

HOUSE BILL NO. 4337

February 24, 2021, Introduced by Reps. Witwer, Sabo, Brabec, Cavanagh, Tate, Rabhi, Haadsma, Brenda Carter, Shannon, Sowerby, LaGrand, Sneller, Ellison, Hope, Coleman, Young, Koleszar, Manoogian, Puri, Steenland, Hertel, Aiyash, Cherry, Cambensy, Garza, Tyrone Carter, Steckloff, Peterson, Weiss, Neeley, Hood, Hammoud, Brixie, Scott, Bolden, Stone, Cynthia Johnson, Clemente, Thanedar, Liberati, Kuppa, Breen, 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 46 (MCL 421.46), as amended by 2012 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. (a) Subject to subsections (d) through (f), for
2 benefit years beginning before October 1, 2000, "benefit year"
3 means the period of 52 consecutive calendar weeks beginning the
4 first calendar week in which an individual files a claim in
5 accordance with section 32 and meets all of the following

1 conditions:

2 (1) The individual has earned 20 credit weeks in the 52
3 consecutive calendar weeks before the week he or she files the
4 claim for benefits.

5 (2) The individual is unemployed and meets all requirements of
6 section 28 for the week for which he or she files a claim for
7 benefits.

8 (3) Except for a disqualification under section 29 (8)
9 involving a labor dispute during the individual's most recent
10 period of employment with the most recent employer with whom the
11 individual earned a credit week, the individual is not disqualified
12 or subject to disqualification for the week for which he or she
13 files a claim.

14 (4) The individual does not have a benefit year already in
15 effect at the time of the claim.

16 (b) For benefit years beginning on or after October 1, 2000,
17 "benefit year" means the period of 52 consecutive calendar weeks
18 beginning the first calendar week in which an individual files a
19 claim in accordance with section 32. However, a benefit year shall
20 not be established unless the individual meets either of the
21 following conditions:

22 (1) The total wages paid to the individual in the base period
23 of the claim equals not less than 1.5 times the wages paid to the
24 individual in the calendar quarter of the base period in which the
25 individual was paid the highest wages.

26 (2) The individual was paid wages in 2 or more calendar
27 quarters of the base period totaling at least 20 times the state
28 average weekly wage as determined by the unemployment agency.

29 (c) For benefit years beginning after October 1, 2000, the

1 state average weekly wage for a calendar year shall be computed on
2 the basis of the 12 months ending the June 30 preceding that
3 calendar year. ~~A~~**For benefit years beginning before January 1,**
4 **2021, a** benefit year shall not be established if the individual was
5 not paid wages of at least the state minimum hourly wage multiplied
6 by 388.06 rounded down to the nearest dollar in at least 1 calendar
7 quarter of the base period. **For benefit years beginning on or after**
8 **January 1, 2021, a benefit year shall not be established if the**
9 **individual was not paid wages of at least the state minimum hourly**
10 **wage multiplied by 128 rounded down to the nearest dollar in at**
11 **least 1 calendar quarter of the base period.** A benefit year shall
12 not be established based on base period wages previously used to
13 establish a benefit year that resulted in the payment of benefits.
14 However, if a calendar quarter of the base period contains wages
15 that were previously used to establish a benefit year that resulted
16 in the payment of benefits, a claimant may establish a benefit year
17 using the wages in the remaining calendar quarters from among the
18 first 4 of the last 5 completed calendar quarters, or if a benefit
19 year cannot be established using those quarters, then by using
20 wages from among the last 4 completed calendar quarters. A benefit
21 year shall not be established unless, after the beginning of the
22 immediately preceding benefit year during which the individual
23 received benefits, the individual worked and received remuneration
24 in an amount equal to at least 5 times the individual's most recent
25 state weekly benefit rate in effect during the individual's
26 immediately preceding benefit year. If a quarterly wage report has
27 not been submitted in a timely manner by the employer as provided
28 in section 13 for any of the quarters of the base period, or if
29 wage information is not available for use by the unemployment

1 agency for the most recent completed calendar quarter, the
2 unemployment agency shall obtain and use the claimant's statement
3 of wages paid during the calendar quarters for which the wage
4 reports are missing to establish a benefit year. However, the
5 claimant's statement of wages shall only be used to establish a
6 benefit year if the claimant also provides to the unemployment
7 agency documentary or other evidence of those wages that is
8 satisfactory to the unemployment agency. A determination based on
9 the claimant's statement of wages paid during any of these calendar
10 quarters shall be redetermined if the quarterly wage report from
11 the employer is later received and would result in a change in the
12 claimant's weekly benefit amount or duration, or both, or if the
13 quarterly wage report from the employer later becomes available for
14 use by the unemployment agency and would result in a change in the
15 claimant's benefit amount or duration, or both. If the
16 redetermination results from the employer's failure to submit the
17 quarterly wage report in a timely manner, the redetermination shall
18 be effective as to benefits payable for weeks beginning after the
19 receipt of information not previously submitted by the employer.

20 (d) If an individual files a claim for a 7-day period under
21 section 27(c), his or her benefit year begins the calendar week
22 containing the first day of that 7-day period.

23 (e) If all or part of a claimant's right to benefits during
24 his or her benefit year is canceled under section 62(b), the
25 benefit year is terminated on the effective date of the
26 cancellation.

27 (f) An individual may request a redetermination of his or her
28 benefit rights and cancellation of a previously established benefit
29 year if he or she has not completed a compensable period. Under

1 circumstances described in this subsection, the benefit year begins
2 the first day of the first week in which the request for
3 redetermination of benefit rights is duly filed.

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