

# HOUSE BILL NO. 4336

February 24, 2021, Introduced by Reps. Brabec, Cavanagh, Tate, Witwer, Sabo, Rabhi, Haadsma, Brenda Carter, Shannon, Sowerby, Morse, LaGrand, Sneller, Ellison, Coleman, Young, Koleszar, Hope, Puri, Steenland, Manoogian, Hertel, Aiyash, Tyrone Carter, Cherry, Steckloff, Cambensy, Garza, Peterson, Weiss, Neeley, Brixie, Hammoud, Scott, Bolden, Hood, Stone, Cynthia Johnson, Clemente, Liberati, Thanedar, Breen, Kuppa, Rogers, Pohutsky, Camilleri, Lasinski, Jones, Anthony and Yancey and referred to the Committee on Government Operations.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 27 (MCL 421.27), as amended by 2020 PA 258.

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

1       Sec. 27. (a) (1) When a determination, redetermination, or  
2       decision is made that benefits are due an unemployed individual,  
3       the benefits become payable from the fund and continue to be  
4       payable to the unemployed individual, subject to the limitations  
5       imposed by the individual's monetary entitlement, if the individual

1 continues to be unemployed and to file claims for benefits, until  
2 the determination, redetermination, or decision is reversed, a  
3 determination, redetermination, or decision on a new issue holding  
4 the individual disqualified or ineligible is made, or, for benefit  
5 years beginning before October 1, 2000, a new separation issue  
6 arises resulting from subsequent work.

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

10 (b)(1) Subject to subsection (f), ~~the weekly benefit rate for~~  
11 ~~an individual, with respect to benefit years beginning before~~  
12 ~~October 1, 2000, is 67% of the individual's average after tax~~  
13 ~~weekly wage, except that the individual's maximum weekly benefit~~  
14 ~~rate must not exceed \$300.00. However, with respect to~~ **for** benefit  
15 years beginning on or after October 1, 2000, ~~the~~ **an** individual's  
16 weekly benefit rate is 4.1% of the individual's wages paid in the  
17 calendar quarter of the base period in which the individual was  
18 paid the highest total wages, plus \$6.00 for each dependent as  
19 defined in subdivision (4), up to a maximum of 5 dependents,  
20 claimed by the individual at the time the individual files a new  
21 claim for benefits, except that the individual's maximum weekly  
22 benefit rate must not exceed \$300.00 before April 26, 2002 and  
23 \$362.00 for claims filed on and after April 26, 2002. The weekly  
24 benefit rate for an individual claiming benefits on and after April  
25 26, 2002 must be recalculated subject to the \$362.00 maximum weekly  
26 benefit rate. **For benefit years beginning on or after January 1,**  
27 **2021, an individual's weekly benefit rate is 6.1% of the**  
28 **individual's wages paid in the calendar quarter of the base period**  
29 **in which the individual was paid the highest total wages.** The

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

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

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

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

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

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

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

10 (4) For benefit years beginning on or after October 1, 2000, a  
11 dependent means any of the following persons who received for at  
12 least 90 consecutive days immediately before the first week of the  
13 benefit year or, in the case of a dependent husband, wife, or  
14 child, for the duration of the marital or parental relationship if  
15 the relationship existed less than 90 days before the beginning of  
16 the benefit year, has received more than 1/2 the cost of his or her  
17 support from the individual claiming the 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 and 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 and 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 (5) The number of dependents established for an individual at  
10 the beginning of the benefit year shall remain in effect during the  
11 entire benefit year.

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

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

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

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

1 for benefit purposes under this act if a claim for benefits for  
2 that period is filed not later than 30 days after the end of the  
3 period.

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

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

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

1 benefit payments is reduced by 1 week.

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

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

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

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

17 (7) The unemployment agency shall not use prorated quarterly  
18 wages to establish a reduction in benefits under this 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 Notwithstanding any other provision of this act, and subject to  
9 subsection (q), with respect to benefit years and claims for weeks  
10 beginning before April 1, 2021, for each eligible individual who  
11 files a claim for benefits and establishes a benefit year, not more  
12 than 26 weeks of benefits or less than 14 weeks of benefits may be  
13 payable to an individual in a benefit year.

14 (e) When a claimant dies or is judicially declared insane or  
15 mentally incompetent, unemployment compensation benefits accrued  
16 and payable to that person for weeks of unemployment before death,  
17 insanity, or incompetency, but not paid, become due and payable to  
18 the person who is the legal heir or guardian of the claimant or to  
19 any other person found by the ~~commission~~**unemployment agency** to be  
20 equitably entitled to the benefits by reason of having incurred  
21 expense in behalf of the claimant for the claimant's burial or  
22 other necessary expenses.

23 (f)(1) For benefit years beginning before October 1, 2000, and  
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 other  
3 provisions of this act continue to apply in connection with the  
4 benefit claims of those retired persons.

5 (a) If and to the extent that unemployment benefits payable  
6 under this act would be chargeable to an employer who has  
7 contributed to the financing of a retirement plan under which the  
8 claimant is receiving or will receive a retirement benefit yielding  
9 a pro rata weekly amount equal to or larger than the claimant's  
10 weekly benefit rate as otherwise established under this act, the  
11 claimant must not receive unemployment benefits that would be  
12 chargeable to the employer under this act.

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

24 (c) If the unemployment benefit payable under this act would  
25 be chargeable to an employer who has not contributed to the  
26 financing of a retirement plan under which the claimant is  
27 receiving or will receive a retirement benefit, then the weekly  
28 benefit rate of the claimant as otherwise established under this  
29 act is not reduced due to receipt of a retirement benefit.

1 (d) If the unemployment benefit payable under this act is  
2 computed on the basis of multiemployer credit weeks and a portion  
3 of the benefit is allocable under section 20(e) to an employer who  
4 has contributed to the financing of a retirement plan under which  
5 the claimant is receiving or will receive a retirement benefit, the  
6 adjustments required by subparagraph (a) or (b) apply only to that  
7 portion of the weekly benefit rate that would otherwise be  
8 allocable and chargeable to the employer.

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

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

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

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

1           (ii) Payable to an individual because the individual has  
2 qualified on the basis of attained age, length of service, or  
3 disability, whether or not the individual retired or was retired  
4 from employment. Amounts paid to individuals in the course of  
5 liquidation of a private pension or retirement fund because of  
6 termination of the business or of a plant or department of the  
7 business of the employer involved are not retirement benefits.

8           (b) If a benefit as described in subparagraph (a) is payable  
9 or paid to the individual under a plan to which the individual has  
10 contributed:

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

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

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

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

1           (6) For benefit years beginning on or after October 1, 2000,  
2 notwithstanding any inconsistent provisions of this act, the weekly  
3 benefit rate of each individual who is receiving or will receive a  
4 retirement benefit, as defined in subdivision (4), is adjusted as  
5 provided in subparagraphs (a), (b), and (c). However, an  
6 individual's extended benefit account and an individual's weekly  
7 extended benefit rate under section 64 is established without  
8 reduction under this subsection, unless subdivision (5) is in  
9 effect. Except as otherwise provided in this subsection, all the  
10 other provisions of this act apply to the benefit claims of those  
11 retired persons. However, if the reduction would impair the full  
12 tax credit against the tax imposed by the federal unemployment tax  
13 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as  
14 provided in subparagraphs (a), (b), and (c) for receipt of any  
15 governmental or other pension, retirement or retired pay, annuity,  
16 or other similar payment that was not includable in the gross  
17 income of the individual for the taxable year in which it was  
18 received because it was a part of a rollover distribution.

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

25           (b) If any base period employer or chargeable employer has  
26 contributed to the financing of a retirement plan under which the  
27 claimant is receiving or will receive a retirement benefit yielding  
28 a pro rata weekly amount less than the claimant's weekly benefit  
29 rate as otherwise established under this act, then the weekly

1 benefit rate otherwise payable to the claimant is reduced by an  
2 amount equal to the pro rata weekly amount, adjusted to the next  
3 lower multiple of \$1.00, which the claimant is receiving or will  
4 receive as a retirement benefit.

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

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

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

29 (i) Benefits based on service in employment described in

1 section 42(8), (9), and (10) are payable in the same amount, on the  
2 same terms, and subject to the same conditions as compensation  
3 payable on the basis of other service subject to this act, except  
4 that:

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

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

1 successive academic years or terms to any individual if that  
2 individual performs the service in the first of the academic years  
3 or terms and if there is a reasonable assurance that the individual  
4 will perform the service for an institution of higher education or  
5 an educational institution other than an institution of higher  
6 education in the second of the academic years or terms.

7 (3) With respect to any service described in subdivision (1)  
8 or (2), benefits are not payable to an individual based upon  
9 service for any week of unemployment that commences during an  
10 established and customary vacation period or holiday recess if the  
11 individual performs the service in the period immediately before  
12 the vacation period or holiday recess and there is a contract or  
13 reasonable assurance that the individual will perform the service  
14 in the period immediately following the vacation period or holiday  
15 recess.

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

26 (5) Benefits based upon services in other than an  
27 instructional, research, or principal administrative capacity for  
28 an institution of higher education are not denied for any week of  
29 unemployment commencing during the period between 2 successive

1 academic years or terms solely because the individual had performed  
2 the service in the first of the academic years or terms and there  
3 is reasonable assurance that the individual will perform the  
4 service for an institution of higher education or an educational  
5 institution other than an institution of higher education in the  
6 second of the academic years or terms, unless a denial is required  
7 as a condition for full tax credit against the tax imposed by the  
8 federal unemployment tax act, 26 USC 3301 to 3311.

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

25 (7) For benefit years beginning on or after October 1, 2000,  
26 and notwithstanding subdivisions (1), (2), and (3), the denial of  
27 benefits does not prevent an individual from completing  
28 requalifying weeks in accordance with section 29(3) and does not  
29 prevent an individual from receiving benefits based on service with

1 another base period employer other than an educational institution  
2 for any week of unemployment occurring between academic years or  
3 terms, whether or not successive, or during an established and  
4 customary vacation period or holiday recess. However, if benefits  
5 are paid based on service with 1 or more base period employers  
6 other than an educational institution, the individual's weekly  
7 benefit rate is calculated in accordance with subsection (b)(1) but  
8 during the denial period the individual's weekly benefit payment is  
9 reduced by the portion of the payment attributable to base period  
10 wages paid by an educational institution and the account or  
11 experience account of the educational institution is not charged  
12 for benefits payable to the individual. When a denial of benefits  
13 under subdivision (1) is no longer applicable, benefits are paid  
14 and charged on the basis of base period wages with each of the base  
15 period employers including the educational institution.

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

22 (9) In accordance with subdivisions (1), (2), and (3),  
23 benefits for any week of unemployment are denied to an individual  
24 who performed services described in subdivision (1), (2), or (3) in  
25 an educational institution while in the employ of an educational  
26 service agency. For the purpose of this subdivision, "educational  
27 service agency" means a governmental agency or governmental entity  
28 that is established and operated exclusively for the purpose of  
29 providing the services to 1 or more educational institutions.

1 (j) Benefits are not payable to an individual on the basis of  
2 any base period services, substantially all of which consist of  
3 participating in sports or athletic events or training or preparing  
4 to participate, for a week that commences during the period between  
5 2 successive sport seasons or similar periods if the individual  
6 performed the services in the first of the seasons or similar  
7 periods and there is a reasonable assurance that the individual  
8 will perform the services in the later of the seasons or similar  
9 periods.

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

19 (2) Any data or information required of individuals applying  
20 for benefits to determine whether benefits are payable because of  
21 their alien status are uniformly required from all applicants for  
22 benefits.

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

27 (m)(1) An individual filing a new claim for unemployment  
28 compensation under this act, at the time of filing the claim, shall  
29 disclose whether the individual owes child support obligations as

1 defined in this subsection. If an individual discloses that he or  
2 she owes child support obligations and is determined to be eligible  
3 for unemployment compensation, the unemployment agency shall notify  
4 the state or local child support enforcement agency enforcing the  
5 obligation that the individual has been determined to be eligible  
6 for unemployment compensation.

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

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

13 (b) The amount, if any, determined pursuant to an agreement  
14 submitted to the ~~commission~~**unemployment agency** under 42 USC  
15 654(19)(B)(i), by the state or local child support enforcement  
16 agency.

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

21 (3) The amount of unemployment compensation subject to  
22 deduction under subdivision (2) is that portion that remains  
23 payable to the individual after application of the recoupment  
24 provisions of section 62(a) and the reduction provisions of  
25 subsections (c) and (f).

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

29 (5) Any amount deducted and withheld under subdivision (2) is

1 treated for all purposes as if it were paid to the individual as  
2 unemployment compensation and paid by the individual to the state  
3 or local child support enforcement agency in satisfaction of the  
4 individual's child support obligations.

5 (6) Provisions concerning deductions under this subsection  
6 apply only if the state or local child support enforcement agency  
7 agrees in writing to reimburse and does reimburse the unemployment  
8 agency for the administrative costs incurred by the unemployment  
9 agency under this subsection that are attributable to child support  
10 obligations being enforced by the state or local child support  
11 enforcement agency. The administrative costs incurred are  
12 determined by the unemployment agency. The unemployment agency, in  
13 its discretion, may require payment of administrative costs in  
14 advance.

15 (7) As used in this subsection:

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

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

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

28 (n) Subsection (i)(2) applies to services performed by school  
29 bus drivers employed by a private contributing employer holding a

1 contractual relationship with an educational institution, but only  
2 if at least 75% of the individual's base period wages with that  
3 employer are attributable to services performed as a school bus  
4 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies  
5 to other services described in those subdivisions that are  
6 performed by any employees under an employer's contract with an  
7 educational institution or an educational service agency.

8 (o)(1) For weeks of unemployment beginning after July 1, 1996,  
9 unemployment benefits based on services by a seasonal worker  
10 performed in seasonal employment are payable only for weeks of  
11 unemployment that occur during the normal seasonal work period.  
12 Benefits are not payable based on services performed in seasonal  
13 employment for any week of unemployment beginning after March 28,  
14 1996 that begins during the period between 2 successive normal  
15 seasonal work periods to any individual if that individual performs  
16 the service in the first of the normal seasonal work periods and if  
17 there is a reasonable assurance that the individual will perform  
18 the service for a seasonal employer in the second of the normal  
19 seasonal work periods. If benefits are denied to an individual for  
20 any week solely as a result of this subsection and the individual  
21 is not offered an opportunity to perform in the second normal  
22 seasonal work period for which reasonable assurance of employment  
23 had been given, the individual is entitled to a retroactive payment  
24 of benefits under this subsection for each week that the individual  
25 previously filed a timely claim for benefits. An individual may  
26 apply for any retroactive benefits under this subsection in  
27 accordance with R 421.210 of the Michigan Administrative Code.

28 (2) Not less than 20 days before the estimated beginning date  
29 of a normal seasonal work period, an employer may apply to the

1 ~~commission-unemployment agency~~ in writing for designation as a  
2 seasonal employer. At the time of application, the employer shall  
3 conspicuously display a copy of the application on the employer's  
4 premises. Within 90 days after receipt of the application, the  
5 ~~commission-unemployment agency~~ shall determine if the employer is a  
6 seasonal employer. A determination or redetermination of the  
7 ~~commission-unemployment agency~~ concerning the status of an employer  
8 as a seasonal employer, or a decision of an administrative law  
9 judge, the Michigan compensation appellate commission, or the  
10 courts of this state concerning the status of an employer as a  
11 seasonal employer, which has become final, together with the record  
12 thereof, may be introduced in any proceeding involving a claim for  
13 benefits, and the facts found and decision issued in the  
14 determination, redetermination, or decision is conclusive unless  
15 substantial evidence to the contrary is introduced by or on behalf  
16 of the claimant.

17 (3) If the employer is determined to be a seasonal employer,  
18 the employer shall conspicuously display on its premises a notice  
19 of the determination and the beginning and ending dates of the  
20 employer's normal seasonal work periods. The ~~commission~~  
21 **unemployment agency** shall furnish the notice. The notice must  
22 additionally specify that an employee must timely apply for  
23 unemployment benefits at the end of a first seasonal work period to  
24 preserve his or her right to receive retroactive unemployment  
25 benefits if he or she is not reemployed by the seasonal employer in  
26 the second of the normal seasonal work periods.

27 (4) The ~~commission-unemployment agency~~ may issue a  
28 determination terminating an employer's status as a seasonal  
29 employer on the ~~commission's-unemployment agency's~~ own motion for

1 good cause, or upon the written request of the employer. A  
2 termination determination under this subdivision terminates an  
3 employer's status as a seasonal employer, and becomes effective on  
4 the beginning date of the normal seasonal work period that would  
5 have immediately followed the date the ~~commission~~-**unemployment**  
6 **agency** issues the determination. A determination under this  
7 subdivision is subject to review in the same manner and to the same  
8 extent as any other determination under this act.

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

13 (6) If a seasonal employer informs an employee who received  
14 assurance of being rehired that, despite the assurance, the  
15 employee will not be rehired at the beginning of the employer's  
16 next normal seasonal work period, this subsection does not prevent  
17 the employee from receiving unemployment benefits in the same  
18 manner and to the same extent he or she would receive benefits  
19 under this act from an employer who has not been determined to be a  
20 seasonal employer.

21 (7) A successor of a seasonal employer is considered to be a  
22 seasonal employer unless the successor provides the ~~commission~~,  
23 **unemployment agency**, within 120 days after the transfer, with a  
24 written request for termination of its status as a seasonal  
25 employer in accordance with subdivision (4).

26 (8) At the time an employee is hired by a seasonal employer,  
27 the employer shall notify the employee in writing if the employee  
28 will be a seasonal worker. The employer shall provide the worker  
29 with written notice of any subsequent change in the employee's

1 status as a seasonal worker. If an employee of a seasonal employer  
2 is denied benefits because that employee is a seasonal worker, the  
3 employee may contest that designation in accordance with section  
4 32a.

5 (9) As used in this subsection:

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

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

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

18 (d) "Seasonal employer" means an employer, other than an  
19 employer in the construction industry, who applies to the  
20 unemployment agency for designation as a seasonal employer and who  
21 the unemployment agency determines is an employer whose operations  
22 and business require employees engaged in seasonal employment. A  
23 seasonal employer designation under this act need not correspond to  
24 a category assigned under the North American ~~classification system~~  
25 **Classification System** - United States Office of Management and  
26 Budget.

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

1           (10) This subsection does not apply if the United States  
2 Department of Labor finds it to be contrary to the federal  
3 unemployment tax act, 26 USC 3301 to 3311, or the social security  
4 act, chapter 531, 49 Stat 620, and if conformity with the federal  
5 law is required as a condition for full tax credit against the tax  
6 imposed under the federal unemployment tax act, 26 USC 3301 to  
7 3311, or as a condition for receipt by the ~~commission~~**unemployment**  
8 **agency** of federal administrative grant funds under the social  
9 security act, chapter 531, 49 Stat 620.

10           (p) Benefits are not payable to an individual based upon his  
11 or her services as a school crossing guard for any week of  
12 unemployment that begins between 2 successive academic years or  
13 terms, if that individual performs the services of a school  
14 crossing guard in the first of the academic years or terms and has  
15 a reasonable assurance that he or she will perform those services  
16 in the second of the academic years or terms.

17           (q) The extension of benefits for claims for weeks beginning  
18 after January 1, 2021 but before April 1, 2021 as described in  
19 subsection (d) does not take effect unless \$220,000,000.00 or more  
20 is appropriated as provided for in Senate Bill No. 748 of the 100th  
21 Legislature for deposit into the unemployment compensation fund to  
22 cover the extension of benefits. After March 1, 2021, from the  
23 funds appropriated in Senate Bill No. 748 of the 100th Legislature  
24 for Michigan unemployment compensation funds, \$220,000,000.00 shall  
25 be deposited into the unemployment compensation fund for the sole  
26 purpose of funding the extension of benefits for claims for weeks  
27 beginning after January 1, 2021 but before April 1, 2021 as  
28 described in subsection (d). If federal funds are available and  
29 expenditures are allowable under federal law, expenditures of

1 federal funds under this subsection shall occur before the  
2 expenditure of state general fund appropriations made for the same  
3 purpose described in this subsection. State general fund  
4 appropriations replaced by federal expenditures authorized under  
5 this subsection shall revert to the general fund.

6 Enacting section 1. This amendatory act is retroactive and  
7 applies to benefit years beginning on or after January 1, 2021.