

HOUSE BILL NO. 4405

April 29, 2025, Introduced by Reps. O'Neal, Neeley, Hope, Brixie, Weiss, Tate, Martus, McKinney, Rheingans and MacDonell and referred to Committee on Economic Competitiveness.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 27 (MCL 421.27), as amended by 2024 PA 173.

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 or a
3 determination, redetermination, or decision on a new issue holding
4 the individual disqualified or ineligible is made.

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

8 (b)(1) Subject to subsection (f), for benefit years beginning
9 on or after October 1, 2000, an individual's weekly benefit rate is
10 4.1% of the individual's wages paid in the calendar quarter of the
11 base period in which the individual was paid the highest total
12 wages, plus \$6.00 for each dependent as defined in subdivision (4),
13 except as otherwise provided in this subdivision, up to a maximum
14 of 5 dependents, claimed by the individual at the time the
15 individual files a new claim for benefits, except that the
16 individual's maximum weekly benefit rate must not exceed \$362.00
17 before January 1, 2025. The unemployment **insurance** agency shall
18 establish the procedures necessary to verify the number of
19 dependents claimed. An individual who fraudulently claims a
20 dependent is subject to the penalties set forth in sections 54 and
21 54c. For benefit years beginning on or after October 2, 1983, the
22 weekly benefit rate must be adjusted to the next lower multiple of
23 \$1.00. Beginning January 1, 2025, an individual's weekly benefit
24 rate must be calculated in accordance with this subdivision using
25 the following monetary amounts for each dependent, if any, and must
26 not exceed the following maximum weekly benefit rates:

27 (a) For a claim filed on or after January 1, 2025, \$12.66 for
28 each dependent, and the maximum weekly benefit rate must not exceed
29 \$446.00.

(b) For a claim filed on or after January 1, 2026, \$19.33 for each dependent, and the maximum weekly benefit rate must not exceed \$530.00.

(c) For a claim filed on or after January 1, 2027, \$26.00 for each dependent, and the maximum weekly benefit rate must not exceed \$614.00.

(d) For a claim filed on or after January 1, 2028, the adjusted monetary amount established under subsection (r) for each dependent, and the maximum weekly benefit rate must not exceed the adjusted maximum weekly benefit rate established under subsection (r).

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

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

(a) A child, including stepchild, adopted child, or grandchild of the individual who is under 18 years of age, or 18 years of age or over if, because of physical or mental infirmity, the child is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college

or university and has not attained the age of 22.

(b) The ~~husband or wife~~ **spouse** of the individual.

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

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

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

(a) A child, including stepchild, adopted child, or grandchild of the individual who is under 18 years of age, or 18 years of age and over if, because of physical or mental infirmity, the child is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college

or university and has not attained the age of 22.

(b) The ~~husband or wife~~ **spouse** of the individual.

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

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

(5) The number of dependents established for an individual at the beginning of the benefit year remains in effect during the entire benefit year.

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

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

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

(1) Each eligible individual must be paid a weekly benefit

1 rate for a week that the individual earns or receives no
2 remuneration. Notwithstanding the definition of week in section 50,
3 if within 2 consecutive weeks in which an individual was not
4 unemployed within the meaning of section 48 there was a period of 7
5 or more consecutive days for which the individual did not earn or
6 receive remuneration, that period is considered a week for benefit
7 purposes under this act if a claim for benefits for that period is
8 filed not later than 30 days after the end of the period.

9 (2) An eligible individual's weekly benefit rate is reduced at
10 the rate of 50 cents for each whole \$1.00 of remuneration in which
11 the eligible individual earns or receives remuneration in that
12 benefit week. The weekly benefit rate is not reduced under this
13 subdivision for remuneration received for on-call or training
14 services as a volunteer firefighter, if the volunteer firefighter
15 receives less than \$10,000.00 in a calendar year for services as a
16 volunteer firefighter.

17 (3) The total benefits and earnings for an individual who
18 receives or earns partial remuneration may not exceed 1-1/2 times
19 ~~his or her~~ **the individual's** weekly benefit amount. The individual's
20 benefits are reduced by \$1.00 for each dollar by which the total
21 benefits and earnings exceed 1-1/2 times the individual's weekly
22 benefit amount.

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

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

1 preceding day.

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

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

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

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

17 (d) Subject to subsection (f) and this subsection, the maximum
18 benefit amount payable to an individual in a benefit year for
19 purposes of this section and section 20(d) is the number of weeks
20 of benefits payable to an individual during the benefit year,
21 multiplied by the individual's weekly benefit rate. The number of
22 weeks of benefits payable to an individual is calculated by taking
23 43% of the individual's base period wages and dividing the result
24 by the individual's weekly benefit rate. If the quotient is not a
25 whole or half number, the result is rounded down to the nearest
26 half number. For each eligible individual filing an initial claim
27 on or after January 15, 2012, not more than 20 weeks of benefits or
28 less than 14 weeks of benefits are payable to an individual in a
29 benefit year. For each eligible individual filing an initial claim

1 on or after ~~the effective date of the amendatory act that added~~
 2 ~~this sentence, April 2, 2025,~~ not more than 26 weeks of benefits or
 3 less than 14 weeks of benefits are payable to an individual in a
 4 benefit year. The limitation of total benefits set forth in this
 5 subsection does not apply to claimants declared eligible for
 6 training benefits in accordance with subsection (g).

7 Notwithstanding any other provision of this act, and subject to
 8 subsection (q), with respect to benefit years and claims for weeks
 9 beginning before April 1, 2021, for each eligible individual who
 10 files a claim for benefits and establishes a benefit year, not more
 11 than 26 weeks of benefits or less than 14 weeks of benefits may be
 12 payable to an individual in a benefit year.

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

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

1 subdivision (5) is in effect. Except as otherwise provided in this
2 subsection, all other provisions of this act continue to apply in
3 connection with the benefit claims of those retired individuals.

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

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

23 (c) If the unemployment benefit payable under this act would
24 be chargeable to an employer ~~who~~**that** has not contributed to the
25 financing of a retirement plan under which the claimant is
26 receiving or will receive a retirement benefit, then the weekly
27 benefit rate of the claimant as otherwise established under this
28 act is not reduced because the claimant is receiving or will
29 receive 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 **that** has contributed to the financing of a retirement plan under
5 which the claimant is receiving or will receive a retirement
6 benefit, the adjustments required by subparagraph (a) or (b) apply
7 only to that portion of the weekly benefit rate that would
8 otherwise be 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~~**ensure** prompt payment of
15 benefits, the unemployment **insurance** agency shall determine the pro
16 rata weekly amount yielded by an individual's retirement benefit
17 based on the best information currently available to it. In the
18 absence of fraud, a determination must not be reconsidered unless
19 it is established that the individual's actual retirement benefit
20 in fact differs from the amount determined by \$2.00 or more per
21 week. The reconsideration applies only to benefits that may be
22 claimed after the information on which the reconsideration is based
23 was received by the unemployment **insurance** agency.

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

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 an individual under a plan to which the individual has
10 contributed, the benefit is treated as follows:

11 (i) If the individual has contributed less than 1/2 of the cost
12 of the benefit, then only 1/2 of the benefit is treated as a
13 retirement benefit.

14 (ii) If the individual has contributed 1/2 or more of the cost
15 of the benefit, then none of the benefit is treated as a retirement
16 benefit.

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

22 (5) Notwithstanding any other provision of this subsection,
23 for any week that an individual is receiving a governmental or
24 other pension and claiming unemployment compensation, the weekly
25 benefit amount payable to the individual for those weeks is
26 reduced, but not below zero, by the entire prorated weekly amount
27 of any governmental or other pension, retirement or retired pay,
28 annuity, or any other similar payment that is based on any previous
29 work of the individual. This reduction is made only if it is

1 required as a condition for full tax credit against the tax imposed
2 by the federal unemployment tax act, 26 USC 3301 to 3311.

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

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

27 (b) If any base period employer or chargeable employer has
28 contributed to the financing of a retirement plan under which the
29 claimant is receiving or will receive a retirement benefit yielding

1 a pro rata weekly amount less than the claimant's weekly benefit
2 rate as otherwise established under this act, then the weekly
3 benefit rate otherwise payable to the claimant is reduced by an
4 amount equal to the pro rata weekly amount, adjusted to the next
5 lower multiple of \$1.00, that the claimant is receiving or will
6 receive as a retirement benefit.

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

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

26 (h) A payment of accrued unemployment benefits is not payable
27 to an eligible individual or in behalf of that individual as
28 provided in subsection (e) more than 6 years after the ending date
29 of the benefit year covering the payment or 2 calendar years after

1 the calendar year in which there is final disposition of a
2 contested case, whichever is later.

3 (i) Benefits based on service in employment described in
4 section 42(8), (9), and (10) are payable in the same amount, on the
5 same terms, and subject to the same conditions as compensation
6 payable on the basis of other service subject to this act, except
7 that all of the following apply:

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

26 (2) ~~For~~**Except as provided in subdivision (5), for** service
27 performed in other than an instructional, research, or principal
28 administrative capacity for an institution of higher education as
29 defined in section 53(2) or for an educational institution other

1 than an institution of higher education as defined in section
2 53(3), benefits are not payable based on those services for any
3 week of unemployment that commences during the period between 2
4 successive academic years or terms to any individual if that
5 individual performs the service in the first of the academic years
6 or terms and if there is a reasonable assurance that the individual
7 will perform the service for an institution of higher education or
8 an educational institution other than an institution of higher
9 education in the second of the academic years or terms.

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

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

27 (5) The unemployment **insurance** agency shall not deny benefits
28 based on services in other than an instructional, research, or
29 principal administrative capacity **or, if the individual receives an**

1 annual salary that is less than the federal poverty level for a
2 family of 4 individuals, based on services in an instructional,
3 research, or principal administrative capacity for an institution
4 of higher education or for an educational institution other than an
5 institution of higher education for any week of unemployment
6 commencing during the period between 2 successive academic years or
7 terms solely because the individual had performed the service in
8 the first of the academic years or terms and there is reasonable
9 assurance that the individual will perform the service for an
10 institution of higher education or an educational institution other
11 than an institution of higher education in the second of the
12 academic years or terms, unless a denial is required as a condition
13 for full tax credit against the tax imposed by the federal
14 unemployment tax act, 26 USC 3301 to 3311. **As used in this**
15 **subdivision, "federal poverty level" means that term as defined in**
16 **section 2 of the individual or family development account program**
17 **act, 2006 PA 513, MCL 206.902.**

18 (6) For benefit years established before October 1, 2000, and
19 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) nor does the
22 denial prevent an individual from receiving benefits based on
23 service with an employer other than an educational institution for
24 any week of unemployment occurring between academic years or terms,
25 whether or not successive, or during an established and customary
26 vacation period or holiday recess, even though the employer is not
27 the most recent chargeable employer in the individual's base
28 period. However, in that case section 20(b) applies to the sequence
29 of benefit charging, except for the employment with the educational

1 institution. When a denial of benefits under subdivision (1) no
2 longer applies, benefits are charged in accordance with the normal
3 sequence of charging as provided in section 20(b).

4 (7) For benefit years beginning on or after October 1, 2000,
5 and notwithstanding subdivisions (1), (2), and (3), the denial of
6 benefits does not prevent an individual from completing
7 requalifying weeks in accordance with section 29(3) and does not
8 prevent an individual from receiving benefits based on service with
9 another base period employer other than an educational institution
10 for any week of unemployment occurring between academic years or
11 terms, whether or not successive, or during an established and
12 customary vacation period or holiday recess. However, if benefits
13 are paid based on service with 1 or more base period employers
14 other than an educational institution, the individual's weekly
15 benefit rate is calculated in accordance with subsection (b)(1) but
16 during the denial period the individual's weekly benefit payment is
17 reduced by the portion of the payment attributable to base period
18 wages paid by an educational institution and the account or
19 experience account of the educational institution is not charged
20 for benefits payable to the individual. When a denial of benefits
21 under subdivision (1) is no longer applicable, benefits are paid
22 and charged on the basis of base period wages with each of the base
23 period employers including the educational institution.

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

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

9 (j) Benefits are not payable to an individual on the basis of
10 any base period services, substantially all of which consist of
11 participating in sports or athletic events or training or preparing
12 to participate, for a week that commences during the period between
13 2 successive sport seasons or similar periods if the individual
14 performed the services in the first of the seasons or similar
15 periods and there is a reasonable assurance that the individual
16 will perform the services in the later of the seasons or similar
17 periods.

18 (k)(1) Benefits are not payable on the basis of services
19 performed by an alien unless the alien is an individual who was
20 lawfully admitted for permanent residence at the time the services
21 were performed, was lawfully present for the purpose of performing
22 the services, or was permanently residing in the United States
23 under color of law at the time the services were performed,
24 including an alien who was lawfully present in the United States
25 under section 212(d)(5) of the immigration and nationality act, 8
26 USC 1182.

27 (2) Any data or information required of individuals applying
28 for benefits to determine whether benefits are payable because of
29 their alien status are uniformly required from all applicants for

1 benefits.

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

6 (m)(1) An individual filing a new claim for unemployment
7 compensation under this act, at the time of filing the claim, shall
8 disclose whether the individual owes child support obligations as
9 defined in this subsection. If an individual discloses that ~~he or~~
10 ~~she~~ **the individual** owes child support obligations and is determined
11 to be eligible for unemployment compensation, the unemployment
12 **insurance** agency shall notify the state or local child support
13 enforcement agency enforcing the obligation that the individual has
14 been determined to be eligible for unemployment compensation.

15 (2) Notwithstanding section 30, the unemployment **insurance**
16 agency shall deduct and withhold from any unemployment compensation
17 payable to an individual who owes child support obligations by
18 using whichever of the following methods results in the greatest
19 amount:

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

22 (b) The amount, if any, determined pursuant to an agreement
23 submitted to the unemployment **insurance** agency under 42 USC
24 654(19)(B)(i), by the state or local child support enforcement
25 agency.

26 (c) Any amount otherwise required to be deducted and withheld
27 from unemployment compensation by legal process, as that term is
28 defined in 42 USC 659(i)(5), properly served upon the unemployment
29 **insurance** agency.

1 (3) The amount of unemployment compensation subject to
2 deduction under subdivision (2) is that portion that remains
3 payable to the individual after application of the recovery
4 provisions of section 62(a) and the reduction provisions of
5 subsections (c) and (f).

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

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

14 (6) Provisions concerning deductions under this subsection
15 apply only if the state or local child support enforcement agency
16 agrees in writing to reimburse and does reimburse the unemployment
17 **insurance** agency for the administrative costs incurred by the
18 unemployment **insurance** agency under this subsection that are
19 attributable to child support obligations being enforced by the
20 state or local child support enforcement agency. The administrative
21 costs incurred are determined by the unemployment **insurance** agency.
22 The unemployment **insurance** agency, in its discretion, may require
23 payment of administrative costs in advance.

24 (7) As used in this subsection:

25 (a) "Unemployment compensation", for purposes of subdivisions
26 (1) to (5), means any compensation payable under this act,
27 including amounts payable by the unemployment **insurance** agency
28 pursuant to an agreement under any federal law providing for
29 compensation, assistance, or allowances with respect to

1 unemployment.

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

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

9 (n) Subsection (i)(2) applies to services performed by school
10 bus drivers employed by a private contributing employer holding a
11 contractual relationship with an educational institution, but only
12 if at least 75% of the individual's base period wages with that
13 employer are attributable to services performed as a school bus
14 driver. Subsection (i)(1), ~~and (2)~~, **and (5)** but not subsection
15 (i)(3) applies to other services described in those subdivisions
16 that are performed by any employees under an employer's contract
17 with an educational institution or an educational service agency.

18 (o)(1) Benefits based on services by a seasonal worker
19 performed in seasonal employment are payable only for weeks of
20 unemployment that occur during the normal seasonal work period.
21 Benefits are not payable based on services performed in seasonal
22 employment for any week of unemployment that begins during the
23 period between 2 successive normal seasonal work periods to any
24 individual if that individual performs the service in the first of
25 the normal seasonal work periods and if there is a reasonable
26 assurance that the individual will perform the service for a
27 seasonal employer in the second of the normal seasonal work
28 periods. If benefits are denied to an individual for any week
29 solely as a result of this subsection and the individual is not

1 offered an opportunity to perform in the second normal seasonal
2 work period for which reasonable assurance of employment had been
3 given, the individual is entitled to a retroactive payment of
4 benefits under this subsection for each week that the individual
5 previously filed a timely claim for benefits. An individual may
6 apply for any retroactive benefits under this subsection in
7 accordance with R 421.210 of the Michigan Administrative Code.

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

26 (3) If the unemployment **insurance** agency determines that an
27 employer is a seasonal employer, the employer shall conspicuously
28 display on its premises a notice that includes the determination,
29 the beginning and ending dates of the employer's normal seasonal

1 work periods, and a statement that an employee must timely apply
 2 for unemployment benefits at the end of a first seasonal work
 3 period to preserve ~~his or her~~ **the employee's** right to receive
 4 retroactive unemployment benefits if ~~he or she~~ **the employee** is not
 5 reemployed by the seasonal employer in the second of the normal
 6 seasonal work periods. The unemployment **insurance** agency shall
 7 provide the notice to the employer.

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

19 (5) An employer ~~whose~~ **that has its** status as a seasonal
 20 employer ~~is~~ terminated under subdivision (4) may not reapply for a
 21 seasonal employer status determination until after a regularly
 22 recurring normal seasonal work period has begun and ended.

23 (6) If a seasonal employer informs an employee who received
 24 assurance of being rehired that, despite the assurance, the
 25 employee will not be rehired at the beginning of the employer's
 26 next normal seasonal work period, this subsection does not prevent
 27 the employee from receiving unemployment benefits in the same
 28 manner and to the same extent ~~he or she~~ **the employee** would receive
 29 benefits under this act from an employer ~~who~~ **that** has not been

1 determined to be a seasonal employer.

2 (7) A successor of a seasonal employer is considered to be a
3 seasonal employer unless the successor provides the unemployment
4 **insurance** agency, within 120 days after the transfer, with a
5 written request for termination of its status as a seasonal
6 employer in accordance with subdivision (4).

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

15 (9) As used in this subsection:

16 (a) "Construction industry" means the work activity designated
17 in sector group 23 - construction of the North American
18 Classification System - United States Office of Management and
19 Budget, 1997 edition.

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

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

28 (d) "Seasonal employer" means an employer, other than an
29 employer in the construction industry, ~~who~~**that** applies to the

1 unemployment **insurance** agency for designation as a seasonal
 2 employer and ~~who~~**that** the unemployment **insurance** agency determines
 3 is an employer ~~whose~~**that has** operations and business **that** require
 4 employees engaged in seasonal employment. A seasonal employer
 5 designation under this act need not correspond to a category
 6 assigned under the North American Classification System - United
 7 States Office of Management and Budget.

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

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

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

27 (q) The extension of benefits for claims for weeks beginning
 28 after January 1, 2021 but before April 1, 2021 as described in
 29 subsection (d) does not take effect unless \$220,000,000.00 or more

1 is appropriated as provided for in Senate Bill No. 748 of the 100th
2 Legislature for deposit into the unemployment compensation fund to
3 cover the extension of benefits. After March 1, 2021, from the
4 funds appropriated in Senate Bill No. 748 of the 100th Legislature
5 for Michigan unemployment compensation funds, \$220,000,000.00 shall
6 be deposited into the unemployment compensation fund for the sole
7 purpose of funding the extension of benefits for claims for weeks
8 beginning after January 1, 2021 but before April 1, 2021 as
9 described in subsection (d). If federal funds are available and
10 expenditures are allowable under federal law, expenditures of
11 federal funds under this subsection shall occur before the
12 expenditure of state general fund appropriations made for the same
13 purpose described in this subsection. State general fund
14 appropriations replaced by federal expenditures authorized under
15 this subsection shall revert to the general fund.

16 (r) At the end of each calendar year after December 31, 2026,
17 the state treasurer shall adjust the monetary amount for each
18 dependent and the maximum weekly benefit rate in subsection (b)(1)
19 by an amount determined by the state treasurer to reflect the
20 cumulative annual percentage change in the Consumer Price Index. As
21 used in this subsection, "Consumer Price Index" means the most
22 comprehensive index of consumer prices available for this state
23 from the Bureau of Labor Statistics of the United States Department
24 of Labor.