

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 886**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28, 28c, 28d, 29, 32, 48, and 64 (MCL 421.17, 421.27, 421.28, 421.28c, 421.28d, 421.29, 421.32, 421.48, and 421.64), sections 17, 48, and 64 as amended by 2011 PA 269, sections 27 and 32 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, section 28d as added by 2012 PA 216, and section 29 as amended by 2013 PA 146, and by adding sections 32c and 32d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) The unemployment agency shall maintain in the
2 unemployment compensation fund a nonchargeable benefits account and
3 a separate experience account for each employer as provided in this



1 section. This act does not give an employer or individuals in the
2 employer's service prior claims or rights to the amount paid by the
3 employer to the unemployment compensation fund. All contributions
4 to that fund shall be pooled and available to pay benefits to any
5 individual entitled to the benefits under this act, irrespective of
6 the source of the contributions.

7 (2) The nonchargeable benefits account shall be credited with
8 the following:

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

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

16 (c) The proceeds of the nonchargeable benefits component of
17 employers' contribution rates determined as provided in section
18 19(a) (5).

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

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

24 (f) All benefits improperly paid to claimants that have been
25 recovered and that were previously charged to an employer's
26 account.

27 (g) Any benefits forfeited by an individual by application of
28 section 62(b).

29 (h) The amount of any benefit check, any employer refund



1 check, any claimant restitution refund check, or other payment duly
2 issued that has not been presented for payment within 1 year after
3 the date of issue.

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

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

8 (k) Amounts transferred from the contingent fund under section
9 10.

10 (3) The nonchargeable benefits account shall be charged with
11 the following:

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

16 (b) Refunds of amounts erroneously collected due to the
17 nonchargeable benefits component of an employer's contribution
18 rate.

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

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

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

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



1 subsection (8).

2 (g) All benefits determined to have been improperly paid to
3 claimants that have been credited to employers' accounts in
4 accordance with section 20(a).

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

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

14 (j) All benefits that become nonchargeable to an employer
15 under section 19(b) or (c), 29(1)(a)(ii) or (iii) or (3), or 42a.

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

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

28 (m) Benefits otherwise chargeable to the account of an
29 employer when the benefits are payable solely on the basis of



1 combining wages paid by a Michigan employer with wages paid by a
2 non-Michigan employer under the interstate arrangement for
3 combining employment and wages under 20 CFR 616.1 to 616.11.

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

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

28 (6) If an employer's status as a reimbursing employer is
29 terminated within 6 years after the date the employer's experience



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

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

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



1 account. An appropriation shall not be made under this subsection
2 for an amount that exceeds the "adjusted balance" of the
3 nonchargeable benefits account on the most recent computation date.
4 Appropriations made under this subsection shall limit the total
5 amount that may be obligated by the unemployment agency during a
6 fiscal year to an amount that does not exceed the amount by which
7 the aggregate of the amounts credited to the nonchargeable benefits
8 account under this subsection during the fiscal year and the 24
9 preceding fiscal years, exceeds the aggregate of the amounts
10 obligated by the unemployment agency by appropriation under this
11 subsection and charged against the amounts thus credited to the
12 nonchargeable benefits account during any of the 25 fiscal years
13 and any amounts credited to the nonchargeable benefits account that
14 have been used for the payment of benefits.

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

21 Sec. 27. (a) (1) When a determination, redetermination, or
22 decision is made that benefits are due an unemployed individual,
23 the benefits become payable from the fund and continue to be
24 payable to the unemployed individual, subject to the limitations
25 imposed by the individual's monetary entitlement, if the individual
26 continues to be unemployed and to file claims for benefits, until
27 the determination, redetermination, or decision is reversed, a
28 determination, redetermination, or decision on a new issue holding
29 the individual disqualified or ineligible is made, or, for benefit



1 years beginning before October 1, 2000, a new separation issue
2 arises resulting from subsequent work.

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

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

28 (2) For benefit years beginning before October 1, 2000, the
29 state average weekly wage for a calendar year is computed on the



1 basis of the 12 months ending the June 30 immediately before that
2 calendar year.

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

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

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

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

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



1 than 22 years of age.

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

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

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

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

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



1 (5) The number of dependents established for an individual at
2 the beginning of the benefit year shall remain in effect during the
3 entire benefit year.

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

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

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

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

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



1 the rate of 50 cents for each whole \$1.00 of remuneration in which
2 the eligible individual earns or receives remuneration in that
3 benefit week. The weekly benefit rate is not reduced under this
4 subdivision for remuneration received for on-call or training
5 services as a volunteer firefighter, if the volunteer firefighter
6 receives less than \$10,000.00 in a calendar year for services as a
7 volunteer firefighter.

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

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

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

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



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

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

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

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



1 benefit years and claims for weeks beginning before January 1,
2 2021, for each eligible individual who files a claim for benefits
3 and establishes a benefit year, not more than 26 weeks of benefits
4 or less than 14 weeks of benefits may be payable to an individual
5 in a benefit year.

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

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

25 (a) If and to the extent that unemployment benefits payable
26 under this act would be chargeable to an employer who has
27 contributed to the financing of a retirement plan under which the
28 claimant is receiving or will receive a retirement benefit yielding
29 a pro rata weekly amount equal to or larger than the claimant's



1 weekly benefit rate as otherwise established under this act, the
2 claimant must not receive unemployment benefits that would be
3 chargeable to the employer under this act.

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

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

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

29 (2) If an individual's weekly benefit rate under this act was



1 established before the period for which the individual first
 2 receives a retirement benefit, any benefits received after a
 3 retirement benefit becomes payable must be determined in accordance
 4 with the formula stated in this subsection.

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

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

18 (i) Provided as an incident of employment under an established
 19 retirement plan, policy, or agreement, including federal ~~social~~
 20 ~~security~~ **Social Security** if subdivision (5) is in effect.

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

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



1 contributed:

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

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

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

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

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



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

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

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

25 (c) If no base period or separating employer has contributed
26 to the 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 shall not be reduced due to receipt of a retirement benefit.



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

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

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

25 (1) With respect to service performed in an instructional,
26 research, or principal administrative capacity for an institution
27 of higher education as defined in section 53(2), or for an
28 educational institution other than an institution of higher
29 education as defined in section 53(3), benefits are not payable to



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

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

27 (3) With respect to any service described in subdivision (1)
28 or (2), benefits are not payable to an individual based upon
29 service for any week of unemployment that commences during an



1 established and customary vacation period or holiday recess if the
2 individual performs the service in the period immediately before
3 the vacation period or holiday recess and there is a contract or
4 reasonable assurance that the individual will perform the service
5 in the period immediately following the vacation period or holiday
6 recess.

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

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

29 (6) For benefit years established before October 1, 2000, and



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

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



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

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

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

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



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

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

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

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

27 (2) Notwithstanding section 30, the unemployment agency shall
28 deduct and withhold from any unemployment compensation payable to
29 an individual who owes child support obligations by using whichever



1 of the following methods results in the greatest amount:

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

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

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

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

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

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

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



1 determined by the unemployment agency. The unemployment agency, in
2 its discretion, may require payment of administrative costs in
3 advance.

4 (7) As used in this subsection:

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

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

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

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

26 (o)(1) For weeks of unemployment beginning after July 1, 1996,
27 unemployment benefits based on services by a seasonal worker
28 performed in seasonal employment are payable only for weeks of
29 unemployment that occur during the normal seasonal work period.



1 Benefits are not payable based on services performed in seasonal
2 employment for any week of unemployment beginning after March 28,
3 1996 that begins during the period between 2 successive normal
4 seasonal work periods to any individual if that individual performs
5 the service in the first of the normal seasonal work periods and if
6 there is a reasonable assurance that the individual will perform
7 the service for a seasonal employer in the second of the normal
8 seasonal work periods. If benefits are denied to an individual for
9 any week solely as a result of this subsection and the individual
10 is not offered an opportunity to perform in the second normal
11 seasonal work period for which reasonable assurance of employment
12 had been given, the individual is entitled to a retroactive payment
13 of benefits under this subsection for each week that the individual
14 previously filed a timely claim for benefits. An individual may
15 apply for any retroactive benefits under this subsection in
16 accordance with R 421.210 of the Michigan Administrative Code.

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



1 benefits, and the facts found and decision issued in the
2 determination, redetermination, or decision is conclusive unless
3 substantial evidence to the contrary is introduced by or on behalf
4 of the claimant.

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

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

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

29 (6) If a seasonal employer informs an employee who received



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

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

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

21 (9) As used in this subsection:

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

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



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

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

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

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

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



1 a reasonable assurance that he or she will perform those services
2 in the second of the academic years or terms.

3 Sec. 28. (1) An unemployed individual is eligible to receive
4 benefits with respect to any week only if the unemployment agency
5 finds all of the following:

6 (a) The individual has registered for work and has continued
7 to report pursuant to unemployment agency rules and is actively
8 engaged in seeking work. The requirements that the individual must
9 report, must register for work, must be available to perform
10 suitable full-time work, and must seek work may be waived by the
11 unemployment agency if the individual is laid off and the employer
12 who laid the individual off notifies the unemployment agency in
13 writing or by computerized data exchange that the layoff is
14 temporary and that work is expected to be available for the
15 individual within a declared number of days, not to exceed 45
16 calendar days following the last day the individual worked. This
17 waiver is not effective unless the notification from the employer
18 is received by the unemployment agency before the individual has
19 completed his or her first compensable week following layoff. If
20 the individual is not recalled within the specified period, the
21 waiver ceases to be operative with respect to that layoff. Except
22 for a period of disqualification, the requirement that the
23 individual shall seek work may be waived by the unemployment agency
24 if it finds that suitable work is unavailable both in the locality
25 where the individual resides and in those localities in which the
26 individual has earned wages during or after the base period. This
27 waiver does not apply to a claimant enrolled and attending classes
28 as a full-time student. An individual is considered to have
29 satisfied the requirement of personal reporting at an employment



1 office, as applied to a week in a period during which the
2 requirements of registration and seeking work have been waived by
3 the unemployment agency pursuant to this subdivision, if the
4 individual has satisfied the personal reporting requirement with
5 respect to a preceding week in that period and the individual has
6 reported with respect to the week by mail pursuant to the rules
7 promulgated by the unemployment agency.

8 (b) The individual has made a claim for benefits pursuant to
9 section 32 and has provided the unemployment agency with all of the
10 following:

11 (i) His or her Social Security number.

12 (ii) His or her driver license number, and the state that
13 issued the license, or state identification card number, and the
14 state that issued the identification card, or copies of the
15 acceptable documents as provided in the Form I-9.

16 (iii) If the unemployment agency has requested them, copies of
17 the acceptable documents as provided in the Form I-9. As used in
18 this subdivision, "Form I-9" means the employment verification form
19 that fulfills the employment verification obligations under 8 CFR
20 274a.2.

21 (c) The individual is able and available to appear at a
22 location of the unemployment agency's choosing for evaluation of
23 eligibility for benefits, if required, and to perform suitable
24 full-time work of a character that the individual is qualified to
25 perform by past experience or training, which is of a character
26 generally similar to work for which the individual has previously
27 received wages, and for which the individual is available, full
28 time, either at a locality at which the individual earned wages for
29 insured work during his or her base period or at a locality where



1 it is found by the unemployment agency that such work is available.
2 An individual is considered unavailable for work under any of the
3 following circumstances:

4 (i) The individual fails during a benefit year to notify or
5 update a chargeable employer with telephone, electronic mail, or
6 other information sufficient to allow the employer to contact the
7 individual about available work.

8 (ii) The individual fails, without good cause, to respond to
9 the unemployment agency within 14 calendar days of the later of the
10 mailing of a notice to the address of record requiring the
11 individual to contact the unemployment agency or of the leaving of
12 a telephone message requesting a return call and providing a return
13 name and telephone number on an automated answering device or with
14 an individual answering the telephone number of record.

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

20 (d) In the event of the death of an individual's immediate
21 family member, the eligibility requirements of availability and
22 reporting are waived for the day of the death and for 4 consecutive
23 calendar days thereafter. As used in this subdivision, "immediate
24 family member" means a spouse, child, stepchild, adopted child,
25 grandchild, parent, grandparent, brother, or sister of the
26 individual or his or her spouse. It shall also include the spouse
27 of any of the persons specified in the previous sentence.

28 (e) The individual participates in reemployment services, such
29 as job search assistance services, if the individual has been



1 determined or redetermined by the unemployment agency to be likely
2 to exhaust regular benefits and need reemployment services pursuant
3 to a profiling system established by the unemployment agency.

4 (2) The unemployment agency may authorize an individual with
5 an unexpired benefit year to pursue vocational training or
6 retraining only if the unemployment agency finds all of the
7 following:

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

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

14 (c) The training course has been approved by a local advisory
15 council on which both management and labor are represented, or if
16 there is no local advisory council, by the unemployment agency.

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

19 (e) The vocational training course has been approved by the
20 state board of education and is maintained by a public or private
21 school or by the unemployment agency.

22 (3) Notwithstanding any other provision of this act, an
23 otherwise eligible individual is not ineligible for benefits
24 because he or she is participating in training with the approval of
25 the unemployment agency. For each week that the unemployment agency
26 finds that an individual who is claiming benefits under this act
27 and who is participating in training with the approval of the
28 unemployment agency, is satisfactorily pursuing an approved course
29 of vocational training, it shall waive the requirements that he or



1 she be available for work and be seeking work as prescribed in
 2 subsection (1) (a) and (c), and it shall find good cause for his or
 3 her failure to apply for suitable work, report to a former employer
 4 for an interview concerning suitable work, or accept suitable work
 5 as required in section 29(1) (c), (d), and (e).

6 ~~(4) The waiver of the requirement that a claimant seek work~~
 7 ~~under subsection (1) (a) is not applicable to weeks of unemployment~~
 8 ~~for which the claimant is claiming extended benefits and to which~~
 9 ~~section 64(7) (a) (ii) applies, unless the individual is participating~~
 10 ~~in training approved by the unemployment agency.~~

11 **(4)** ~~(5)~~ Notwithstanding any other provisions of this act, an
 12 otherwise eligible individual must not be denied benefits solely
 13 because the individual is in training approved under section
 14 236(a) (1) of the trade act of 1974, 19 USC 2296, nor shall the
 15 individual be denied benefits by reason of leaving work to enter
 16 such training if the work left is not suitable employment.
 17 Furthermore, an otherwise eligible individual must not be denied
 18 benefits because of the application to any such week in training of
 19 provisions of this act, or any applicable federal unemployment
 20 compensation law, relating to availability for work, active search
 21 for work, or refusal to accept work. For purposes of this
 22 subsection, "suitable employment" means, with respect to an
 23 individual, work of a substantially equal or higher skill level
 24 than the individual's past adversely affected employment, as
 25 defined for purposes of the trade act of 1974, 19 USC 2101 to
 26 2497b, and wages for that work at not less than 80% of the
 27 individual's average weekly wage as determined for the purposes of
 28 the trade act of 1974, 19 USC 2101 to 2497b.

29 **(5)** ~~(6)~~ Except as otherwise provided in subsection ~~(7)~~, **(6)**,



1 for purposes of this section, for benefit years beginning on or
 2 after January 1, 2013, to be actively engaged in seeking work, an
 3 individual must conduct a systematic and sustained search for work
 4 in each week the individual is claiming benefits, using any of the
 5 following methods to report the details of the work search:

6 (a) Reporting at monthly intervals on the unemployment
 7 agency's online reporting system the name of each employer and
 8 physical or online location of each employer where work was sought
 9 and the date and method by which work was sought with each
 10 employer.

11 (b) Filing a written report with the unemployment agency by
 12 mail or facsimile transmission not later than the end of the fourth
 13 calendar week after the end of the week in which the individual
 14 engaged in the work search, on a form approved by the unemployment
 15 agency, indicating the name of each employer and physical or online
 16 location of each employer where work was sought and the date and
 17 method by which work was sought with each employer.

18 (c) Appearing at least monthly in person at a Michigan works
 19 agency office to report the name and physical or online location of
 20 each employer where the individual sought work during the previous
 21 month and the date and method by which work was sought with each
 22 employer.

23 (6) ~~(7)~~ For purposes of this section, beginning on ~~the~~
 24 ~~effective date of the amendatory act that added this subsection,~~
 25 **April 2, 2020**, to be actively engaged in seeking work, an
 26 individual must conduct a systematic and sustained search for work
 27 in each week the individual is claiming benefits and must report to
 28 the unemployment agency the details of the work search at least
 29 once every 2 weeks or, if the unemployment agency prescribes a



1 shorter reporting period, the reporting period prescribed by the
2 unemployment agency. An individual may conduct a systematic and
3 sustained search for work by doing any of the following:

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

6 (i) Participate in reemployment services and eligibility
7 assessment activities.

8 (ii) Identify the skills the individual possesses that are
9 consistent with target or demand occupations in the local workforce
10 development area.

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

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

16 (c) Creating a user profile on a professional networking site
17 or using an online career tool. Creating duplicate user profiles or
18 resubmitting or reuploading the same resume to the same
19 professional networking site does not satisfy the requirements of
20 this subdivision.

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

27 (e) Registering for work with a private employment agency or,
28 if it is available to the individual in his or her occupation or
29 profession, the placement facility of a school, college, or



1 university.

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

4 (7) ~~(8)~~—The work search conducted by the claimant is subject
5 to audit by the unemployment agency.

6 (8) ~~(9)~~—The unemployment agency shall request but shall not
7 require an individual who is applying for benefits to submit his or
8 her base period employer's unemployment agency account number and
9 federal employer identification number.

10 (9) ~~(10)~~—The unemployment agency shall use all of the
11 documentation and information provided by an individual applying
12 for benefits to verify the identity of the individual before making
13 an initial payment on the individual's claim.

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

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

22 (b) If the employer is a contributing employer, the employer's
23 reserve in the employer's experience account as of the most recent
24 computation date preceding the date of the employer's application
25 is a positive number.

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

28 (2) An application under this section shall be made in the
29 manner prescribed by the unemployment agency and contain all of the



1 following:

2 (a) The employer's assurance that it will provide reports to
3 the unemployment agency relating to the operation of its shared-
4 work plan at the times and in the manner prescribed by the
5 unemployment agency and containing all information required by the
6 unemployment agency.

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

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

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

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

25 (f) The employer's certification that the implementation of a
26 shared-work plan is in lieu of layoffs that would affect at least
27 15% **or, until December 31, 2020, 10%**, of the employees in the
28 affected unit and would result in an equivalent reduction in work
29 hours.



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

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

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

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

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

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

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

18 (b) All employees in the affected unit are participating
19 employees, except that, ~~the following employees shall not be~~
20 ~~participating employees:~~

21 ~~(i) An employee who has been employed in the affected unit for~~
22 ~~less than 3 months before the date the employer applies for~~
23 ~~approval of the shared-work plan.~~

24 ~~(ii) An~~ **until December 31, 2020, an** employee whose hours of
25 work per week determined under subdivision (e) are 40 or more hours
26 **must not be a participating employee.**

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

29 (d) The participating employees are identified by name and



1 ~~social security~~ **Social Security** number.

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

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

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

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

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

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

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

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

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

28 (b) The reduction percentage shall be the same for all
29 participating employees.



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

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

6 (a) Left work voluntarily without good cause attributable to
7 the employer or employing unit. An individual who left work is
8 presumed to have left work voluntarily without good cause
9 attributable to the employer or employing unit. An individual who
10 is absent from work for a period of 3 consecutive work days or more
11 without contacting the employer in a manner acceptable to the
12 employer and of which the individual was informed at the time of
13 hire shall be considered to have voluntarily left work without good
14 cause attributable to the employer. An individual who becomes
15 unemployed as a result of negligently losing a requirement for the
16 job of which he or she was informed at the time of hire shall be
17 considered to have voluntarily left work without good cause
18 attributable to the employer. An individual claiming benefits under
19 this act has the burden of proof to establish that he or she left
20 work involuntarily or for good cause that was attributable to the
21 employer or employing unit. An individual claiming to have left
22 work involuntarily for medical reasons must have done all of the
23 following before the leaving: secured a statement from a medical
24 professional that continuing in the individual's current job would
25 be harmful to the individual's physical or mental health, ~~+~~
26 unsuccessfully attempted to secure alternative work with the
27 employer, ~~+~~and unsuccessfully attempted to be placed on a leave of
28 absence with the employer to last until the individual's mental or
29 physical health would no longer be harmed by the current job.



1 Notwithstanding any other provision of this act, with respect to
 2 claims for weeks beginning before January 1, 2021, an individual is
 3 considered to have left work involuntarily for medical reasons if
 4 he or she leaves work to self-isolate or self-quarantine in
 5 response to elevated risk from COVID-19 because he or she is
 6 immunocompromised, displayed a commonly recognized principal
 7 symptom of COVID-19 that was not otherwise associated with a known
 8 medical or physical condition of the individual, had contact in the
 9 last 14 days with an individual with a confirmed diagnosis of
 10 COVID-19, needed to care for an individual with a confirmed
 11 diagnosis of COVID-19, or had a family care responsibility that was
 12 the result of a government directive regarding COVID-19.

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

27 (i) The individual has an established benefit year in effect
 28 and during that benefit year leaves unsuitable work within 60 days
 29 after the beginning of that work. Benefits paid after a leaving



1 under this subparagraph shall not be charged to the experience
2 account of the employer the individual left, but shall be charged
3 instead to the nonchargeable benefits account.

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

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

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

23 (c) Failed without good cause to apply diligently for
24 available suitable work after receiving notice from the
25 unemployment agency of the availability of that work or failed to
26 apply for work with employers that could reasonably be expected to
27 have suitable work available.

28 (d) Failed without good cause while unemployed to report to
29 the individual's former employer or employing unit within a



1 reasonable time after that employer or employing unit provided
 2 notice of the availability of an interview concerning available
 3 suitable work with the former employer or employing unit.

4 (e) Failed without good cause to accept suitable work offered
 5 to the individual or to return to the individual's customary self-
 6 employment, if any, when directed by the employment office or the
 7 unemployment agency. An employer that receives a monetary
 8 determination under section 32 may notify the unemployment agency
 9 regarding the availability of suitable work with the employer on
 10 the monetary determination or other form provided by the
 11 unemployment agency. Upon receipt of the notice of the availability
 12 of suitable work, the unemployment agency shall notify the claimant
 13 of the availability of suitable work. ~~Until 1 year after the~~
 14 ~~effective date of the amendatory act that added this sentence, an~~
 15 ~~individual is considered to have refused an offer of suitable work~~
 16 ~~if the prospective employer requires as a condition of the offer a~~
 17 ~~drug test that is subject to the same terms and conditions as a~~
 18 ~~drug test administered under subdivision (m), and the employer~~
 19 ~~withdraws the conditional offer after either of the following:~~

20 ~~(i) The individual tests positive for a controlled substance~~
 21 ~~and lacks a valid, documented prescription, as defined in section~~
 22 ~~17708 of the public health code, 1978 PA 368, MCL 333.17708, for~~
 23 ~~the controlled substance issued to the individual by his or her~~
 24 ~~treating physician.~~

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

27 (f) Lost his or her job due to absence from work resulting
 28 from a violation of law for which the individual was convicted and
 29 sentenced to jail or prison. This subdivision does not apply if



1 conviction of an individual results in a sentence to county jail
2 under conditions of day parole as provided in 1962 PA 60, MCL
3 801.251 to 801.258, or if the conviction was for a traffic
4 violation that resulted in an absence of less than 10 consecutive
5 work days from the individual's place of employment.

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

9 (i) A strike or other concerted action in violation of an
10 applicable collective bargaining agreement that results in
11 curtailment of work or restriction of or interference with
12 production.

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

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

17 (i) Was discharged for theft connected with the individual's
18 work.

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

21 (k) Committed a theft after receiving notice of a layoff or
22 discharge, but before the effective date of the layoff or
23 discharge, resulting in loss or damage to the employer who would
24 otherwise be chargeable for the benefits, regardless of whether the
25 individual qualified for the benefits before the theft.

26 (l) Was employed by a temporary help firm, which as used in
27 this section means an employer whose primary business is to provide
28 a client with the temporary services of 1 or more individuals under
29 contract with the employer, to perform services for a client of



1 that firm if each of the following conditions is met:

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

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

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

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

18 (m) Was discharged for illegally ingesting, injecting,
19 inhaling, or possessing a controlled substance on the premises of
20 the employer; refusing to submit to a drug test that was required
21 to be administered in a nondiscriminatory manner; or testing
22 positive on a drug test, if the test was administered in a
23 nondiscriminatory manner. If the worker disputes the result of the
24 testing, and if a generally accepted confirmatory test has not been
25 administered on the same sample previously tested, then a generally
26 accepted confirmatory test shall be administered on that sample. If
27 the confirmatory test also indicates a positive result for the
28 presence of a controlled substance, the worker who is discharged as
29 a result of the test result will be disqualified under this



1 subdivision. A report by a drug testing facility showing a positive
2 result for the presence of a controlled substance is conclusive
3 unless there is substantial evidence to the contrary. As used in
4 this subdivision and subdivision (e):

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

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

9 (iii) "Nondiscriminatory manner" means administered impartially
10 and objectively in accordance with a collective bargaining
11 agreement, rule, policy, a verbal or written notice, or a labor-
12 management contract.

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

16 (2) A disqualification under subsection (1) begins the week in
17 which the act or discharge that caused the disqualification occurs
18 and continues until the disqualified individual requalifies under
19 subsection (3).

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

23 (a) For benefit years established before October 1, 2000, the
24 individual shall complete 6 requalifying weeks if he or she was
25 disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or
26 13 requalifying weeks if he or she was disqualified under
27 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
28 required under this subdivision is each week in which the
29 individual does any of the following:



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

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

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

9 (b) For benefit years established before October 1, 2000, if
10 the individual is disqualified under subsection (1)(a) or (b), he
11 or she shall requalify, after the week in which the disqualifying
12 discharge occurred by earning in employment for an employer liable
13 under this act or the unemployment compensation act of another
14 state an amount equal to, or in excess of, 7 times the individual's
15 potential weekly benefit rate, calculated on the basis of
16 employment with the employer involved in the disqualification, or
17 by earning in employment for an employer liable under this act or
18 the unemployment compensation act of another state an amount equal
19 to, or in excess of, 40 times the state minimum hourly wage times
20 7, whichever is the lesser amount.

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

26 (d) For benefit years beginning on or after October 1, 2000,
27 after the week in which the disqualifying act or discharge
28 occurred, an individual shall complete 13 requalifying weeks if he
29 or she was disqualified under subsection (1)(c), (d), (e), (f),



1 (g), or (l), or 26 requalifying weeks if he or she was disqualified
 2 under subsection (1)(h), (i), (j), (k), (m), or (n). A requalifying
 3 week required under this subdivision is each week in which the
 4 individual does any of the following:

5 (i) Earns or receives remuneration in an amount equal to at
 6 least 1/13 of the minimum amount needed in a calendar quarter of
 7 the base period for an individual to qualify for benefits, rounded
 8 down to the nearest whole dollar.

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

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

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

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

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

27 (g) For benefit years beginning on or after April 26, 2002, if
 28 the individual is disqualified under subsection (1)(b), he or she
 29 shall requalify, after the week in which the disqualifying act or



1 discharge occurred by earning in employment for an employer liable
 2 under this act or the unemployment compensation law of another
 3 state at least 17 times the individual's weekly benefit rate.

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

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

27 (a) For benefit years established before October 1, 2000, if
 28 the individual is disqualified under subsection (1)(c), (d), (e),
 29 (f), (g), or (l) and the maximum amount of benefits is based on



1 wages and credit weeks earned from an employer before an act or
2 discharge involving that employer, the amount shall be reduced by
3 an amount equal to the individual's weekly benefit rate as to that
4 employer multiplied by the lesser of either of the following:

5 (i) The number of requalifying weeks required of the individual
6 under this section.

7 (ii) The number of weeks of benefit entitlement remaining with
8 that employer.

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

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

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

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

26 (f) For benefit years established on or after October 1, 2000,
27 if the individual is disqualified under subsection (1)(c), (d),
28 (e), (f), (g), or (l), the maximum number of weeks otherwise
29 applicable in calculating benefits for the individual under section



1 27(d) shall be reduced by the lesser of the following:

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

4 (ii) The number of weeks of benefit entitlement remaining on
5 the claim.

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

14 (5) ~~If~~ **Subject to subsection (11), if** an individual leaves
15 work to accept permanent full-time work with another employer or to
16 accept a referral to another employer from the individual's union
17 hiring hall and performs services for that employer, or if an
18 individual leaves work to accept a recall from a former employer,
19 all of the following apply:

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

21 (b) Wages earned with the employer whom the individual last
22 left, including wages previously transferred under this subsection
23 to the last employer, for the purpose of computing and charging
24 benefits, are wages earned from the employer with whom the
25 individual accepted work or recall, and benefits paid based upon
26 those wages shall be charged to that employer.

27 (c) When issuing a determination covering the period of
28 employment with a new or former employer described in this
29 subsection, the unemployment agency shall advise the chargeable



1 employer of the name and address of the other employer, the period
2 covered by the employment, and the extent of the benefits that may
3 be charged to the account of the chargeable employer.

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

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



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

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

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

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

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

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

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

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

29 (c) An individual is not disqualified under this subsection if



1 the individual is not directly involved in the labor dispute. An
2 individual is not directly involved in a labor dispute unless any
3 of the following are established:

4 (i) At the time or in the course of a labor dispute in the
5 establishment in which the individual was then employed, the
6 individual in concert with 1 or more other employees voluntarily
7 stopped working other than at the direction of the individual's
8 employing unit.

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

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

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

24 (d) As used in this subsection, "directly interested" shall be
25 construed and applied so as not to disqualify individuals
26 unemployed as a result of a labor dispute the resolution of which
27 may not reasonably be expected to affect their wages, hours, or
28 other conditions of employment, and to disqualify individuals whose
29 wages, hours, or conditions of employment may reasonably be



1 expected to be affected by the resolution of the labor dispute. A
2 "reasonable expectation" of an effect on an individual's wages,
3 hours, or other conditions of employment exists, in the absence of
4 a substantial preponderance of evidence to the contrary, in any of
5 the following situations:

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

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

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

29 (e) In determining the scope of the grade or class of workers,



1 evidence of the following is relevant:

2 (i) Representation of the workers by the same national or
3 international organization or by local affiliates of that national
4 or international organization.

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

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

12 (iv) Any functional integration of the work performed by those
13 workers.

14 (v) Whether the resolution of those issues involved in the
15 labor dispute as to some of the workers could directly or
16 indirectly affect the advancement, negotiation, or settlement of
17 the same or similar issues in respect to the remaining workers.

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

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

26 (9) Notwithstanding subsections (1) to (8), if the employing
27 unit submits notice to the unemployment agency of possible
28 ineligibility or disqualification beyond the time limits prescribed
29 by unemployment agency rule and the unemployment agency concludes



1 that benefits should not have been paid, the claimant shall repay
2 the benefits paid during the entire period of ineligibility or
3 disqualification. The unemployment agency shall not charge interest
4 on repayments required under this subsection.

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

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

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



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

27 (c) For the purpose of determining a claimant's nonmonetary
28 eligibility and qualification for benefits, if the claimant's most
29 recent base period or benefit year separation was for a reason



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

29 (d) If the unemployment agency requests additional monetary or



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

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

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

29 **Notwithstanding any other provision of this act, for benefits**



1 charged after March 15, 2020 but before January 1, 2021, an
 2 employer has 1 year after the date a benefit payment is charged
 3 against the employer's account to protest that charge.

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

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

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

26 (i) Determinations as provided in section 62.

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

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



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

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

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

15 **Sec. 32d. Notwithstanding any other provision of this act,**
16 **before hiring a new employee, the unemployment agency shall**
17 **coordinate with the department of labor and economic opportunity**
18 **and the Michigan works agencies to determine whether an existing**
19 **employee of either of those entities may instead be utilized.**

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



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

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

27 (3) An individual shall not be considered to be unemployed
28 during any leave of absence from work granted by an employer either
29 at the request of the individual or pursuant to an agreement with



1 the individual's duly authorized bargaining agent, or in accordance
2 with law. An individual shall neither be considered not unemployed
3 nor on a leave of absence solely because the individual elects to
4 be laid off, pursuant to an option provided under a collective
5 bargaining agreement or written employer plan that permits an
6 election, if there is a temporary layoff because of lack of work
7 and the employer has consented to the election. **Notwithstanding any**
8 **other provision of this act, with respect to claims for weeks of**
9 **benefits beginning before January 1, 2021, an individual on a leave**
10 **of absence because the individual self-isolated or self-quarantined**
11 **in response to elevated risk from COVID-19 because he or she is**
12 **immunocompromised, displayed a commonly recognized principal**
13 **symptom of COVID-19 that was not otherwise associated with a known**
14 **medical or physical condition of the individual, had contact in the**
15 **last 14 days with an individual with a confirmed diagnosis of**
16 **COVID-19, or needed to care for an individual with a confirmed**
17 **diagnosis of COVID-19, may be considered to be unemployed unless**
18 **the individual is already on sick leave or receives a disability**
19 **benefit.**

20 Sec. 64. (1) (a) Payment of extended benefits under this
21 section shall be made at the individual's weekly extended benefit
22 rate, for any week of unemployment that begins in the individual's
23 eligibility period, to each individual who is fully eligible and
24 not disqualified under this act, who has exhausted all rights to
25 regular benefits under this act, who is not seeking or receiving
26 benefits with respect to that week under the unemployment
27 compensation law of Canada, and who does not have rights to
28 benefits under the unemployment compensation law of any other state
29 or the United States or to compensation or allowances under any



1 other federal law, such as the trade expansion act, the automotive
2 products trade act, or the railroad unemployment insurance act;
3 however, if the individual is seeking benefits and the appropriate
4 agency finally determines that the individual is not entitled to
5 benefits under another law, the individual shall be considered to
6 have exhausted the right to benefits. For the purpose of the
7 preceding sentence, an individual shall have exhausted the right to
8 regular benefits under this section with respect to any week of
9 unemployment in the individual's eligibility period under either of
10 the following circumstances:

11 (i) When payments of regular benefits may not be made for that
12 week because the individual has received all regular benefits
13 available based on his or her employment or wages during the base
14 period for the current benefit year.

15 (ii) When the right to the benefits has terminated before that
16 week by reason of the expiration or termination of the benefit year
17 with respect to which the right existed; and the individual has no,
18 or insufficient, wages or employment to establish a new benefit
19 year. However, for purposes of this subsection, an individual shall
20 be considered to have exhausted the right to regular benefits with
21 respect to any week of unemployment in his or her eligibility
22 period when the individual may become entitled to regular benefits
23 with respect to that week or future weeks, but the benefits are not
24 payable at the time the individual claims extended benefits because
25 final action on a pending redetermination or on an appeal has not
26 yet been taken with respect to eligibility or qualification for the
27 regular benefits or when the individual may be entitled to regular
28 benefits with respect to future weeks of unemployment, but regular
29 benefits are not payable with respect to any week of unemployment



1 in his or her eligibility period by reason of seasonal limitations
2 in any state unemployment compensation law.

3 (b) Except where inconsistent with the provisions of this
4 section, the terms and conditions of this act that apply to claims
5 for regular benefits and to the payment of those benefits apply to
6 claims for extended benefits and to the payment of those benefits.

7 (c) An individual shall not be paid additional compensation
8 and extended compensation with respect to the same week. If an
9 individual is potentially eligible for both types of compensation
10 in this state with respect to the same week, the unemployment
11 agency may pay extended compensation instead of additional
12 compensation with respect to the week. If an individual is
13 potentially eligible for extended compensation in 1 state and
14 potentially eligible for additional compensation for the same week
15 in another state, the individual may elect which of the 2 types of
16 compensation to claim.

17 (2) The unemployment agency shall establish, for each eligible
18 individual who files an application, an extended benefit account
19 with respect to that individual's benefit year. The amount
20 established in the account shall be determined as follows:

21 (a) If subdivision (b) **or (c)** does not apply, whichever of the
22 following is smaller:

23 (i) Fifty percent of the total amount of regular benefits
24 payable to the individual under this act during the benefit year.

25 (ii) Thirteen times the individual's weekly extended benefit
26 rate.

27 (b) With respect to a week beginning in a period in which the
28 average rate of total unemployment as described in subsection

29 (5) (c) (ii) equals or exceeds 8%, but no later than the end of the



1 week in which extended benefits payable under this section cease to
 2 be funded ~~under section 2005 of the American recovery and~~
 3 ~~reinvestment act of 2009, Public Law 111-5, 100% by the federal~~
 4 **government**, whichever of the following is smaller:

5 (i) Eighty percent of the total amount of regular benefits
 6 payable to the individual under this act during the benefit year.

7 (ii) Twenty times the individual's weekly extended benefit
 8 rate.

9 If an amount determined under this subsection is not an exact
 10 multiple of 1/2 of the individual's weekly extended benefit rate,
 11 the amount shall be decreased to the next lower such multiple.

12 (3) All of the following apply to an extended benefit period:

13 (a) The period begins with the third week after whichever of
 14 the following weeks first occurs:

15 (i) A week for which there is a national "on" indicator as
 16 determined by the United States ~~secretary~~**Secretary** of ~~labor~~**Labor**.

17 (ii) A week for which there is a Michigan "on" indicator.

18 (b) The period ends with the third week after the first week
 19 for which there is both a national "off" indicator and a Michigan
 20 "off" indicator.

21 (c) The period is at least 13 consecutive weeks long, and does
 22 not begin by reason of a Michigan "on" indicator before the
 23 fourteenth week after the close of a prior extended benefit period
 24 under this section. However, an extended benefit period terminates
 25 with the week preceding the week for which no extended benefit
 26 payments are considered to be shareable compensation under the
 27 federal-state extended unemployment compensation act of 1970,
 28 section 3304 nt of the internal revenue code of 1986, 26 USC 3304
 29 nt.



1 (4) An individual's "eligibility period" consists of the weeks
 2 in his or her benefit year that begin in an extended benefit
 3 period, and if his or her benefit year ends within the extended
 4 benefit period, any weeks thereafter that begin in the period.

5 (5) (a) With respect to weeks beginning after September 25,
 6 1982, a national "on" indicator for a week shall be determined by
 7 the United States ~~secretary~~**Secretary** of ~~labor~~**Labor**.

8 (b) A national "off" indicator for a week shall be determined
 9 by the United States ~~secretary~~**Secretary** of ~~labor~~**Labor**.

10 (c) There is a Michigan "on" indicator for a week if 1 or both
 11 of the following apply:

12 (i) The rate of insured unemployment under this act for the
 13 period consisting of that week and the immediately preceding 12
 14 weeks equaled or exceeded 120% of the average of the insured
 15 unemployment rates for the corresponding 13-week period ending in
 16 each of the preceding 2 calendar years, and equaled or exceeded 5%.
 17 With respect to compensation for each week of unemployment
 18 beginning after December 17, 2010 and ending December 31, 2011, the
 19 rate of insured unemployment under this act for the period
 20 consisting of that week and the immediately preceding 12 weeks
 21 equaled or exceeded 120% of the average of the insured unemployment
 22 rates for the corresponding 13-week period ending in each of the
 23 preceding 3 calendar years, and equaled or exceeded 5%.

24 (ii) For weeks beginning after December 17, 2010 and ending
 25 with the week ending 4 weeks before the last week of unemployment
 26 for which 100% federal ~~sharing~~**funding** is available ~~under section~~
 27 ~~2005(a) of Public Law 111-5, without regard to the extension of~~
 28 ~~federal sharing for certain claims as provided under section~~
 29 ~~2005(c) of that law,~~ **for extended benefits**, the average rate of



1 total unemployment in this state, seasonally adjusted, as
 2 determined by the United States ~~secretary~~ **Secretary** of ~~labor,~~
 3 **Labor**, for the period consisting of the most recent 3 months for
 4 which data for all states are published before the close of the
 5 week equaled or exceeded both of the following:

6 (A) Six and one-half percent.

7 (B) One hundred ten percent of the average rate of total
 8 unemployment in this state, seasonally adjusted, for the period
 9 consisting of the corresponding 3-month period in any or all of the
 10 preceding ~~3~~ **2** calendar years.

11 (d) There is a Michigan "off" indicator for a week if, for the
 12 period consisting of that week and the immediately preceding 12
 13 weeks, either subdivision (c) (i) or (c) (ii) was not satisfied.
 14 Notwithstanding any other provision of this act, if this state is
 15 in a period in which temporary extended unemployment compensation
 16 is payable in this state under title II of the job creation and
 17 worker assistance act of 2002, Public Law 107-147, or another
 18 similar federal law, and if the governor has the authority under
 19 that federal act or another similar federal law, then the governor
 20 may elect to trigger "off" the Michigan indicator for extended
 21 benefits under this act only for a period in which temporary
 22 extended unemployment compensation is payable in this state, if the
 23 election by the governor would not result in a decrease in the
 24 number of weeks of unemployment benefits payable to an individual
 25 under this act or under federal law.

26 (e) For purposes of subdivisions (c) and (d), the rate of
 27 insured unemployment for any 13-week period shall be determined by
 28 reference to the average monthly covered employment under this act
 29 for the first 4 of the most recent 6 calendar quarters ending



1 before the close of that period.

2 (f) As used in this subsection, "rate of insured unemployment"
3 means the percentage determined by dividing:

4 (i) The average weekly number of individuals filing claims for
5 regular benefits for weeks of unemployment with respect to the
6 specified period as determined on the basis of the reports made by
7 all state agencies or, in the case of subdivisions (c) and (d), by
8 the unemployment agency, to the federal government; by

9 (ii) In the case of subdivisions (c) and (d), the average
10 monthly covered employment under this act for the specified period.

11 (g) Calculations under subdivisions (c) and (d) shall be made
12 by the unemployment agency and shall conform to regulations, if
13 any, prescribed by the United States ~~secretary~~ **Secretary** of ~~labor~~
14 **Labor** under section 3304 nt of the internal revenue code of 1986,
15 26 USC 3304 nt.

16 (6) As used in this section:

17 (a) "Regular benefits" means benefits payable to an individual
18 under this act and, unless otherwise expressly provided, under any
19 other state unemployment compensation law, including unemployment
20 benefits payable pursuant to 5 USC 8501 to 8525, other than
21 extended benefits, and other than additional benefits which
22 includes training benefits under section 27(g).

23 (b) "Extended benefits" means benefits, including additional
24 benefits and unemployment benefits payable pursuant to 5 USC 8501
25 to 8525, payable for weeks of unemployment beginning in an extended
26 benefit period to an individual as provided under this section.

27 (c) "Additional benefits" means benefits totally financed by a
28 state and payable to exhaustees by reason of conditions of high
29 unemployment or by reason of other special factors under the



1 provisions of any state law as well as training benefits paid under
2 section 27(g) with respect to an extended benefit period.

3 (d) "Weekly extended benefit rate" means an amount equal to
4 the amount of regular benefits payable under this act to an
5 individual within the individual's benefit year for a week of total
6 unemployment, unless the individual had more than 1 weekly extended
7 benefit rate within that benefit year, in which case the
8 individual's weekly extended benefit rate shall be computed by
9 dividing the maximum amount of regular benefits payable under this
10 act within that benefit year by the number of weeks for which
11 benefits were payable, adjusted to the next lower multiple of
12 \$1.00.

13 (e) "Benefits payable" includes all benefits computed in
14 accordance with section 27(d), irrespective of whether the
15 individual was otherwise eligible for the benefits within his or
16 her current benefit year and irrespective of any benefit reduction
17 by reason of a disqualification that required a reduction.

18 (7) (a) Notwithstanding the provisions of subsection (1)(b),
19 an individual is ineligible for payment of extended benefits for
20 any week of unemployment if the unemployment agency finds that
21 during that period either of the following occurred:

22 (i) The individual failed to accept any offer of suitable work
23 or failed to apply for any suitable work to which the individual
24 was referred by the unemployment agency.

25 (ii) The individual failed to actively engage in seeking work
26 as described in subdivision (f).

27 (b) Any individual who has been found ineligible for extended
28 benefits under subdivision (a) shall also be denied benefits
29 beginning with the first day of the week following the week in



1 which the failure occurred and until the individual has been
2 employed in each of 4 subsequent weeks, whether or not consecutive,
3 and has earned remuneration equal to not less than 4 times the
4 extended weekly benefit amount, as determined under subsection (2).

5 (c) As used in this subsection, "suitable work" means, with
6 respect to any individual, any work that is within that
7 individual's capabilities, if both of the following apply:

8 (i) The gross weekly remuneration payable for the work exceeds
9 the sum of the following:

10 (A) The individual's extended weekly benefit amount as
11 determined under subsection (2).

12 (B) The amount, if any, of supplemental unemployment
13 compensation benefits, as defined in section 501(c)(17)(D) of the
14 internal revenue code of 1986, 26 USC 501(c)(17)(D), payable to the
15 individual for that week.

16 (ii) The employer pays wages not less than the higher of the
17 minimum wage provided by section 6(a)(1) of the fair labor
18 standards act of 1938, 29 USC 206(a)(1), without regard to any
19 exemption, or the applicable state or local minimum wage.

20 (d) An individual shall not be denied extended benefits for
21 failure to accept an offer of, or apply for, any job that meets the
22 definition of suitable work in subdivision (c) if 1 or more of the
23 following are true:

24 (i) The position was not offered to the individual in writing
25 and was not listed with the state employment service.

26 (ii) The failure could not result in a denial of benefits under
27 the definition of suitable work in section 29(6) to the extent that
28 the criteria of suitability in that section are not inconsistent
29 with the provisions of subdivision (c).



1 (iii) The individual furnishes satisfactory evidence to the
2 unemployment agency that his or her prospects for obtaining work in
3 his or her customary occupation within a reasonably short period
4 are good. If that evidence is deemed satisfactory for this purpose,
5 the determination of whether any work is suitable with respect to
6 that individual shall be made in accordance with the definition of
7 suitable work in section 29(6) without regard to the definition in
8 subdivision (c).

9 (e) Notwithstanding subsection (1)(b), work is not suitable
10 work for an individual if the work does not meet the labor standard
11 provisions required by section 3304(a)(5) of the internal revenue
12 code of 1986, 26 USC 3304(a)(5), and section 29(7).

13 (f) For the purposes of subdivision (a)(ii), an individual is
14 actively engaged in seeking work during any week if both of the
15 following are true:

16 (i) The individual has engaged in a systematic and sustained
17 effort to obtain work during that week.

18 (ii) The individual furnishes tangible evidence to the
19 unemployment agency that he or she has engaged in a systematic and
20 sustained effort during that week.

21 (g) The unemployment agency shall refer any applicant for
22 extended benefits to any suitable work that meets the criteria
23 prescribed in subdivisions (c) and (d).

24 (h) An individual is not eligible to receive extended benefits
25 with respect to any week of unemployment in his or her eligibility
26 period if that individual has been disqualified for benefits under
27 this act because he or she voluntarily left work, was discharged
28 for misconduct, or failed to accept an offer of or apply for
29 suitable work unless the individual requalified in accordance with



1 a specific provision of this act requiring that the individual be
2 employed subsequent to the week in which the act or discharge
3 occurred that caused the disqualification.

4 (8) (a) Except as provided in subdivision (b), payment of
5 extended benefits shall not be made to any individual for any week
6 of unemployment that otherwise would have been payable pursuant to
7 an interstate claim filed in any state under the interstate benefit
8 payment plan, if an extended benefit period is not in effect for
9 the week in the state in which the interstate claim is filed.

10 (b) Subdivision (a) does not apply with respect to the first 2
11 weeks for which extended benefits are payable, pursuant to an
12 interstate claim, to the individual from the extended benefit
13 account established for the individual.

14 (9) Notwithstanding the provisions of subsection (1)(b), an
15 individual who established a benefit year under section 46 on or
16 after January 2, 1983, shall be eligible to receive extended
17 benefits only if the individual earned wages in an amount exceeding
18 40 times the individual's most recent weekly benefit rate during
19 the base period of the benefit year that is used to establish the
20 individual's extended benefit account under subsection (2).

21 (10) This subsection is effective for weeks of unemployment
22 beginning after October 30, 1982. Notwithstanding any other
23 provision of this section, an individual's extended benefit
24 entitlement, with respect to weeks of unemployment beginning after
25 the end of the benefit year, shall be reduced, but not below zero,
26 by the product of the number of weeks for which the individual
27 received any amounts of trade readjustment allowances, paid under
28 the trade act of 1974, Public Law 93-618, within that benefit year,
29 multiplied by the individual's weekly benefit amount for extended



1 benefits.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No. 911 of the 100th Legislature is enacted into
4 law.

