12 rate as otherwise established under this act, the claimant is not  
13 eligible to receive unemployment benefits.

14 (b) If any base period employer or chargeable employer has  
15 contributed to the financing of a retirement plan under which the  
16 claimant is receiving or will receive a retirement benefit yielding  
17 a pro rata weekly amount less than the claimant's weekly benefit  
18 rate as otherwise established under this act, then the weekly  
19 benefit rate otherwise payable to the claimant is reduced by an  
20 amount equal to the pro rata weekly amount, adjusted to the next  
21 lower multiple of \$1.00, which the claimant is receiving or will  
22 receive as a retirement benefit.

23 (c) If no base period or separating employer has contributed  
24 to the financing of a retirement plan under which the claimant is  
25 receiving or will receive a retirement benefit, then the weekly  
26 benefit rate of the claimant as otherwise established under this  
27 act shall not be reduced due to receipt of a retirement benefit.

28 (g) Notwithstanding any other provision of this act, an  
29 individual pursuing vocational training or retraining pursuant to

1 section 28(2) who has exhausted all benefits available under  
2 subsection (d) may be paid for each week of approved vocational  
3 training pursued beyond the date of exhaustion a benefit amount in  
4 accordance with subsection (c), but not in excess of the  
5 individual's most recent weekly benefit rate. However, an  
6 individual must not be paid training benefits totaling more than 18  
7 times the individual's most recent weekly benefit rate. The  
8 expiration or termination of a benefit year does not stop or  
9 interrupt payment of training benefits if the training for which  
10 the benefits were granted began before expiration or termination of  
11 the benefit year.

12 (h) A payment of accrued unemployment benefits is not payable  
13 to an eligible individual or in behalf of that individual as  
14 provided in subsection (e) more than 6 years after the ending date  
15 of the benefit year covering the payment or 2 calendar years after  
16 the calendar year in which there is final disposition of a  
17 contested case, whichever is later.

18 (i) Benefits based on service in employment described in  
19 section 42(8), (9), and (10) are payable in the same amount, on the  
20 same terms, and subject to the same conditions as compensation  
21 payable on the basis of other service subject to this act, except  
22 that:

23 (1) With respect to service performed in an instructional,  
24 research, or principal administrative capacity for an institution  
25 of higher education as defined in section 53(2), or for an  
26 educational institution other than an institution of higher  
27 education as defined in section 53(3), benefits are not payable to  
28 an individual based on those services for any week of unemployment  
29 beginning after December 31, 1977 that commences during the period

1 between 2 successive academic years or during a similar period  
2 between 2 regular terms, whether or not successive, or during a  
3 period of paid sabbatical leave provided for in the individual's  
4 contract, to an individual if the individual performs the service  
5 in the first of the academic years or terms and if there is a  
6 contract or a reasonable assurance that the individual will perform  
7 service in an instructional, research, or principal administrative  
8 capacity for an institution of higher education or an educational  
9 institution other than an institution of higher education in the  
10 second of the academic years or terms, whether or not the terms are  
11 successive.

12 (2) With respect to service performed in other than an  
13 instructional, research, or principal administrative capacity for  
14 an institution of higher education as defined in section 53(2) or  
15 for an educational institution other than an institution of higher  
16 education as defined in section 53(3), benefits are not payable  
17 based on those services for any week of unemployment beginning  
18 after December 31, 1977 that commences during the period between 2  
19 successive academic years or terms to any individual if that  
20 individual performs the service in the first of the academic years  
21 or terms and if there is a reasonable assurance that the individual  
22 will perform the service for an institution of higher education or  
23 an educational institution other than an institution of higher  
24 education in the second of the academic years or terms.

25 (3) With respect to any service described in subdivision (1)  
26 or (2), benefits are not payable to an individual based upon  
27 service for any week of unemployment that commences during an  
28 established and customary vacation period or holiday recess if the  
29 individual performs the service in the period immediately before

1 the vacation period or holiday recess and there is a contract or  
2 reasonable assurance that the individual will perform the service  
3 in the period immediately following the vacation period or holiday  
4 recess.

5 (4) If benefits are denied to an individual for any week  
6 solely as a result of subdivision (2) and the individual was not  
7 offered an opportunity to perform in the second academic year or  
8 term the service for which reasonable assurance had been given, the  
9 individual is entitled to a retroactive payment of benefits for  
10 each week for which the individual had previously filed a timely  
11 claim for benefits. An individual entitled to benefits under this  
12 subdivision may apply for those benefits by mail in accordance with  
13 R 421.210 of the Michigan Administrative Code as promulgated by the  
14 commission.

15 (5) Benefits based upon services in other than an  
16 instructional, research, or principal administrative capacity for  
17 an institution of higher education are not denied for any week of  
18 unemployment commencing during the period between 2 successive  
19 academic years or terms solely because the individual had performed  
20 the service in the first of the academic years or terms and there  
21 is reasonable assurance that the individual will perform the  
22 service for an institution of higher education or an educational  
23 institution other than an institution of higher education in the  
24 second of the academic years or terms, unless a denial is required  
25 as a condition for full tax credit against the tax imposed by the  
26 federal unemployment tax act, 26 USC 3301 to 3311.

27 (6) For benefit years established before October 1, 2000, and  
28 notwithstanding subdivisions (1), (2), and (3), the denial of  
29 benefits does not prevent an individual from completing

1 requalifying weeks in accordance with section 29(3) nor does the  
2 denial prevent an individual from receiving benefits based on  
3 service with an employer other than an educational institution for  
4 any week of unemployment occurring between academic years or terms,  
5 whether or not successive, or during an established and customary  
6 vacation period or holiday recess, even though the employer is not  
7 the most recent chargeable employer in the individual's base  
8 period. However, in that case section 20(b) applies to the sequence  
9 of benefit charging, except for the employment with the educational  
10 institution, and section 50(b) applies to the calculation of credit  
11 weeks. When a denial of benefits under subdivision (1) no longer  
12 applies, benefits are charged in accordance with the normal  
13 sequence of charging as provided in section 20(b).

14 (7) For benefit years beginning on or after October 1, 2000,  
15 and notwithstanding subdivisions (1), (2), and (3), the denial of  
16 benefits does not prevent an individual from completing  
17 requalifying weeks in accordance with section 29(3) and does not  
18 prevent an individual from receiving benefits based on service with  
19 another base period employer other than an educational institution  
20 for any week of unemployment occurring between academic years or  
21 terms, whether or not successive, or during an established and  
22 customary vacation period or holiday recess. However, if benefits  
23 are paid based on service with 1 or more base period employers  
24 other than an educational institution, the individual's weekly  
25 benefit rate is calculated in accordance with subsection (b)(1) but  
26 during the denial period the individual's weekly benefit payment is  
27 reduced by the portion of the payment attributable to base period  
28 wages paid by an educational institution and the account or  
29 experience account of the educational institution is not charged

1 for benefits payable to the individual. When a denial of benefits  
2 under subdivision (1) is no longer applicable, benefits are paid  
3 and charged on the basis of base period wages with each of the base  
4 period employers including the educational institution.

5 (8) For the purposes of this subsection, "academic year" means  
6 that period, as defined by the educational institution, when  
7 classes are in session for that length of time required for  
8 students to receive sufficient instruction or earn sufficient  
9 credit to complete academic requirements for a particular grade  
10 level or to complete instruction in a noncredit course.

11 (9) In accordance with subdivisions (1), (2), and (3),  
12 benefits for any week of unemployment are denied to an individual  
13 who performed services described in subdivision (1), (2), or (3) in  
14 an educational institution while in the employ of an educational  
15 service agency. For the purpose of this subdivision, "educational  
16 service agency" means a governmental agency or governmental entity  
17 that is established and operated exclusively for the purpose of  
18 providing the services to 1 or more educational institutions.

19 (j) Benefits are not payable to an individual on the basis of  
20 any base period services, substantially all of which consist of  
21 participating in sports or athletic events or training or preparing  
22 to participate, for a week that commences during the period between  
23 2 successive sport seasons or similar periods if the individual  
24 performed the services in the first of the seasons or similar  
25 periods and there is a reasonable assurance that the individual  
26 will perform the services in the later of the seasons or similar  
27 periods.

28 (k) (1) Benefits are not payable on the basis of services  
29 performed by an alien unless the alien is an individual who was

1 lawfully admitted for permanent residence at the time the services  
2 were performed, was lawfully present for the purpose of performing  
3 the services, or was permanently residing in the United States  
4 under color of law at the time the services were performed,  
5 including an alien who was lawfully present in the United States  
6 under section 212(d)(5) of the immigration and nationality act, 8  
7 USC 1182.

8 (2) Any data or information required of individuals applying  
9 for benefits to determine whether benefits are payable because of  
10 their alien status are uniformly required from all applicants for  
11 benefits.

12 (3) If an individual's application for benefits would  
13 otherwise be approved, a determination that benefits to that  
14 individual are not payable because of the individual's alien status  
15 must not be made except upon a preponderance of the evidence.

16 (m)(1) An individual filing a new claim for unemployment  
17 compensation under this act, at the time of filing the claim, shall  
18 disclose whether the individual owes child support obligations as  
19 defined in this subsection. If an individual discloses that he or  
20 she owes child support obligations and is determined to be eligible  
21 for unemployment compensation, the unemployment agency shall notify  
22 the state or local child support enforcement agency enforcing the  
23 obligation that the individual has been determined to be eligible  
24 for unemployment compensation.

25 (2) Notwithstanding section 30, the unemployment agency shall  
26 deduct and withhold from any unemployment compensation payable to  
27 an individual who owes child support obligations by using whichever  
28 of the following methods results in the greatest amount:

29 (a) The amount, if any, specified by the individual to be



1 deducted and withheld under this subdivision.

2 (b) The amount, if any, determined pursuant to an agreement  
3 submitted to the commission under 42 USC 654(19)(B)(i), by the  
4 state or local child support enforcement agency.

5 (c) Any amount otherwise required to be deducted and withheld  
6 from unemployment compensation by legal process, as that term is  
7 defined in 42 USC 659(i)(5), properly served upon the commission.

8 (3) The amount of unemployment compensation subject to  
9 deduction under subdivision (2) is that portion that remains  
10 payable to the individual after application of the recoupment  
11 provisions of section 62(a) and the reduction provisions of  
12 subsections (c) and (f).

13 (4) The unemployment agency shall pay any amount deducted and  
14 withheld under subdivision (2) to the appropriate state or local  
15 child support enforcement agency.

16 (5) Any amount deducted and withheld under subdivision (2) is  
17 treated for all purposes as if it were paid to the individual as  
18 unemployment compensation and paid by the individual to the state  
19 or local child support enforcement agency in satisfaction of the  
20 individual's child support obligations.

21 (6) Provisions concerning deductions under this subsection  
22 apply only if the state or local child support enforcement agency  
23 agrees in writing to reimburse and does reimburse the unemployment  
24 agency for the administrative costs incurred by the unemployment  
25 agency under this subsection that are attributable to child support  
26 obligations being enforced by the state or local child support  
27 enforcement agency. The administrative costs incurred are  
28 determined by the unemployment agency. The unemployment agency, in  
29 its discretion, may require payment of administrative costs in

1 advance.

2 (7) As used in this subsection:

3 (a) "Unemployment compensation", for purposes of subdivisions  
4 (1) to (5), means any compensation payable under this act,  
5 including amounts payable by the unemployment agency pursuant to an  
6 agreement under any federal law providing for compensation,  
7 assistance, or allowances with respect to unemployment.

8 (b) "Child support obligations" includes only obligations that  
9 are being enforced pursuant to a plan described in 42 USC 654 that  
10 has been approved by the Secretary of Health and Human Services  
11 under 42 USC 651 to 669b.

12 (c) "State or local child support enforcement agency" means  
13 any agency of this state or a political subdivision of this state  
14 operating pursuant to a plan described in subparagraph (b).

15 (n) Subsection (i)(2) applies to services performed by school  
16 bus drivers employed by a private contributing employer holding a  
17 contractual relationship with an educational institution, but only  
18 if at least 75% of the individual's base period wages with that  
19 employer are attributable to services performed as a school bus  
20 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies  
21 to other services described in those subdivisions that are  
22 performed by any employees under an employer's contract with an  
23 educational institution or an educational service agency.

24 (o)(1) For weeks of unemployment beginning after July 1, 1996,  
25 unemployment benefits based on services by a seasonal worker  
26 performed in seasonal employment are payable only for weeks of  
27 unemployment that occur during the normal seasonal work period.  
28 Benefits are not payable based on services performed in seasonal  
29 employment for any week of unemployment beginning after March 28,

1 1996 that begins during the period between 2 successive normal  
2 seasonal work periods to any individual if that individual performs  
3 the service in the first of the normal seasonal work periods and if  
4 there is a reasonable assurance that the individual will perform  
5 the service for a seasonal employer in the second of the normal  
6 seasonal work periods. If benefits are denied to an individual for  
7 any week solely as a result of this subsection and the individual  
8 is not offered an opportunity to perform in the second normal  
9 seasonal work period for which reasonable assurance of employment  
10 had been given, the individual is entitled to a retroactive payment  
11 of benefits under this subsection for each week that the individual  
12 previously filed a timely claim for benefits. An individual may  
13 apply for any retroactive benefits under this subsection in  
14 accordance with R 421.210 of the Michigan Administrative Code.

15 (2) Not less than 20 days before the estimated beginning date  
16 of a normal seasonal work period, an employer may apply to the  
17 commission in writing for designation as a seasonal employer. At  
18 the time of application, the employer shall conspicuously display a  
19 copy of the application on the employer's premises. Within 90 days  
20 after receipt of the application, the commission shall determine if  
21 the employer is a seasonal employer. A determination or  
22 redetermination of the commission concerning the status of an  
23 employer as a seasonal employer, or a decision of an administrative  
24 law judge, the Michigan compensation appellate commission, or the  
25 courts of this state concerning the status of an employer as a  
26 seasonal employer, which has become final, together with the record  
27 thereof, may be introduced in any proceeding involving a claim for  
28 benefits, and the facts found and decision issued in the  
29 determination, redetermination, or decision is conclusive unless

1 substantial evidence to the contrary is introduced by or on behalf  
2 of the claimant.

3 (3) If the employer is determined to be a seasonal employer,  
4 the employer shall conspicuously display on its premises a notice  
5 of the determination and the beginning and ending dates of the  
6 employer's normal seasonal work periods. The commission shall  
7 furnish the notice. The notice must additionally specify that an  
8 employee must timely apply for unemployment benefits at the end of  
9 a first seasonal work period to preserve his or her right to  
10 receive retroactive unemployment benefits if he or she is not  
11 reemployed by the seasonal employer in the second of the normal  
12 seasonal work periods.

13 (4) The commission may issue a determination terminating an  
14 employer's status as a seasonal employer on the commission's own  
15 motion for good cause, or upon the written request of the employer.  
16 A termination determination under this subdivision terminates an  
17 employer's status as a seasonal employer, and becomes effective on  
18 the beginning date of the normal seasonal work period that would  
19 have immediately followed the date the commission issues the  
20 determination. A determination under this subdivision is subject to  
21 review in the same manner and to the same extent as any other  
22 determination under this act.

23 (5) An employer whose status as a seasonal employer is  
24 terminated under subdivision (4) may not reapply for a seasonal  
25 employer status determination until after a regularly recurring  
26 normal seasonal work period has begun and ended.

27 (6) If a seasonal employer informs an employee who received  
28 assurance of being rehired that, despite the assurance, the  
29 employee will not be rehired at the beginning of the employer's

1 next normal seasonal work period, this subsection does not prevent  
2 the employee from receiving unemployment benefits in the same  
3 manner and to the same extent he or she would receive benefits  
4 under this act from an employer who has not been determined to be a  
5 seasonal employer.

6 (7) A successor of a seasonal employer is considered to be a  
7 seasonal employer unless the successor provides the commission,  
8 within 120 days after the transfer, with a written request for  
9 termination of its status as a seasonal employer in accordance with  
10 subdivision (4).

11 (8) At the time an employee is hired by a seasonal employer,  
12 the employer shall notify the employee in writing if the employee  
13 will be a seasonal worker. The employer shall provide the worker  
14 with written notice of any subsequent change in the employee's  
15 status as a seasonal worker. If an employee of a seasonal employer  
16 is denied benefits because that employee is a seasonal worker, the  
17 employee may contest that designation in accordance with section  
18 32a.

19 (9) As used in this subsection:

20 (a) "Construction industry" means the work activity designated  
21 in sector group 23 - construction of the North American  
22 classification system - United States Office of Management and  
23 Budget, 1997 edition.

24 (b) "Normal seasonal work period" means that period or those  
25 periods of time determined under rules promulgated by the  
26 unemployment agency during which an individual is employed in  
27 seasonal employment.

28 (c) "Seasonal employment" means the employment of 1 or more  
29 individuals primarily hired to perform services during regularly

1 recurring periods of 26 weeks or less in any 52-week period other  
2 than services in the construction industry.

3 (d) "Seasonal employer" means an employer, other than an  
4 employer in the construction industry, who applies to the  
5 unemployment agency for designation as a seasonal employer and who  
6 the unemployment agency determines is an employer whose operations  
7 and business require employees engaged in seasonal employment. A  
8 seasonal employer designation under this act need not correspond to  
9 a category assigned under the North American classification system  
10 — United States Office of Management and Budget.

11 (e) "Seasonal worker" means a worker who has been paid wages  
12 by a seasonal employer for work performed only during the normal  
13 seasonal work period.

14 (10) This subsection does not apply if the United States  
15 Department of Labor finds it to be contrary to the federal  
16 unemployment tax act, 26 USC 3301 to 3311, or the social security  
17 act, chapter 531, 49 Stat 620, and if conformity with the federal  
18 law is required as a condition for full tax credit against the tax  
19 imposed under the federal unemployment tax act, 26 USC 3301 to  
20 3311, or as a condition for receipt by the commission of federal  
21 administrative grant funds under the social security act, chapter  
22 531, 49 Stat 620.

23 (p) Benefits are not payable to an individual based upon his  
24 or her services as a school crossing guard for any week of  
25 unemployment that begins between 2 successive academic years or  
26 terms, if that individual performs the services of a school  
27 crossing guard in the first of the academic years or terms and has  
28 a reasonable assurance that he or she will perform those services  
29 in the second of the academic years or terms.

(q) The extension of benefits for claims for weeks beginning after January 1, 2021 but before April 1, 2021 as described in subsection (d) does not take effect unless \$220,000,000.00 or more is appropriated as provided for in Senate Bill No. 748 of the 100th Legislature for deposit into the unemployment compensation fund to cover the extension of benefits. After March 1, 2021, from the funds appropriated in Senate Bill No. 748 of the 100th Legislature for Michigan unemployment compensation funds, \$220,000,000.00 shall be deposited into the unemployment compensation fund for the sole purpose of funding the extension of benefits for claims for weeks beginning after January 1, 2021 but before April 1, 2021 as described in subsection (d). If federal funds are available and expenditures are allowable under federal law, expenditures of federal funds under this subsection shall occur before the expenditure of state general fund appropriations made for the same purpose described in this subsection. State general fund appropriations replaced by federal expenditures authorized under this subsection shall revert to the general fund.

Sec. 28c. (1) An employer that meets all of the following requirements may apply to the unemployment agency for approval of a shared-work plan:

(a) The employer has filed all quarterly reports and other reports required under this act and has paid all obligation assessments, contributions, reimbursements in lieu of contributions, interest, and penalties due through the date of the employer's application.

(b) If the employer is a contributing employer, the employer's reserve in the employer's experience account as of the most recent computation date preceding the date of the employer's application

1 is a positive number.

2 (c) The employer has paid wages for the 12 consecutive  
3 calendar quarters preceding the date of the employer's application.

4 (2) An application under this section shall be made in the  
5 manner prescribed by the unemployment agency and contain all of the  
6 following:

7 (a) The employer's assurance that it will provide reports to  
8 the unemployment agency relating to the operation of its shared-  
9 work plan at the times and in the manner prescribed by the  
10 unemployment agency and containing all information required by the  
11 unemployment agency.

12 (b) The employer's assurance that it will not hire new  
13 employees in, or transfer employees to, the affected unit during  
14 the effective period of the shared-work plan.

15 (c) The employer's assurance that it will not lay off  
16 participating employees during the effective period of the shared-  
17 work plan, or reduce participating employees' hours of work by more  
18 than the reduction percentage during the effective period of the  
19 shared-work plan, except in cases of holidays, designated vacation  
20 periods, equipment maintenance, or similar circumstances.

21 (d) The employer's certification that it has obtained the  
22 approval of any applicable collective bargaining unit  
23 representative and has notified all affected employees who are not  
24 in a collective bargaining unit of the proposed shared-work plan.

25 (e) A list of the week or weeks within the requested effective  
26 period of the plan during which participating employees are  
27 anticipated to work fewer hours than the number of hours determined  
28 under section 28d(1)(e) due to circumstances listed in subdivision  
29 (c).



(f) The employer's certification that the implementation of a shared-work plan is in lieu of layoffs that would affect at least 15% or, until ~~December 31, 2020,~~ **March 31, 2021**, 10%, of the employees in the affected unit and would result in an equivalent reduction in work hours.

(g) The employer's assurance that it will abide by all terms and conditions of sections 28b to 28m.

(h) The employer's certification that, to the best of his or her knowledge, participation in the shared-work plan is consistent with the employer's obligations under federal law and the law of this state.

(i) Any other relevant information required by the unemployment agency.

(3) An employer may apply to the unemployment agency for approval of more than 1 shared-work plan.

(4) Notwithstanding any other provision of this act, until ~~December 31, 2020,~~ **March 31, 2021**, the unemployment agency may approve a shared-work plan submitted by an employer even if the employer does not meet the requirements of subsection (1) or (2)(b).

Sec. 28d. (1) The unemployment agency shall approve a shared-work plan only if the plan meets all of the following requirements:

(a) The shared-work plan applies to 1 affected unit.

(b) All employees in the affected unit are participating employees, except that, until ~~December 31, 2020,~~ **March 31, 2021**, an employee whose hours of work per week determined under subdivision (e) are 40 or more hours must not be a participating employee.

(c) There are no fewer than 2 participating employees, determined without regard to corporate officers.

1 (d) The participating employees are identified by name and  
2 Social Security number.

3 (e) The number of hours a participating employee will work  
4 each week during the effective period of the shared-work plan is  
5 the number of the employee's normal weekly hours of work reduced by  
6 the reduction percentage.

7 (f) The plan includes an estimate of the number of employees  
8 who would have been laid off if the plan were not implemented.

9 (g) The plan indicates the manner in which the employer will  
10 give advance notice, if feasible, to an employee whose hours of  
11 work per week under the plan will be reduced.

12 (h) As a result of a decrease in the number of hours worked by  
13 each participating employee, there is a corresponding reduction in  
14 wages.

15 (i) The shared-work plan does not affect the fringe benefits  
16 of any participating employee.

17 (j) The specified effective period of the shared-work plan is  
18 52 consecutive weeks or less and the benefits payable under the  
19 shared-work plan will not exceed 20 times the weekly benefit amount  
20 for each participating employee, calculated without regard to any  
21 existing benefit year.

22 (k) The reduction percentage satisfies the requirements of  
23 subsection (2).

24 (2) The reduction percentage under an approved shared-work  
25 plan shall meet all of the following requirements:

26 (a) The reduction percentage shall be no less than 15% and no  
27 more than 45% or, until ~~December 31, 2020~~, **March 31, 2021**, no less  
28 than 10% and no more than 60%.

29 (b) The reduction percentage shall be the same for all

1 participating employees.

2 (c) The reduction percentage shall not change during the  
3 period of the shared-work plan unless the plan is modified in  
4 accordance with section 28i.

5 Sec. 29. (1) Except as provided in subsection (5), an  
6 individual is disqualified from receiving benefits if he or she:

7 (a) Left work voluntarily without good cause attributable to  
8 the employer or employing unit. An individual who left work is  
9 presumed to have left work voluntarily without good cause  
10 attributable to the employer or employing unit. An individual who  
11 is absent from work for a period of 3 consecutive work days or more  
12 without contacting the employer in a manner acceptable to the  
13 employer and of which the individual was informed at the time of  
14 hire ~~shall be~~ **is** considered to have voluntarily left work without  
15 good cause attributable to the employer. An individual who becomes  
16 unemployed as a result of negligently losing a requirement for the  
17 job of which he or she was informed at the time of hire ~~shall be~~ **is**  
18 considered to have voluntarily left work without good cause  
19 attributable to the employer. An individual claiming benefits under  
20 this act has the burden of proof to establish that he or she left  
21 work involuntarily or for good cause that was attributable to the  
22 employer or employing unit. An individual claiming to have left  
23 work involuntarily for medical reasons must have done all of the  
24 following before the leaving: secured a statement from a medical  
25 professional that continuing in the individual's current job would  
26 be harmful to the individual's physical or mental health,  
27 unsuccessfully attempted to secure alternative work with the  
28 employer, and unsuccessfully attempted to be placed on a leave of  
29 absence with the employer to last until the individual's mental or

1 physical health would no longer be harmed by the current job.  
2 Notwithstanding any other provision of this act, with respect to  
3 claims for weeks beginning before ~~January~~**April** 1, 2021, an  
4 individual is considered to have left work involuntarily for  
5 medical reasons if he or she leaves work to self-isolate or self-  
6 quarantine in response to elevated risk from COVID-19 because he or  
7 she is immunocompromised, displayed a commonly recognized principal  
8 symptom of COVID-19 that was not otherwise associated with a known  
9 medical or physical condition of the individual, had contact in the  
10 last 14 days with an individual with a confirmed diagnosis of  
11 COVID-19, needed to care for an individual with a confirmed  
12 diagnosis of COVID-19, or had a family care responsibility that was  
13 the result of a government directive regarding COVID-19.

14 Notwithstanding any other provision of this act, with respect to  
15 claims for weeks beginning before ~~January~~**April** 1, 2021, the  
16 unemployment agency may consider an individual laid off if the  
17 individual became unemployed to self-isolate or self-quarantine in  
18 response to elevated risk from COVID-19 because he or she is  
19 immunocompromised, displayed a commonly recognized principal  
20 symptom of COVID-19 that was not otherwise associated with a known  
21 medical or physical condition of the individual, had contact in the  
22 last 14 days with an individual with a confirmed diagnosis of  
23 COVID-19, needed to care for an individual with a confirmed  
24 diagnosis of COVID-19, or had a family care responsibility that was  
25 the result of a government directive regarding COVID-19. However,  
26 if any of the following conditions are met, the leaving does not  
27 disqualify the individual:

28 (i) The individual has an established benefit year in effect  
29 and during that benefit year leaves unsuitable work within 60 days

1 after the beginning of that work. Benefits paid after a leaving  
 2 under this subparagraph ~~shall~~**must** not be charged to the experience  
 3 account of the employer the individual left, but ~~shall~~**must** be  
 4 charged instead to the nonchargeable benefits account.

5 (ii) The individual is the spouse of a full-time member of the  
 6 United States Armed Forces, and the leaving is due to the military  
 7 duty reassignment of that member of the United States Armed Forces  
 8 to a different geographic location. Benefits paid after a leaving  
 9 under this subparagraph ~~shall~~**must** not be charged to the experience  
 10 account of the employer the individual left, but ~~shall~~**must** be  
 11 charged instead to the nonchargeable benefits account.

12 (iii) The individual is concurrently working part-time for an  
 13 employer or employing unit and for another employer or employing  
 14 unit and voluntarily leaves the part-time work while continuing  
 15 work with the other employer. The portion of the benefits paid in  
 16 accordance with this subparagraph that would otherwise be charged  
 17 to the experience account of the part-time employer that the  
 18 individual left ~~shall~~**must** not be charged to the account of that  
 19 employer but ~~shall~~**must** be charged instead to the nonchargeable  
 20 benefits account.

21 (iv) **The individual is a victim of domestic violence who meets**  
 22 **the requirements in section 29a. Benefits paid after a leaving**  
 23 **under this subparagraph must not be charged to the experience**  
 24 **account of the employer the individual left, but must be charged**  
 25 **instead to the nonchargeable benefits account. This subparagraph**  
 26 **does not apply after March 31, 2021.**

27 (b) Was suspended or discharged for misconduct connected with  
 28 the individual's work or for intoxication while at work.

29 (c) Failed without good cause to apply diligently for

1 available suitable work after receiving notice from the  
2 unemployment agency of the availability of that work or failed to  
3 apply for work with employers that could reasonably be expected to  
4 have suitable work available.

5 (d) Failed without good cause while unemployed to report to  
6 the individual's former employer or employing unit within a  
7 reasonable time after that employer or employing unit provided  
8 notice of the availability of an interview concerning available  
9 suitable work with the former employer or employing unit.

10 (e) Failed without good cause to accept suitable work offered  
11 to the individual or to return to the individual's customary self-  
12 employment, if any, when directed by the employment office or the  
13 unemployment agency. An employer that receives a monetary  
14 determination under section 32 may notify the unemployment agency  
15 regarding the availability of suitable work with the employer on  
16 the monetary determination or other form provided by the  
17 unemployment agency. Upon receipt of the notice of the availability  
18 of suitable work, the unemployment agency shall notify the claimant  
19 of the availability of suitable work.

20 (f) Lost his or her job due to absence from work resulting  
21 from a violation of law for which the individual was convicted and  
22 sentenced to jail or prison. This subdivision does not apply if  
23 conviction of an individual results in a sentence to county jail  
24 under conditions of day parole as provided in 1962 PA 60, MCL  
25 801.251 to 801.258, or if the conviction was for a traffic  
26 violation that resulted in an absence of less than 10 consecutive  
27 work days from the individual's place of employment.

28 (g) Is discharged, whether or not the discharge is  
29 subsequently reduced to a disciplinary layoff or suspension, for

1 participation in either of the following:

2 (i) A strike or other concerted action in violation of an  
3 applicable collective bargaining agreement that results in  
4 curtailment of work or restriction of or interference with  
5 production.

6 (ii) A wildcat strike or other concerted action not authorized  
7 by the individual's recognized bargaining representative.

8 (h) Was discharged for an act of assault and battery connected  
9 with the individual's work.

10 (i) Was discharged for theft connected with the individual's  
11 work.

12 (j) Was discharged for willful destruction of property  
13 connected with the individual's work.

14 (k) Committed a theft after receiving notice of a layoff or  
15 discharge, but before the effective date of the layoff or  
16 discharge, resulting in loss or damage to the employer who would  
17 otherwise be chargeable for the benefits, regardless of whether the  
18 individual qualified for the benefits before the theft.

19 (l) Was employed by a temporary help firm, which as used in  
20 this section means an employer whose primary business is to provide  
21 a client with the temporary services of 1 or more individuals under  
22 contract with the employer, to perform services for a client of  
23 that firm if each of the following conditions is met:

24 (i) The temporary help firm provided the employee with a  
25 written notice before the employee began performing services for  
26 the client stating in substance both of the following:

27 (A) That within 7 days after completing services for a client  
28 of the temporary help firm, the employee is under a duty to notify  
29 the temporary help firm of the completion of those services.

1 (B) That a failure to provide the temporary help firm with  
2 notice of the employee's completion of services pursuant to sub-  
3 subparagraph (A) constitutes a voluntary quit that will affect the  
4 employee's eligibility for unemployment compensation ~~should-if~~ the  
5 employee ~~seek~~**seeks** unemployment compensation following completion  
6 of those services.

7 (ii) The employee did not provide the temporary help firm with  
8 notice that the employee had completed his or her services for the  
9 client within 7 days after completion of his or her services for  
10 the client.

11 (m) Was discharged for illegally ingesting, injecting,  
12 inhaling, or possessing a controlled substance on the premises of  
13 the employer; refusing to submit to a drug test that was required  
14 to be administered in a nondiscriminatory manner; or testing  
15 positive on a drug test, if the test was administered in a  
16 nondiscriminatory manner. If the worker disputes the result of the  
17 testing, and if a generally accepted confirmatory test has not been  
18 administered on the same sample previously tested, then a generally  
19 accepted confirmatory test ~~shall-must~~ be administered on that  
20 sample. If the confirmatory test also indicates a positive result  
21 for the presence of a controlled substance, the worker who is  
22 discharged as a result of the test result will be disqualified  
23 under this subdivision. A report by a drug testing facility showing  
24 a positive result for the presence of a controlled substance is  
25 conclusive unless there is substantial evidence to the contrary. As  
26 used in this subdivision: ~~and subdivision (e) :-~~

27 (i) "Controlled substance" means that term as defined in  
28 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

29 (ii) "Drug test" means a test designed to detect the illegal



1 use of a controlled substance.

2 (iii) "Nondiscriminatory manner" means administered impartially  
3 and objectively in accordance with a collective bargaining  
4 agreement, rule, policy, a verbal or written notice, or a labor-  
5 management contract.

6 (n) Theft from the employer that resulted in the employee's  
7 conviction, within 2 years of the date of the discharge, of theft  
8 or a lesser included offense.

9 (2) A disqualification under subsection (1) begins the week in  
10 which the act or discharge that caused the disqualification occurs  
11 and continues until the disqualified individual requalifies under  
12 subsection (3).

13 (3) After the week in which the disqualifying act or discharge  
14 described in subsection (1) occurs, an individual who seeks to  
15 requalify for benefits is subject to all of the following:

16 (a) For benefit years established before October 1, 2000, the  
17 individual ~~shall~~**must** complete 6 requalifying weeks if he or she  
18 was disqualified under subsection (1)(c), (d), (e), (f), (g), or  
19 (l), or 13 requalifying weeks if he or she was disqualified under  
20 subsection (1)(h), (i), (j), (k), or (m). A requalifying week  
21 required under this subdivision is each week in which the  
22 individual does any of the following:

23 (i) Earns or receives remuneration in an amount at least equal  
24 to an amount needed to earn a credit week, as that term is defined  
25 in section 50.

26 (ii) Otherwise meets all of the requirements of this act to  
27 receive a benefit payment if the individual were not disqualified  
28 under subsection (1).

29 (iii) Receives a benefit payment based on credit weeks

1 subsequent to the disqualifying act or discharge.

2 (b) For benefit years established before October 1, 2000, if  
 3 the individual is disqualified under subsection (1)(a) or (b), he  
 4 or she ~~shall~~**must** requalify, after the week in which the  
 5 disqualifying discharge occurred by earning in employment for an  
 6 employer liable under this act or the unemployment compensation act  
 7 of another state an amount equal to, or in excess of, 7 times the  
 8 individual's potential weekly benefit rate, calculated on the basis  
 9 of employment with the employer involved in the disqualification,  
 10 or by earning in employment for an employer liable under this act  
 11 or the unemployment compensation act of another state an amount  
 12 equal to, or in excess of, 40 times the state minimum hourly wage  
 13 times 7, whichever is the lesser amount.

14 (c) For benefit years established before October 1, 2000, a  
 15 benefit payable to an individual disqualified under subsection  
 16 (1)(a) or (b) ~~shall~~**must** be charged to the nonchargeable benefits  
 17 account, and not to the account of the employer with whom the  
 18 individual was involved in the disqualification.

19 (d) For benefit years beginning on or after October 1, 2000,  
 20 after the week in which the disqualifying act or discharge  
 21 occurred, an individual ~~shall~~**must** complete 13 requalifying weeks  
 22 if he or she was disqualified under subsection (1)(c), (d), (e),  
 23 (f), (g), or (l), or 26 requalifying weeks if he or she was  
 24 disqualified under subsection (1)(h), (i), (j), (k), (m), or (n). A  
 25 requalifying week required under this subdivision is each week in  
 26 which the individual does any of the following:

27 (i) Earns or receives remuneration in an amount equal to at  
 28 least 1/13 of the minimum amount needed in a calendar quarter of  
 29 the base period for an individual to qualify for benefits, rounded

1 down to the nearest whole dollar.

2 (ii) Otherwise meets all of the requirements of this act to  
3 receive a benefit payment if the individual was not disqualified  
4 under subsection (1).

5 (e) For benefit years beginning on or after October 1, 2000  
6 and beginning before April 26, 2002, if the individual is  
7 disqualified under subsection (1)(a) or (b), he or she ~~shall~~**must**  
8 requalify, after the week in which the disqualifying act or  
9 discharge occurred by earning in employment for an employer liable  
10 under this act or the unemployment compensation law of another  
11 state at least the lesser of the following:

12 (i) Seven times the individual's weekly benefit rate.

13 (ii) Forty times the state minimum hourly wage times 7.

14 (f) For benefit years beginning on or after April 26, 2002, if  
15 the individual is disqualified under subsection (1)(a), he or she  
16 ~~shall~~**must** requalify, after the week in which the disqualifying act  
17 or discharge occurred by earning in employment for an employer  
18 liable under this act or the unemployment compensation law of  
19 another state at least 12 times the individual's weekly benefit  
20 rate.

21 (g) For benefit years beginning on or after April 26, 2002, if  
22 the individual is disqualified under subsection (1)(b), he or she  
23 ~~shall~~**must** requalify, after the week in which the disqualifying act  
24 or discharge occurred by earning in employment for an employer  
25 liable under this act or the unemployment compensation law of  
26 another state at least 17 times the individual's weekly benefit  
27 rate.

28 (h) A benefit payable to the individual disqualified or  
29 separated under disqualifying circumstances under subsection (1)(a)

1 or (b) ~~shall~~**must** be charged to the nonchargeable benefits account,  
2 and not to the account of the employer with whom the individual was  
3 involved in the separation. Benefits payable to an individual  
4 determined by the unemployment agency to be separated under  
5 disqualifying circumstances ~~shall~~**must** not be charged to the  
6 account of the employer involved in the disqualification for any  
7 period after the employer notifies the unemployment agency of the  
8 claimant's possible ineligibility or disqualification. However, an  
9 individual filing a new claim for benefits who reports the reason  
10 for separation from a base period employer as a voluntary leaving  
11 ~~shall be~~**is** presumed to have voluntarily left without good cause  
12 attributable to the employer and ~~shall be~~**is** disqualified unless  
13 the individual provides substantial evidence to rebut the  
14 presumption. If a disqualifying act or discharge occurs during the  
15 individual's benefit year, any benefits that may become payable to  
16 the individual in a later benefit year based on employment with the  
17 employer involved in the disqualification ~~shall~~**must** be charged to  
18 the nonchargeable benefits account.

19 (4) The maximum amount of benefits otherwise available under  
20 section 27(d) to an individual disqualified under subsection (1) is  
21 subject to all of the following conditions:

22 (a) For benefit years established before October 1, 2000, if  
23 the individual is disqualified under subsection (1)(c), (d), (e),  
24 (f), (g), or (l) and the maximum amount of benefits is based on  
25 wages and credit weeks earned from an employer before an act or  
26 discharge involving that employer, the amount ~~shall~~**must** be reduced  
27 by an amount equal to the individual's weekly benefit rate as to  
28 that employer multiplied by the lesser of either of the following:

29 (i) The number of requalifying weeks required of the individual

1 under this section.

2 (ii) The number of weeks of benefit entitlement remaining with  
3 that employer.

4 (b) If the individual has insufficient or no potential benefit  
5 entitlement remaining with the employer involved in the  
6 disqualification in the benefit year in existence on the date of  
7 the disqualifying determination, a reduction of benefits described  
8 in this subsection applies in a succeeding benefit year with  
9 respect to any benefit entitlement based upon credit weeks earned  
10 with the employer before the disqualifying act or discharge.

11 (c) For benefit years established before October 1, 2000, an  
12 individual disqualified under subsection (1)(h), (i), (j), (k), or  
13 (m) is not entitled to benefits based on wages and credit weeks  
14 earned before the disqualifying act or discharge with the employer  
15 involved in the disqualification.

16 (d) The benefit entitlement of an individual disqualified  
17 under subsection (1)(a) or (b) is not subject to reduction as a  
18 result of that disqualification.

19 (e) A denial or reduction of benefits under this subsection  
20 does not apply to benefits based upon multiemployer credit weeks.

21 (f) For benefit years established on or after October 1, 2000,  
22 if the individual is disqualified under subsection (1)(c), (d),

23 (e), (f), (g), or (l), the maximum number of weeks otherwise  
24 applicable in calculating benefits for the individual under section  
25 27(d) ~~shall~~**must** be reduced by the lesser of the following:

26 (i) The number of requalifying weeks required of the individual  
27 under this section.

28 (ii) The number of weeks of benefit entitlement remaining on  
29 the claim.

1 (g) For benefit years beginning on or after October 1, 2000,  
2 the benefits of an individual disqualified under subsection (1)(h),  
3 (i), (j), (k), (m), or (n) ~~shall~~**must** be reduced by 13 weeks and  
4 any weekly benefit payments made to the claimant thereafter ~~shall~~  
5 **must** be reduced by the portion of the payment attributable to base  
6 period wages paid by the base period employer involved in a  
7 disqualification under subsection (1)(h), (i), (j), (k), (m), or  
8 (n).

9 (5) Subject to subsection (11), if an individual leaves work  
10 to accept permanent full-time work with another employer or to  
11 accept a referral to another employer from the individual's union  
12 hiring hall and performs services for that employer, or if an  
13 individual leaves work to accept a recall from a former employer,  
14 all of the following apply:

15 (a) Subsection (1) does not apply.

16 (b) Wages earned with the employer whom the individual last  
17 left, including wages previously transferred under this subsection  
18 to the last employer, for the purpose of computing and charging  
19 benefits, are wages earned from the employer with whom the  
20 individual accepted work or recall, and benefits paid based upon  
21 those wages ~~shall~~**must** be charged to that employer.

22 (c) When issuing a determination covering the period of  
23 employment with a new or former employer described in this  
24 subsection, the unemployment agency shall advise the chargeable  
25 employer of the name and address of the other employer, the period  
26 covered by the employment, and the extent of the benefits that may  
27 be charged to the account of the chargeable employer.

28 (6) In determining whether work is suitable for an individual,  
29 the unemployment agency shall consider the degree of risk involved

1 to the individual's health, safety, and morals, the individual's  
2 physical fitness and prior training, the individual's length of  
3 unemployment and prospects for securing local work in the  
4 individual's customary occupation, and the distance of the  
5 available work from the individual's residence. Additionally, the  
6 unemployment agency shall consider the individual's experience and  
7 prior earnings, but an unemployed individual who refuses an offer  
8 of work determined to be suitable under this section ~~shall~~**must** be  
9 denied benefits if the pay rate for that work is at least 70% of  
10 the gross pay rate he or she received immediately before becoming  
11 unemployed. Beginning January 15, 2012, after an individual has  
12 received benefits for 50% of the benefit weeks in the individual's  
13 benefit year, work ~~shall~~**is** not ~~be~~ considered unsuitable because it  
14 is outside of the individual's training or experience or unsuitable  
15 as to pay rate if the pay rate for that work meets or exceeds the  
16 minimum wage; is at least the prevailing mean wage for similar work  
17 in the locality for the most recent full calendar year for which  
18 data are available as published by the department of technology,  
19 management, and budget as "wages by job title", by standard  
20 metropolitan statistical area; and is 120% or more of the  
21 individual's weekly benefit amount.

22 (7) Work is not suitable and benefits ~~shall~~**must** not be denied  
23 under this act to an otherwise eligible individual for refusing to  
24 accept new work under any of the following conditions:

25 (a) If the position offered is vacant due directly to a  
26 strike, lockout, or other labor dispute.

27 (b) If the remuneration, hours, or other conditions of the  
28 work offered are substantially less favorable to the individual  
29 than those prevailing for similar work in the locality.

1 (c) If as a condition of being employed, the individual would  
2 be required to join a company union or to resign from or refrain  
3 from joining a bona fide labor organization.

4 (8) All of the following apply to an individual who seeks  
5 benefits under this act:

6 (a) An individual is disqualified from receiving benefits for  
7 a week in which the individual's total or partial unemployment is  
8 due to either of the following:

9 (i) A labor dispute in active progress at the place at which  
10 the individual is or was last employed, or a shutdown or start-up  
11 operation caused by that labor dispute.

12 (ii) A labor dispute, other than a lockout, in active progress  
13 or a shutdown or start-up operation caused by that labor dispute in  
14 any other establishment within the United States that is both  
15 functionally integrated with the establishment described in  
16 subparagraph (i) and operated by the same employing unit.

17 (b) An individual's disqualification imposed or imposable  
18 under this subsection is terminated if the individual performs  
19 services in employment with an employer in at least 2 consecutive  
20 weeks falling wholly within the period of the individual's total or  
21 partial unemployment due to the labor dispute, and in addition  
22 earns wages in each of those weeks in an amount equal to or greater  
23 than the individual's actual or potential weekly benefit rate.

24 (c) An individual is not disqualified under this subsection if  
25 the individual is not directly involved in the labor dispute. An  
26 individual is not directly involved in a labor dispute unless any  
27 of the following are established:

28 (i) At the time or in the course of a labor dispute in the  
29 establishment in which the individual was then employed, the



1 individual in concert with 1 or more other employees voluntarily  
2 stopped working other than at the direction of the individual's  
3 employing unit.

4 (ii) The individual is participating in, financing, or directly  
5 interested in the labor dispute that causes the individual's total  
6 or partial unemployment. The payment of regular union dues, in  
7 amounts and for purposes established before the inception of the  
8 labor dispute, is not financing a labor dispute within the meaning  
9 of this subparagraph.

10 (iii) At any time a labor dispute in the establishment or  
11 department in which the individual was employed does not exist, and  
12 the individual voluntarily stops working, other than at the  
13 direction of the individual's employing unit, in sympathy with  
14 employees in some other establishment or department in which a  
15 labor dispute is in progress.

16 (iv) The individual's total or partial unemployment is due to a  
17 labor dispute that was or is in progress in a department, unit, or  
18 group of workers in the same establishment.

19 (d) As used in this subsection, "directly interested" ~~shall~~  
20 **must** be construed and applied so as not to disqualify individuals  
21 unemployed as a result of a labor dispute the resolution of which  
22 may not reasonably be expected to affect their wages, hours, or  
23 other conditions of employment, and to disqualify individuals whose  
24 wages, hours, or conditions of employment may reasonably be  
25 expected to be affected by the resolution of the labor dispute. A  
26 "reasonable expectation" of an effect on an individual's wages,  
27 hours, or other conditions of employment exists, in the absence of  
28 a substantial preponderance of evidence to the contrary, in any of  
29 the following situations:

1           (i) If it is established that there is in the particular  
2 establishment or employing unit a practice, custom, or contractual  
3 obligation to extend within a reasonable period to members of the  
4 individual's grade or class of workers in the establishment in  
5 which the individual is or was last employed changes in terms and  
6 conditions of employment that are substantially similar or related  
7 to some or all of the changes in terms and conditions of employment  
8 that are made for the workers among whom there exists the labor  
9 dispute that has caused the individual's total or partial  
10 unemployment.

11           (ii) If it is established that 1 of the issues in or purposes  
12 of the labor dispute is to obtain a change in the terms and  
13 conditions of employment for members of the individual's grade or  
14 class of workers in the establishment in which the individual is or  
15 was last employed.

16           (iii) If a collective bargaining agreement covers both the  
17 individual's grade or class of workers in the establishment in  
18 which the individual is or was last employed and the workers in  
19 another establishment of the same employing unit who are actively  
20 participating in the labor dispute, and that collective bargaining  
21 agreement is subject by its terms to modification, supplementation,  
22 or replacement, or has expired or been opened by mutual consent at  
23 the time of the labor dispute.

24           (e) In determining the scope of the grade or class of workers,  
25 evidence of the following is relevant:

26           (i) Representation of the workers by the same national or  
27 international organization or by local affiliates of that national  
28 or international organization.

29           (ii) Whether the workers are included in a single, legally

1 designated, or negotiated bargaining unit.

2 (iii) Whether the workers are or within the past 6 months have  
3 been covered by a common master collective bargaining agreement  
4 that sets forth all or any part of the terms and conditions of the  
5 workers' employment, or by separate agreements that are or have  
6 been bargained as a part of the same negotiations.

7 (iv) Any functional integration of the work performed by those  
8 workers.

9 (v) Whether the resolution of those issues involved in the  
10 labor dispute as to some of the workers could directly or  
11 indirectly affect the advancement, negotiation, or settlement of  
12 the same or similar issues in respect to the remaining workers.

13 (vi) Whether the workers are currently or have been covered by  
14 the same or similar demands by their recognized or certified  
15 bargaining agent or agents for changes in their wages, hours, or  
16 other conditions of employment.

17 (vii) Whether issues on the same subject matter as those  
18 involved in the labor dispute have been the subject of proposals or  
19 demands made upon the employing unit that would by their terms have  
20 applied to those workers.

21 (9) Notwithstanding subsections (1) to (8), if the employing  
22 unit submits notice to the unemployment agency of possible  
23 ineligibility or disqualification beyond the time limits prescribed  
24 by unemployment agency rule and the unemployment agency concludes  
25 that benefits should not have been paid, the claimant shall repay  
26 the benefits paid during the entire period of ineligibility or  
27 disqualification. The unemployment agency shall not charge interest  
28 on repayments required under this subsection.

29 (10) An individual is disqualified from receiving benefits for

1 any week or part of a week in which the individual has received, is  
2 receiving, or is seeking unemployment benefits under an  
3 unemployment compensation law of another state or of the United  
4 States. If the appropriate agency of the other state or of the  
5 United States finally determines that the individual is not  
6 entitled to unemployment benefits, the disqualification described  
7 in this subsection does not apply.

8 (11) Beginning on May 1, 2020, and until the effective date of  
9 the amendatory act that added this subsection, if an individual  
10 leaves work to accept permanent full-time work with another  
11 employer, the individual is considered to have met the requirements  
12 of subsection (5) regardless of whether the individual actually  
13 performed services for the other employer or whether the work was  
14 permanent full-time work. Benefits payable to the individual must  
15 be charged to the nonchargeable benefits account.

16 **Sec. 29a. (1) Notwithstanding any other provision of this act,**  
17 **subject to subsection (5), an otherwise eligible individual, as**  
18 **described in section 29(1)(a)(iv), is not disqualified from**  
19 **receiving benefits if the individual demonstrates to the commission**  
20 **that the reason for the individual's leaving work is due to**  
21 **domestic violence, including 1 or more of the following:**

22 (a) The individual's reasonable fear of future domestic  
23 violence at or en route to or from the individual's place of  
24 employment.

25 (b) The individual's need to relocate to another geographic  
26 area to avoid future domestic violence.

27 (c) The individual's need to address the physical,  
28 psychological, or legal effects of domestic violence.

29 (d) The individual's need to leave employment as a condition

1 of receiving services or shelter from an agency that provides  
2 support services or shelter to victims of domestic violence.

3 (e) The individual's reasonable belief that termination of  
4 employment is necessary for the future safety of the individual or  
5 the individual's family because of domestic violence.

6 (2) An individual may demonstrate to the unemployment agency  
7 the existence of domestic violence by providing 1 or more  
8 documents, including, but not limited to, the following:

9 (a) A restraining order or other documentation of equitable  
10 relief issued by a court of competent jurisdiction in a domestic  
11 violence case.

12 (b) A police record documenting domestic violence.

13 (c) Documentation that the perpetrator of the domestic  
14 violence against the individual making a claim for benefits under  
15 this act has been convicted of a crime involving domestic violence.

16 (d) Medical documentation of domestic violence.

17 (e) A statement provided on business or organization  
18 letterhead by a counselor, social worker, health worker, member of  
19 the clergy, shelter worker, attorney, or other professional who has  
20 assisted the individual in addressing the effects of the domestic  
21 violence on the individual or the individual's family.

22 (3) The unemployment agency shall not disclose evidence of  
23 domestic violence experienced by an individual, including the  
24 individual's statement or corroborating evidence.

25 (4) As used in this section:

26 (a) "Domestic violence" means any of the following that are  
27 not acts of self-defense:

28 (i) Causing or attempting to cause physical or mental harm to a  
29 family or household member.

1           (ii) Placing a family or household member in fear of physical  
2 or mental harm.

3           (iii) Causing or attempting to cause a family or household  
4 member to engage in involuntary sexual activity by force, threat of  
5 force, or duress.

6           (iv) Engaging in activity toward a family or household member  
7 that would cause a reasonable person to feel terrorized,  
8 frightened, intimidated, threatened, harassed, or molested.

9           (b) "Family or household member" includes any of the  
10 following:

11           (i) A spouse or former spouse.

12           (ii) An individual with whom the person resides or has resided.

13           (iii) An individual with whom the person has or has had a dating  
14 relationship.

15           (iv) An individual with whom the person is or has engaged in a  
16 sexual relationship.

17           (v) An individual to whom the person is related or was  
18 formerly related by marriage.

19           (vi) An individual with whom the person has a child in common.

20           (vii) The minor child of an individual described in  
21 subparagraphs (i) to (vi).

22           (5) This section does not apply after March 31, 2021.

23           Sec. 32. (a) Claims for benefits shall be made pursuant to  
24 regulations prescribed by the unemployment agency. The unemployment  
25 agency shall designate representatives who shall promptly examine  
26 claims and make a determination on the facts. The unemployment  
27 agency may establish rules providing for the examination of claims,  
28 the determination of the validity of the claims, and the amount and

1 duration of benefits to be paid. The claimant and other interested  
2 parties shall be promptly notified of the determination and the  
3 reasons for the determination.

4 (b) The unemployment agency shall mail to the claimant, to  
5 each base period employer or employing unit, and to the separating  
6 employer or employing unit, a monetary determination. The monetary  
7 determination shall notify each of these employers or employing  
8 units that the claimant has filed an application for benefits and  
9 the amount the claimant reported as earned with the separating  
10 employer or employing unit, and shall state the name of each  
11 employer or employing unit in the base period and the name of the  
12 separating employer or employing unit. The monetary determination  
13 shall also state the claimant's weekly benefit rate, the amount of  
14 base period wages paid by each base period employer, the maximum  
15 benefit amount that could be charged to each employer's account or  
16 experience account, and the reason for separation reported by the  
17 claimant. The monetary determination shall also state whether the  
18 claimant is monetarily eligible to receive unemployment benefits.  
19 Except for separations under section 29(1)(a), no further  
20 reconsideration of a separation from any base period employer will  
21 be made unless the base period employer notifies the unemployment  
22 agency of a possible disqualifying separation within 30 days of the  
23 separation in accordance with this subsection. Charges to the  
24 employer and payments to the claimant shall be as described in  
25 section 20(a). New, additional, or corrected information received  
26 by the unemployment agency more than 10 days after mailing the  
27 monetary determination shall be considered a request for  
28 reconsideration by the employer of the monetary determination and  
29 shall be reviewed as provided in section 32a.

1 (c) For the purpose of determining a claimant's nonmonetary  
2 eligibility and qualification for benefits, if the claimant's most  
3 recent base period or benefit year separation was for a reason  
4 other than the lack of work, then a determination shall be issued  
5 concerning that separation to the claimant and to the separating  
6 employer. If a claimant is not disqualified based on his or her  
7 most recent separation from employment and has satisfied the  
8 requirements of section 29, the unemployment agency shall issue a  
9 nonmonetary determination as to that separation only. If a claimant  
10 is not disqualified based on his or her most recent separation from  
11 employment and has not satisfied the requirements of section 29,  
12 the unemployment agency shall issue 1 or more nonmonetary  
13 determinations necessary to establish the claimant's qualification  
14 for benefits based on any prior separation in inverse chronological  
15 order. The unemployment agency shall consider all base period  
16 separations involving disqualifications under section 29(1) (h),  
17 (i), (j), (k), (m), or (n) in determining a claimant's nonmonetary  
18 eligibility and qualification for benefits. An employer may  
19 designate in writing to the unemployment agency an individual or  
20 another employer or an employing unit to receive any notice  
21 required to be given by the unemployment agency to that employer or  
22 to represent that employer in any proceeding before the  
23 unemployment agency as provided in section 31. Notwithstanding any  
24 other provision of this act, beginning May 1, 2020, and until the  
25 effective date of the amendatory act that added this subsection, in  
26 determining a claimant's nonmonetary eligibility to qualify for  
27 benefits, the unemployment agency shall not issue a determination  
28 with respect to the claimant's separation from a base period or  
29 benefit year employer other than the separating employer, and the



1 unemployment agency shall consider the claimant to have satisfied  
2 the requirements of section 29(2) and (3).

3 (d) If the unemployment agency requests additional monetary or  
4 nonmonetary information from an employer or employing unit and the  
5 unemployment agency fails to receive a written response from the  
6 employer or employing unit within 10 calendar days after the date  
7 of mailing the request for information, the unemployment agency  
8 shall make a determination based upon the available information at  
9 the time the determination is made. Charges to the employer and  
10 payments to the claimant shall be as described in section 20(a).

11 (e) The claimant or interested party may file an application  
12 with an office of the unemployment agency for a redetermination in  
13 accordance with section 32a.

14 (f) The issuance of each benefit check shall be considered a  
15 determination by the unemployment agency that the claimant  
16 receiving the check was covered during the compensable period, and  
17 eligible and qualified for benefits. A chargeable employer, upon  
18 receipt of a listing of the check as provided in section 21(a), may  
19 protest by requesting a redetermination of the claimant's  
20 eligibility or qualification as to that period and a determination  
21 as to later weeks and benefits still unpaid that are affected by  
22 the protest. Upon receipt of the protest or request, the  
23 unemployment agency shall investigate and redetermine whether the  
24 claimant is eligible and qualified as to that period. If, upon the  
25 redetermination, the claimant is found ineligible or not qualified,  
26 the unemployment agency shall proceed as described in section 62.  
27 In addition, the unemployment agency shall investigate and  
28 determine whether the claimant obtained benefits for 1 or more  
29 preceding weeks within the series of consecutive weeks that

1 includes the week covered by the redetermination and, if so, shall  
2 proceed as described in section 62 as to those weeks.

3 Notwithstanding any other provision of this act, for benefits  
4 charged after March 15, 2020 but before ~~January~~**April** 1, 2021, an  
5 employer has 1 year after the date a benefit payment is charged  
6 against the employer's account to protest that charge.

7 (g) If a claimant commences to file continued claims through a  
8 different state claim office in this state or elsewhere, the  
9 unemployment agency promptly shall issue written notice of that  
10 fact to the chargeable employer.

11 (h) If a claimant refuses an offer of work, or fails to apply  
12 for work of which the claimant has been notified, as provided in  
13 section 29(1)(c) or (e), the unemployment agency shall promptly  
14 make a written determination as to whether or not the refusal or  
15 failure requires disqualification under section 29. Notice of the  
16 determination, specifying the name and address of the employing  
17 unit offering or giving notice of the work and of the chargeable  
18 employer, shall be sent to the claimant, the employing unit  
19 offering or giving notice of the work, and the chargeable employer.

20 (i) The unemployment agency shall issue a notification to the  
21 claimant of claimant rights and responsibilities within 2 weeks  
22 after the initial benefit payment on a claim and 6 months after the  
23 initial benefit payment on the claim. If the claimant selected a  
24 preferred form of communication, the notification must be conveyed  
25 by that form. Issuing the notification must not delay or interfere  
26 with the claimant's benefit payment. The notification must contain  
27 clear and understandable information pertaining to all of the  
28 following:

29 (i) Determinations as provided in section 62.

1 (ii) Penalties and other sanctions as provided in this act.

2 (iii) Legal right to protest the determination and the right to  
3 appeal through the administrative hearing system.

4 (iv) Other information needed to understand and comply with  
5 agency rules and regulations not specified in this section.

6 Sec. 32c. (1) Notwithstanding any other provision of this act,  
7 for a claim filed after March 15, 2020, but before the effective  
8 date of the amendatory act that added this section, the  
9 unemployment agency shall not reconsider the claim based solely on  
10 whether an applicable executive order issued by the governor that  
11 was in effect at the time the claim was initially examined did or  
12 did not have the force of law.

13 (2) A new, additional, or continued claim for unemployment  
14 benefits filed within 28 days after the last day the claimant  
15 worked is considered to have been filed on time under this act and  
16 the rules promulgated under this act. This subsection does not  
17 apply after ~~December 31, 2020~~. **March 31, 2021.**

18 Sec. 48. (1) An individual shall be considered unemployed for  
19 any week during which he or she performs no services and for which  
20 remuneration is not payable to the individual, or for any week of  
21 less than full-time work if the remuneration payable to the  
22 individual is less than 1-1/2 times his or her weekly benefit rate,  
23 except that for payable weeks of benefits beginning after the  
24 effective date of the amendatory act that added section 15a and  
25 before October 1, 2015, an individual is considered unemployed for  
26 any week or less of full-time work if the remuneration payable to  
27 the individual is less than 1-3/5 times his or her weekly benefit  
28 rate. However, any loss of remuneration incurred by an individual  
29 during any week resulting from any cause other than the failure of

1 the individual's employing unit to furnish full-time, regular  
2 employment shall be included as remuneration earned for purposes of  
3 this section and section 27(c). The total amount of remuneration  
4 lost shall be determined pursuant to regulations prescribed by the  
5 unemployment agency. For the purposes of this act, an individual's  
6 weekly benefit rate means the weekly benefit rate determined  
7 pursuant to section 27(b).

8 (2) All amounts paid to a claimant by an employing unit or  
9 former employing unit for a vacation or a holiday, and amounts paid  
10 in the form of retroactive pay, pay in lieu of notice, severance  
11 payments, salary continuation, or other remuneration intended by  
12 the employing unit as continuing wages or other monetary  
13 consideration as the result of the separation, excluding SUB  
14 payments as described in section 44, shall be considered  
15 remuneration in determining whether an individual is unemployed  
16 under this section and also in determining his or her benefit  
17 payments under section 27(c), for the period designated by the  
18 contract or agreement providing for the payment, or if there is no  
19 contractual specification of the period to which payments shall be  
20 allocated, then for the period designated by the employing unit or  
21 former employing unit. However, payments for a vacation or holiday,  
22 or the right to which has irrevocably vested, after 14 days  
23 following a vacation or holiday shall not be considered wages or  
24 remuneration within the meaning of this section.

25 (3) An individual shall not be considered to be unemployed  
26 during any leave of absence from work granted by an employer either  
27 at the request of the individual or pursuant to an agreement with  
28 the individual's duly authorized bargaining agent, or in accordance  
29 with law. An individual shall neither be considered not unemployed

1 nor on a leave of absence solely because the individual elects to  
2 be laid off, pursuant to an option provided under a collective  
3 bargaining agreement or written employer plan that permits an  
4 election, if there is a temporary layoff because of lack of work  
5 and the employer has consented to the election. Notwithstanding any  
6 other provision of this act, with respect to claims for weeks of  
7 benefits beginning before ~~January~~**April** 1, 2021, an individual on a  
8 leave of absence because the individual self-isolated or self-  
9 quarantined in response to elevated risk from COVID-19 because he  
10 or she is immunocompromised, displayed a commonly recognized  
11 principal symptom of COVID-19 that was not otherwise associated  
12 with a known medical or physical condition of the individual, had  
13 contact in the last 14 days with an individual with a confirmed  
14 diagnosis of COVID-19, or needed to care for an individual with a  
15 confirmed diagnosis of COVID-19, may be considered to be unemployed  
16 unless the individual is already on sick leave or receives a  
17 disability benefit.