

HOUSE BILL NO. 5712

April 16, 2020, Introduced by Rep. Iden and referred to the Committee on Government Operations.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 3, 27, 28, 28c, 29, and 48 (MCL 421.3, 421.27, 421.28, 421.28c, 421.29, and 421.48), section 3 as amended by 2003 PA 174, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, section 29 as amended by 2013 PA 146, and section 48 as amended by 2011 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The bureau of worker's and unemployment



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1 compensation shall establish policies in conformity with this act
2 to do all of the following:

3 (a) Reduce and prevent unemployment.

4 (b) Promote the reemployment of unemployed workers throughout
5 this state in every other way that may be feasible.

6 (c) Carry on and publish the results of investigations and
7 research studies.

8 (d) Investigate, recommend, advise, and assist in the
9 establishment and operation, by municipalities, counties, school
10 districts, and this state, of reserves for public works to be used
11 in times of business depression and unemployment.

12 (2) As used in this act:

13 (a) "Bureau", "commission", ~~and~~ "unemployment agency", and
14 **"unemployment insurance agency"** mean the bureau of worker's and
15 unemployment compensation created in section 5b.

16 (b) "Director" means the director of the bureau of worker's
17 and unemployment compensation.

18 (c) "Experience account" means an account in the unemployment
19 compensation fund showing an employer's experience with respect to
20 contribution payments and benefit charges under this act,
21 determined and recorded in the manner provided in this act. A
22 reference in this act to an employer's "experience record" or
23 "rating account" shall be construed to include reference to the
24 employer's experience account.

25 (d) "Nonchargeable benefits account" and "solvency account"
26 mean the account in the unemployment compensation fund maintained
27 as provided in section 17(2) and (3).

28 Sec. 27. (a) (1) When a determination, redetermination, or
29 decision is made that benefits are due an unemployed individual,



1 the benefits become payable from the fund and continue to be
2 payable to the unemployed individual, subject to the limitations
3 imposed by the individual's monetary entitlement, if the individual
4 continues to be unemployed and to file claims for benefits, until
5 the determination, redetermination, or decision is reversed, a
6 determination, redetermination, or decision on a new issue holding
7 the individual disqualified or ineligible is made, or, for benefit
8 years beginning before October 1, 2000, a new separation issue
9 arises resulting from subsequent work.

10 (2) Benefits are payable in person or by mail through
11 employment security offices in accordance with rules promulgated by
12 the unemployment **insurance** agency.

13 (b)(1) Subject to subsection (f), the weekly benefit rate for
14 an individual, with respect to benefit years beginning before
15 October 1, 2000, is 67% of the individual's average after tax
16 weekly wage, except that the individual's maximum weekly benefit
17 rate must not exceed \$300.00. However, with respect to benefit
18 years beginning on or after October 1, 2000, the individual's
19 weekly benefit rate is 4.1% of the individual's wages paid in the
20 calendar quarter of the base period in which the individual was
21 paid the highest total wages, plus \$6.00 for each dependent as
22 defined in subdivision (4), up to a maximum of 5 dependents,
23 claimed by the individual at the time the individual files a new
24 claim for benefits, except that the individual's maximum weekly
25 benefit rate must not exceed \$300.00 before April 26, 2002 and
26 \$362.00 for claims filed on and after April 26, 2002. The weekly
27 benefit rate for an individual claiming benefits on and after April
28 26, 2002 must be recalculated subject to the \$362.00 maximum weekly
29 benefit rate. The unemployment **insurance** agency shall establish the



1 procedures necessary to verify the number of dependents claimed. If
2 a person fraudulently claims a dependent, that person is subject to
3 the penalties set forth in sections 54 and 54c. For benefit years
4 beginning on or after October 2, 1983, the weekly benefit rate must
5 be adjusted to the next lower multiple of \$1.00.

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

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

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

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

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

29 (d) A brother or sister of the individual if the brother or



1 sister is orphaned or the living parents are dependent parents of
2 an individual, and the brother or sister is under 18 years of age,
3 or 18 years of age or over if, because of physical or mental
4 infirmity, the brother or sister is unable to engage in a gainful
5 occupation, or is a full-time student as defined by the particular
6 educational institution, at a high school, vocational school,
7 community or junior college, or college or university and is less
8 than 22 years of age.

9 (4) For benefit years beginning on or after October 1, 2000, a
10 dependent means any of the following persons who received for at
11 least 90 consecutive days immediately before the first week of the
12 benefit year or, in the case of a dependent husband, wife, or
13 child, for the duration of the marital or parental relationship if
14 the relationship existed less than 90 days before the beginning of
15 the benefit year, has received more than 1/2 the cost of his or her
16 support from the individual claiming the benefits:

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

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

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

28 (d) A brother or sister of the individual if the brother or
29 sister is orphaned or the living parents are dependent parents of



1 an individual, and the brother or sister is under 18 years of age,
2 or 18 years of age and over if, because of physical or mental
3 infirmity, the brother or sister is unable to engage in a gainful
4 occupation, or is a full-time student as defined by the particular
5 educational institution, at a high school, vocational school,
6 community or junior college, or college or university and is less
7 than 22 years of age.

8 (5) The number of dependents established for an individual at
9 the beginning of the benefit year shall remain in effect during the
10 entire benefit year.

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

14 Failure on the part of an individual, due to misinformation or
15 lack of information, to furnish all information material for
16 determination of the number of the individual's dependents is good
17 cause to issue a redetermination as to the amount of benefits based
18 on the number of the individual's dependents as of the beginning of
19 the benefit year.

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

22 (1) Each eligible individual must be paid a weekly benefit
23 rate with respect to the week for which the individual earns or
24 receives no remuneration. Notwithstanding the definition of week in
25 section 50, if within 2 consecutive weeks in which an individual
26 was not unemployed within the meaning of section 48 there was a
27 period of 7 or more consecutive days for which the individual did
28 not earn or receive remuneration, that period is considered a week
29 for benefit purposes under this act if a claim for benefits for



1 that period is filed not later than 30 days after the end of the
2 period.

3 (2) The weekly benefit rate is reduced with respect to each
4 week in which the eligible individual earns or receives
5 remuneration at the rate of 40 cents for each whole \$1.00 of
6 remuneration earned or received during that week. Beginning October
7 1, 2015, an eligible individual's weekly benefit rate is reduced at
8 the rate of 50 cents for each whole \$1.00 of remuneration in which
9 the eligible individual earns or receives remuneration in that
10 benefit week. The weekly benefit rate is not reduced under this
11 subdivision for remuneration received for on-call or training
12 services as a volunteer firefighter, if the volunteer firefighter
13 receives less than \$10,000.00 in a calendar year for services as a
14 volunteer firefighter.

15 (3) An individual who receives or earns partial remuneration
16 may not receive a total of benefits and earnings that exceeds $1\frac{3}{5}$
17 times his or her weekly benefit amount. For each dollar of total
18 benefits and earnings that exceeds $1\frac{3}{5}$ times the individual's
19 weekly benefit amount, benefits are reduced by \$1.00. Beginning
20 October 1, 2015, the total benefits and earnings for an individual
21 who receives or earns partial remuneration may not exceed $1\frac{1}{2}$
22 times his or her weekly benefit amount. The individual's benefits
23 are reduced by \$1.00 for each dollar by which the total benefits
24 and earnings exceed $1\frac{1}{2}$ times the individual's weekly benefit
25 amount.

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



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

5 (6) The unemployment **insurance** agency shall report annually to
6 the legislature the following information with regard to
7 subdivisions (2) and (3):

8 (a) The number of individuals whose weekly benefit rate was
9 reduced at the rate of 40 or 50 cents for each whole \$1.00 of
10 remuneration earned or received over the immediately preceding
11 calendar year.

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

16 (7) The unemployment **insurance** agency shall not use prorated
17 quarterly wages to establish a reduction in benefits under this
18 subsection.

19 (d) Subject to subsection (f) and this subsection, the maximum
20 benefit amount payable to an individual in a benefit year for
21 purposes of this section and section 20(d) is the number of weeks
22 of benefits payable to an individual during the benefit year,
23 multiplied by the individual's weekly benefit rate. The number of
24 weeks of benefits payable to an individual shall be calculated by
25 taking 43% of the individual's base period wages and dividing the
26 result by the individual's weekly benefit rate. If the quotient is
27 not a whole or half number, the result is rounded down to the
28 nearest half number. However, for each eligible individual filing
29 an initial claim before January 15, 2012, not more than 26 weeks of



1 benefits or less than 14 weeks of benefits are payable to an
2 individual in a benefit year. For each eligible individual filing
3 an initial claim on or after January 15, 2012, not more than 20
4 weeks of benefits or less than 14 weeks of benefits are payable to
5 an individual in a benefit year. The limitation of total benefits
6 set forth in this subsection does not apply to claimants declared
7 eligible for training benefits in accordance with subsection (g).

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

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

27 (a) If and to the extent that unemployment benefits payable
28 under this act would be chargeable to an employer who has
29 contributed to the financing of a retirement plan under which the



1 claimant is receiving or will receive a retirement benefit yielding
2 a pro rata weekly amount equal to or larger than the claimant's
3 weekly benefit rate as otherwise established under this act, the
4 claimant must not receive unemployment benefits that would be
5 chargeable to the employer under this act.

6 (b) If and to the extent that unemployment benefits payable
7 under this act would be chargeable to an employer who has
8 contributed to the financing of a retirement plan under which the
9 claimant is receiving or will receive a retirement benefit yielding
10 a pro rata weekly amount less than the claimant's weekly benefit
11 rate as otherwise established under this act, then the weekly
12 benefit rate otherwise payable to the claimant and chargeable to
13 the employer under this act is reduced by an amount equal to the
14 pro rata weekly amount, adjusted to the next lower multiple of
15 \$1.00, which the claimant is receiving or will receive as a
16 retirement benefit.

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

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



1 allocable and chargeable to the employer.

2 (2) If an individual's weekly benefit rate under this act was
3 established before the period for which the individual first
4 receives a retirement benefit, any benefits received after a
5 retirement benefit becomes payable must be determined in accordance
6 with the formula stated in this subsection.

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

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

20 (i) Provided as an incident of employment under an established
21 retirement plan, policy, or agreement, including federal social
22 security if subdivision (5) is in effect.

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



1 (b) If a benefit as described in subparagraph (a) is payable
2 or paid to the individual under a plan to which the individual has
3 contributed:

4 (i) Less than 1/2 of the cost of the benefit, then only 1/2 of
5 the benefit is treated as a retirement benefit.

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

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

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

23 (6) For benefit years beginning on or after October 1, 2000,
24 notwithstanding any inconsistent provisions of this act, the weekly
25 benefit rate of each individual who is receiving or will receive a
26 retirement benefit, as defined in subdivision (4), is adjusted as
27 provided in subparagraphs (a), (b), and (c). However, an
28 individual's extended benefit account and an individual's weekly
29 extended benefit rate under section 64 is established without



1 reduction under this subsection, unless subdivision (5) is in
2 effect. Except as otherwise provided in this subsection, all the
3 other provisions of this act apply to the benefit claims of those
4 retired persons. However, if the reduction would impair the full
5 tax credit against the tax imposed by the federal unemployment tax
6 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as
7 provided in subparagraphs (a), (b), and (c) for receipt of any
8 governmental or other pension, retirement or retired pay, annuity,
9 or other similar payment that was not includable in the gross
10 income of the individual for the taxable year in which it was
11 received because it was a part of a rollover distribution.

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

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

27 (c) If no base period or separating employer has contributed
28 to the financing of a retirement plan under which the claimant is
29 receiving or will receive a retirement benefit, then the weekly



1 benefit rate of the claimant as otherwise established under this
2 act shall not be reduced due to receipt of a retirement benefit.

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

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

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

27 (1) With respect to service performed in an instructional,
28 research, or principal administrative capacity for an institution
29 of higher education as defined in section 53(2), or for an



1 educational institution other than an institution of higher
2 education as defined in section 53(3), benefits are not payable to
3 an individual based on those services for any week of unemployment
4 beginning after December 31, 1977 that commences during the period
5 between 2 successive academic years or during a similar period
6 between 2 regular terms, whether or not successive, or during a
7 period of paid sabbatical leave provided for in the individual's
8 contract, to an individual if the individual performs the service
9 in the first of the academic years or terms and if there is a
10 contract or a reasonable assurance that the individual will perform
11 service in an instructional, research, or principal administrative
12 capacity for an institution of higher education or an educational
13 institution other than an institution of higher education in the
14 second of the academic years or terms, whether or not the terms are
15 successive.

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

29 (3) With respect to any service described in subdivision (1)



1 or (2), benefits are not payable to an individual based upon
2 service for any week of unemployment that commences during an
3 established and customary vacation period or holiday recess if the
4 individual performs the service in the period immediately before
5 the vacation period or holiday recess and there is a contract or
6 reasonable assurance that the individual will perform the service
7 in the period immediately following the vacation period or holiday
8 recess.

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

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



1 federal unemployment tax act, 26 USC 3301 to 3311.

2 (6) For benefit years established before October 1, 2000, and
3 notwithstanding subdivisions (1), (2), and (3), the denial of
4 benefits does not prevent an individual from completing
5 requalifying weeks in accordance with section 29(3) nor does the
6 denial prevent an individual from receiving benefits based on
7 service with an employer other than an educational institution for
8 any week of unemployment occurring between academic years or terms,
9 whether or not successive, or during an established and customary
10 vacation period or holiday recess, even though the employer is not
11 the most recent chargeable employer in the individual's base
12 period. However, in that case section 20(b) applies to the sequence
13 of benefit charging, except for the employment with the educational
14 institution, and section 50(b) applies to the calculation of credit
15 weeks. When a denial of benefits under subdivision (1) no longer
16 applies, benefits are charged in accordance with the normal
17 sequence of charging as provided in section 20(b).

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



1 during the denial period the individual's weekly benefit payment is
2 reduced by the portion of the payment attributable to base period
3 wages paid by an educational institution and the account or
4 experience account of the educational institution is not charged
5 for benefits payable to the individual. When a denial of benefits
6 under subdivision (1) is no longer applicable, benefits are paid
7 and charged on the basis of base period wages with each of the base
8 period employers including the educational institution.

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

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

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

1 will perform the services in the later of the seasons or similar
2 periods.

3 (k)(1) Benefits are not payable on the basis of services
4 performed by an alien unless the alien is an individual who was
5 lawfully admitted for permanent residence at the time the services
6 were performed, was lawfully present for the purpose of performing
7 the services, or was permanently residing in the United States
8 under color of law at the time the services were performed,
9 including an alien who was lawfully present in the United States
10 under section 212(d)(5) of the immigration and nationality act, 8
11 USC 1182.

12 (2) Any data or information required of individuals applying
13 for benefits to determine whether benefits are payable because of
14 their alien status are uniformly required from all applicants for
15 benefits.

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

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

29 (2) Notwithstanding section 30, the unemployment **insurance**



1 agency shall deduct and withhold from any unemployment compensation
2 payable to an individual who owes child support obligations by
3 using whichever of the following methods results in the greatest
4 amount:

5 (a) The amount, if any, specified by the individual to be
6 deducted and withheld under this subdivision.

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

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

13 (3) The amount of unemployment compensation subject to
14 deduction under subdivision (2) is that portion that remains
15 payable to the individual after application of the recoupment
16 provisions of section 62(a) and the reduction provisions of
17 subsections (c) and (f).

18 (4) The unemployment **insurance** agency shall pay any amount
19 deducted and withheld under subdivision (2) to the appropriate
20 state or local child support enforcement agency.

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

26 (6) Provisions concerning deductions under this subsection
27 apply only if the state or local child support enforcement agency
28 agrees in writing to reimburse and does reimburse the unemployment
29 **insurance** agency for the administrative costs incurred by the



1 unemployment **insurance** agency under this subsection that are
2 attributable to child support obligations being enforced by the
3 state or local child support enforcement agency. The administrative
4 costs incurred are determined by the unemployment **insurance** agency.
5 The unemployment **insurance** agency, in its discretion, may require
6 payment of administrative costs in advance.

7 (7) As used in this subsection:

8 (a) "Unemployment compensation", for purposes of subdivisions
9 (1) to (5), means any compensation payable under this act,
10 including amounts payable by the unemployment **insurance** agency
11 pursuant to an agreement under any federal law providing for
12 compensation, assistance, or allowances with respect to
13 unemployment.

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

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

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



(o)(1) For weeks of unemployment beginning after July 1, 1996, unemployment benefits based on services by a seasonal worker performed in seasonal employment are payable only for weeks of unemployment that occur during the normal seasonal work period. Benefits are not payable based on services performed in seasonal employment for any week of unemployment beginning after March 28, 1996 that begins during the period between 2 successive normal seasonal work periods to any individual if that individual performs the service in the first of the normal seasonal work periods and if there is a reasonable assurance that the individual will perform the service for a seasonal employer in the second of the normal seasonal work periods. If benefits are denied to an individual for any week solely as a result of this subsection and the individual is not offered an opportunity to perform in the second normal seasonal work period for which reasonable assurance of employment had been given, the individual is entitled to a retroactive payment of benefits under this subsection for each week that the individual previously filed a timely claim for benefits. An individual may apply for any retroactive benefits under this subsection in accordance with R 421.210 of the Michigan Administrative Code.

(2) Not less than 20 days before the estimated beginning date of a normal seasonal work period, an employer may apply to the commission in writing for designation as a seasonal employer. At the time of application, the employer shall conspicuously display a copy of the application on the employer's premises. Within 90 days after receipt of the application, the commission shall determine if the employer is a seasonal employer. A determination or redetermination of the commission concerning the status of an employer as a seasonal employer, or a decision of an administrative



1 law judge, the Michigan compensation appellate commission, or the
2 courts of this state concerning the status of an employer as a
3 seasonal employer, which has become final, together with the record
4 thereof, may be introduced in any proceeding involving a claim for
5 benefits, and the facts found and decision issued in the
6 determination, redetermination, or decision is conclusive unless
7 substantial evidence to the contrary is introduced by or on behalf
8 of the claimant.

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

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

29 (5) An employer whose status as a seasonal employer is



1 terminated under subdivision (4) may not reapply for a seasonal
2 employer status determination until after a regularly recurring
3 normal seasonal work period has begun and ended.

4 (6) If a seasonal employer informs an employee who received
5 assurance of being rehired that, despite the assurance, the
6 employee will not be rehired at the beginning of the employer's
7 next normal seasonal work period, this subsection does not prevent
8 the employee from receiving unemployment benefits in the same
9 manner and to the same extent he or she would receive benefits
10 under this act from an employer who has not been determined to be a
11 seasonal employer.

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

17 (8) At the time an employee is hired by a seasonal employer,
18 the employer shall notify the employee in writing if the employee
19 will be a seasonal worker. The employer shall provide the worker
20 with written notice of any subsequent change in the employee's
21 status as a seasonal worker. If an employee of a seasonal employer
22 is denied benefits because that employee is a seasonal worker, the
23 employee may contest that designation in accordance with section
24 32a.

25 (9) As used in this subsection:

26 (a) "Construction industry" means the work activity designated
27 in sector group 23 - construction of the North American
28 ~~classification system~~ **Classification System** - United States Office
29 of Management and Budget, 1997 edition.



1 (b) "Normal seasonal work period" means that period or those
2 periods of time determined under rules promulgated by the
3 unemployment **insurance** agency during which an individual is
4 employed in seasonal employment.

5 (c) "Seasonal employment" means the employment of 1 or more
6 individuals primarily hired to perform services during regularly
7 recurring periods of 26 weeks or less in any 52-week period other
8 than services in the construction industry.

9 (d) "Seasonal employer" means an employer, other than an
10 employer in the construction industry, who applies to the
11 unemployment **insurance** agency for designation as a seasonal
12 employer and who the unemployment **insurance** agency determines is an
13 employer whose operations and business require employees engaged in
14 seasonal employment. A seasonal employer designation under this act
15 need not correspond to a category assigned under the North American
16 ~~classification system~~ **Classification System** - United States Office
17 of Management and Budget.

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

21 (10) This subsection does not apply if the United States
22 Department of Labor finds it to be contrary to the federal
23 unemployment tax act, 26 USC 3301 to 3311, or the social security
24 act, chapter 531, 49 Stat 620, and if conformity with the federal
25 law is required as a condition for full tax credit against the tax
26 imposed under the federal unemployment tax act, 26 USC 3301 to
27 3311, or as a condition for receipt by the commission of federal
28 administrative grant funds under the social security act, chapter
29 531, 49 Stat 620.



1 (p) Benefits are not payable to an individual based upon his
2 or her services as a school crossing guard for any week of
3 unemployment that begins between 2 successive academic years or
4 terms, if that individual performs the services of a school
5 crossing guard in the first of the academic years or terms and has
6 a reasonable assurance that he or she will perform those services
7 in the second of the academic years or terms.

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

11 (a) The individual has registered for work and has continued
12 to report pursuant to unemployment **insurance** agency rules and is
13 actively engaged in seeking work. The requirements that the
14 individual must report, must register for work, must be available
15 to perform suitable full-time work, and must seek work may be
16 waived by the unemployment **insurance** agency if the individual is
17 laid off and the employer who laid the individual off notifies the
18 unemployment **insurance** agency in writing or by computerized data
19 exchange that the layoff is temporary and that work is expected to
20 be available for the individual within a declared number of days,
21 not to exceed 45 calendar days following the last day the
22 individual worked. This waiver is not effective unless the
23 notification from the employer is received by the unemployment
24 **insurance** agency before the individual has completed his or her
25 first compensable week following layoff. If the individual is not
26 recalled within the specified period, the waiver ceases to be
27 operative with respect to that layoff. Except for a period of
28 disqualification, the requirement that the individual shall seek
29 work may be waived by the unemployment **insurance** agency if it finds



1 that suitable work is unavailable both in the locality where the
2 individual resides and in those localities in which the individual
3 has earned wages during or after the base period. This waiver does
4 not apply to a claimant enrolled and attending classes as a full-
5 time student. An individual is considered to have satisfied the
6 requirement of personal reporting at an employment office, as
7 applied to a week in a period during which the requirements of
8 registration and seeking work have been waived by the unemployment
9 **insurance** agency pursuant to this subdivision, if the individual
10 has satisfied the personal reporting requirement with respect to a
11 preceding week in that period and the individual has reported with
12 respect to the week by mail pursuant to the rules promulgated by
13 the unemployment **insurance** agency.

14 (b) The individual has made a claim for benefits pursuant to
15 section 32 and has provided the unemployment **insurance** agency with
16 all of the following:

17 (i) His or her Social Security number.

18 (ii) His or her driver license number, and the state that
19 issued the license, or state identification card number, and the
20 state that issued the identification card, or copies of the
21 acceptable documents as provided in the Form I-9.

22 (iii) If the unemployment **insurance** agency has requested them,
23 copies of the acceptable documents as provided in the Form I-9. As
24 used in this subdivision, "Form I-9" means the employment
25 verification form that fulfills the employment verification
26 obligations under 8 CFR 274a.2.

27 (c) The individual is able and available to appear at a
28 location of the unemployment **insurance** agency's choosing for
29 evaluation of eligibility for benefits, if required, and to perform



1 suitable full-time work of a character that the individual is
2 qualified to perform by past experience or training, which is of a
3 character generally similar to work for which the individual has
4 previously received wages, and for which the individual is
5 available, full time, either at a locality at which the individual
6 earned wages for insured work during his or her base period or at a
7 locality where it is found by the unemployment **insurance** agency
8 that such work is available. An individual is considered
9 unavailable for work under any of the following circumstances:

10 (i) The individual fails during a benefit year to notify or
11 update a chargeable employer with telephone, electronic mail, or
12 other information sufficient to allow the employer to contact the
13 individual about available work.

14 (ii) The individual fails, without good cause, to respond to
15 the unemployment **insurance** agency within 14 calendar days of the
16 later of the mailing of a notice to the address of record requiring
17 the individual to contact the unemployment **insurance** agency or of
18 the leaving of a telephone message requesting a return call and
19 providing a return name and telephone number on an automated
20 answering device or with an individual answering the telephone
21 number of record.

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

27 (d) In the event of the death of an individual's immediate
28 family member, the eligibility requirements of availability and
29 reporting are waived for the day of the death and for 4 consecutive



1 calendar days thereafter. As used in this subdivision, "immediate
2 family member" means a spouse, child, stepchild, adopted child,
3 grandchild, parent, grandparent, brother, or sister of the
4 individual or his or her spouse. It shall also include the spouse
5 of any of the persons specified in the previous sentence.

6 (e) The individual participates in reemployment services, such
7 as job search assistance services, if the individual has been
8 determined or redetermined by the unemployment **insurance** agency to
9 be likely to exhaust regular benefits and need reemployment
10 services pursuant to a profiling system established by the
11 unemployment **insurance** agency.

12 (2) The unemployment **insurance** agency may authorize an
13 individual with an unexpired benefit year to pursue vocational
14 training or retraining only if the unemployment **insurance** agency
15 finds all of the following:

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

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

22 (c) The training course has been approved by a local advisory
23 council on which both management and labor are represented, or if
24 there is no local advisory council, by the unemployment **insurance**
25 agency.

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

28 (e) The vocational training course has been approved by the
29 state board of education and is maintained by a public or private



1 school or by the unemployment **insurance** agency.

2 (3) Notwithstanding any other provision of this act, an
3 otherwise eligible individual is not ineligible for benefits
4 because he or she is participating in training with the approval of
5 the unemployment **insurance** agency. For each week that the
6 unemployment **insurance** agency finds that an individual who is
7 claiming benefits under this act and who is participating in
8 training with the approval of the unemployment **insurance** agency, is
9 satisfactorily pursuing an approved course of vocational training,
10 it shall waive the requirements that he or she be available for
11 work and be seeking work as prescribed in subsection (1)(a) and
12 (c), and it shall find good cause for his or her failure to apply
13 for suitable work, report to a former employer for an interview
14 concerning suitable work, or accept suitable work as required in
15 section 29(1)(c), (d), and (e).

16 (4) The waiver of the requirement that a claimant seek work
17 under subsection (1)(a) is not applicable to weeks of unemployment
18 for which the claimant is claiming extended benefits and to which
19 section 64(7)(a)(ii) applies, unless the individual is participating
20 in training approved by the unemployment **insurance** agency.

21 (5) Notwithstanding any other provisions of this act, an
22 otherwise eligible individual must not be denied benefits solely
23 because the individual is in training approved under section
24 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the
25 individual be denied benefits by reason of leaving work to enter
26 such training if the work left is not suitable employment.
27 Furthermore, an otherwise eligible individual must not be denied
28 benefits because of the application to any such week in training of
29 provisions of this act, or any applicable federal unemployment



1 compensation law, relating to availability for work, active search
2 for work, or refusal to accept work. For purposes of this
3 subsection, "suitable employment" means, with respect to an
4 individual, work of a substantially equal or higher skill level
5 than the individual's past adversely affected employment, as
6 defined for purposes of the trade act of 1974, 19 USC 2101 to
7 2497b, and wages for that work at not less than 80% of the
8 individual's average weekly wage as determined for the purposes of
9 the trade act of 1974, 19 USC 2101 to 2497b.

10 (6) Except as otherwise provided in subsection (7), for
11 purposes of this section, for benefit years beginning on or after
12 January 1, 2013, to be actively engaged in seeking work, an
13 individual must conduct a systematic and sustained search for work
14 in each week the individual is claiming benefits, using any of the
15 following methods to report the details of the work search:

16 (a) Reporting at monthly intervals on the unemployment
17 **insurance** agency's online reporting system the name of each
18 employer and physical or online location of each employer where
19 work was sought and the date and method by which work was sought
20 with each employer.

21 (b) Filing a written report with the unemployment **insurance**
22 agency by mail or facsimile transmission not later than the end of
23 the fourth calendar week after the end of the week in which the
24 individual engaged in the work search, on a form approved by the
25 unemployment **insurance** agency, indicating the name of each employer
26 and physical or online location of each employer where work was
27 sought and the date and method by which work was sought with each
28 employer.

29 (c) Appearing at least monthly in person at a Michigan works



1 agency office to report the name and physical or online location of
2 each employer where the individual sought work during the previous
3 month and the date and method by which work was sought with each
4 employer.

5 (7) For purposes of this section, beginning on ~~the effective~~
6 ~~date of the amendatory act that added this subsection,~~ **April 2,**
7 **2020,** to be actively engaged in seeking work, an individual must
8 conduct a systematic and sustained search for work in each week the
9 individual is claiming benefits and must report to the unemployment
10 **insurance** agency the details of the work search at least once every
11 2 weeks or, if the unemployment **insurance** agency prescribes a
12 shorter reporting period, the reporting period prescribed by the
13 unemployment **insurance** agency. An individual may conduct a
14 systematic and sustained search for work by doing any of the
15 following:

16 (a) Using resources available at a Michigan works agency
17 office to do any of the following:

18 (i) Participate in reemployment services and eligibility
19 assessment activities.

20 (ii) Identify the skills the individual possesses that are
21 consistent with target or demand occupations in the local workforce
22 development area.

23 (iii) Obtain job postings and seek employment for suitable
24 positions needed by local employers.

25 (b) Attending job search seminars or other employment
26 workshops that offer instruction in improving an individual's
27 skills for finding and obtaining employment.

28 (c) Creating a user profile on a professional networking site
29 or using an online career tool. Creating duplicate user profiles or



1 resubmitting or reuploading the same resume to the same
2 professional networking site does not satisfy the requirements of
3 this subdivision.

4 (d) Applying for an available position with, submitting a
5 resume to, or interviewing with employers. Applying for the same
6 position within a 4-week period or contacting an employer to
7 determine whether a position is available does not satisfy the
8 requirements of this subdivision, unless the individual uses his or
9 her union hiring hall to conduct a search for work.

10 (e) Registering for work with a private employment agency or,
11 if it is available to the individual in his or her occupation or
12 profession, the placement facility of a school, college, or
13 university.

14 (f) Taking an examination that is required for a position in
15 the state civil service.

16 (8) The work search conducted by the claimant is subject to
17 audit by the unemployment **insurance** agency.

18 (9) The unemployment **insurance** agency shall request but shall
19 not require an individual who is applying for benefits to submit
20 his or her base period employer's unemployment **insurance** agency
21 account number and federal employer identification number.

22 (10) The unemployment **insurance** agency shall use all of the
23 documentation and information provided by an individual applying
24 for benefits to verify the identity of the individual before making
25 an initial payment on the individual's claim.

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

29 (a) The employer has filed all quarterly reports and other



1 reports required under this act and has paid all obligation
2 assessments, contributions, reimbursements in lieu of
3 contributions, interest, and penalties due through the date of the
4 employer's application.

5 (b) If the employer is a contributing employer, the employer's
6 reserve in the employer's experience account as of the most recent
7 computation date preceding the date of the employer's application
8 is a positive number.

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

11 (2) An application under this section shall be made in the
12 manner prescribed by the unemployment **insurance** agency and contain
13 all of the following:

14 (a) The employer's assurance that it will provide reports to
15 the unemployment **insurance** agency relating to the operation of its
16 shared-work plan at the times and in the manner prescribed by the
17 unemployment **insurance** agency and containing all information
18 required by the unemployment **insurance** agency.

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

22 (c) The employer's assurance that it will not lay off
23 participating employees during the effective period of the shared-
24 work plan, or reduce participating employees' hours of work by more
25 than the reduction percentage during the effective period of the
26 shared-work plan, except in cases of holidays, designated vacation
27 periods, equipment maintenance, or similar circumstances.

28 (d) The employer's certification that it has obtained the
29 approval of any applicable collective bargaining unit



1 representative and has notified all affected employees who are not
2 in a collective bargaining unit of the proposed shared-work plan.

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

8 (f) The employer's certification that the implementation of a
9 shared-work plan is in lieu of layoffs that would affect at least
10 15% of the employees in the affected unit and would result in an
11 equivalent reduction in work hours.

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

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

18 (i) Any other relevant information required by the
19 unemployment **insurance** agency.

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

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

24 (a) Left work voluntarily without good cause attributable to
25 the employer or employing unit. An individual who left work is
26 presumed to have left work voluntarily without good cause
27 attributable to the employer or employing unit. An individual who
28 is absent from work for a period of 3 consecutive work days or more
29 without contacting the employer in a manner acceptable to the



1 employer and of which the individual was informed at the time of
2 hire shall be considered to have voluntarily left work without good
3 cause attributable to the employer. An individual who becomes
4 unemployed as a result of negligently losing a requirement for the
5 job of which he or she was informed at the time of hire shall be
6 considered to have voluntarily left work without good cause
7 attributable to the employer. An individual claiming benefits under
8 this act has the burden of proof to establish that he or she left
9 work involuntarily or for good cause that was attributable to the
10 employer or employing unit. An individual claiming to have left
11 work involuntarily for medical reasons must have done all of the
12 following before the leaving: secured a statement from a medical
13 professional that continuing in the individual's current job would
14 be harmful to the individual's physical or mental health;
15 unsuccessfully attempted to secure alternative work with the
16 employer; and unsuccessfully attempted to be placed on a leave of
17 absence with the employer to last until the individual's mental or
18 physical health would no longer be harmed by the current job.
19 However, if any of the following conditions is met, the leaving
20 does not disqualify the individual:

21 (i) The individual has an established benefit year in effect
22 and during that benefit year leaves unsuitable work within 60 days
23 after the beginning of that work. Benefits paid after a leaving
24 under this subparagraph shall not be charged to the experience
25 account of the employer the individual left, but shall be charged
26 instead to the nonchargeable benefits account.

27 (ii) The individual is the spouse of a full-time member of the
28 United States ~~armed forces~~, **Armed Forces**, and the leaving is due to
29 the military duty reassignment of that member of the United States



1 ~~armed forces~~ **Armed Forces** to a different geographic location.
2 Benefits paid after a leaving under this subparagraph shall not be
3 charged to the experience account of the employer the individual
4 left, but shall be charged instead to the nonchargeable benefits
5 account.

6 (iii) The individual is concurrently working part-time for an
7 employer or employing unit and for another employer or employing
8 unit and voluntarily leaves the part-time work while continuing
9 work with the other employer. The portion of the benefits paid in
10 accordance with this subparagraph that would otherwise be charged
11 to the experience account of the part-time employer that the
12 individual left shall not be charged to the account of that
13 employer, but shall be charged instead to the nonchargeable
14 benefits account.

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

17 (c) Failed without good cause to apply diligently for
18 available suitable work after receiving notice from the
19 unemployment **insurance** agency of the availability of that work or
20 failed to apply for work with employers that could reasonably be
21 expected to have suitable work available.

22 (d) Failed without good cause while unemployed to report to
23 the individual's former employer or employing unit within a
24 reasonable time after that employer or employing unit provided
25 notice of the availability of an interview concerning available
26 suitable work with the former employer or employing unit.

27 (e) Failed without good cause to accept suitable work offered
28 to the individual or to return to the individual's customary self-
29 employment, if any, when directed by the employment office or the



unemployment **insurance** agency. An employer that receives a monetary determination under section 32 may notify the unemployment **insurance** agency regarding the availability of suitable work with the employer on the monetary determination or other form provided by the unemployment **insurance** agency. Upon receipt of the notice of the availability of suitable work, the unemployment **insurance** agency shall notify the claimant of the availability of suitable work. ~~Until 1 year after the effective date of the amendatory act that added this sentence, an individual is considered to have refused an offer of suitable work if the prospective employer requires as a condition of the offer a drug test that is subject to the same terms and conditions as a drug test administered under subdivision (m), and the employer withdraws the conditional offer after either of the following:~~

~~(i) The individual tests positive for a controlled substance and lacks a valid, documented prescription, as defined in section 17708 of the public health code, 1978 PA 368, MCL 333.17708, for the controlled substance issued to the individual by his or her treating physician.~~

~~(ii) The individual refuses without good cause to submit to the drug test.~~

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



1 (g) Is discharged, whether or not the discharge is
2 subsequently reduced to a disciplinary layoff or suspension, for
3 participation in either of the following:

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

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

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

12 (i) Was discharged for theft connected with the individual's
13 work.

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

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

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

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

29 (A) That within 7 days after completing services for a client



1 of the temporary help firm, the employee is under a duty to notify
2 the temporary help firm of the completion of those services.

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

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

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

29 (i) "Controlled substance" means that term as defined in



1 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

2 (ii) "Drug test" means a test designed to detect the illegal
3 use of a controlled substance.

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

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

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

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

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

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

28 (ii) Otherwise meets all of the requirements of this act to
29 receive a benefit payment if the individual were not disqualified



1 under subsection (1).

2 (iii) Receives a benefit payment based on credit weeks
3 subsequent to the disqualifying act or discharge.

4 (b) For benefit years established before October 1, 2000, if
5 the individual is disqualified under subsection (1)(a) or (b), he
6 or she shall requalify, after the week in which the disqualifying
7 discharge occurred by earning in employment for an employer liable
8 under this act or the unemployment compensation act of another
9 state an amount equal to, or in excess of, 7 times the individual's
10 potential weekly benefit rate, calculated on the basis of
11 employment with the employer involved in the disqualification, or
12 by earning in employment for an employer liable under this act or
13 the unemployment compensation act of another state an amount equal
14 to, or in excess of, 40 times the state minimum hourly wage times
15 7, whichever is the lesser amount.

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

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

29 (i) Earns or receives remuneration in an amount equal to at



1 least 1/13 of the minimum amount needed in a calendar quarter of
2 the base period for an individual to qualify for benefits, rounded
3 down to the nearest whole dollar.

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

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

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

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

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

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

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



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

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

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



1 (i) The number of requalifying weeks required of the individual
2 under this section.

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

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

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

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

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

22 (f) For benefit years established on or after October 1, 2000,
23 if the individual is disqualified under subsection (1)(c), (d),
24 (e), (f), (g), or (l), the maximum number of weeks otherwise
25 applicable in calculating benefits for the individual under section
26 27(d) shall be reduced by the lesser of the following:

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

29 (ii) The number of weeks of benefit entitlement remaining on



1 the claim.

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

10 (5) If an individual leaves work to accept permanent full-time
11 work with another employer or to accept a referral to another
12 employer from the individual's union hiring hall and performs
13 services for that employer, or if an individual leaves work to
14 accept a recall from a former employer, 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 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 **insurance** agency shall advise the
25 chargeable employer of the name and address of the other employer,
26 the period covered by the employment, and the extent of the
27 benefits that may be charged to the account of the chargeable
28 employer.

29 (6) In determining whether work is suitable for an individual,



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

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

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

28 (b) If the remuneration, hours, or other conditions of the
29 work offered are substantially less favorable to the individual

1 than those prevailing for similar work in the locality.

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

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

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

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

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

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

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

29 (i) At the time or in the course of a labor dispute in the



1 establishment in which the individual was then employed, the
2 individual in concert with 1 or more other employees voluntarily
3 stopped working other than at the direction of the individual's
4 employing unit.

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

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

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

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



1 the following situations:

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

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

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

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

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



1 (ii) Whether the workers are included in a single, legally
2 designated, or negotiated bargaining unit.

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

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

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

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

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

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



1 repayments required under this subsection.

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

10 Sec. 48. (1) An individual shall be considered unemployed for
11 any week during which he or she performs no services and for which
12 remuneration is not payable to the individual, or for any week of
13 less than full-time work if the remuneration payable to the
14 individual is less than 1-1/2 times his or her weekly benefit rate,
15 except that for payable weeks of benefits beginning after ~~the~~
16 ~~effective date of the amendatory act that added section 15a~~
17 **December 19, 2011** and before October 1, 2015, an individual is
18 considered unemployed for any week or less of full-time work if the
19 remuneration payable to the individual is less than 1-3/5 times his
20 or her weekly benefit rate. However, any loss of remuneration
21 incurred by an individual during any week resulting from any cause
22 other than the failure of the individual's employing unit to
23 furnish full-time, regular employment shall be included as
24 remuneration earned for purposes of this section and section 27(c).
25 The total amount of remuneration lost shall be determined pursuant
26 to regulations prescribed by the unemployment **insurance** agency. For
27 the purposes of this act, an individual's weekly benefit rate means
28 the weekly benefit rate determined pursuant to section 27(b).

29 (2) All amounts paid to a claimant by an employing unit or



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

17 (3) An individual shall not be considered to be unemployed
18 during any leave of absence from work granted by an employer either
19 at the request of the individual or pursuant to an agreement with
20 the individual's duly authorized bargaining agent, or in accordance
21 with law. An individual shall neither be considered not unemployed
22 nor on a leave of absence solely because the individual elects to
23 be laid off, pursuant to an option provided under a collective
24 bargaining agreement or written employer plan that permits an
25 election, if there is a temporary layoff because of lack of work
26 and the employer has consented to the election.

