

# HOUSE BILL No. 6155

September 30, 1992, Introduced by Reps. DeLange, Middaugh, Gnodtke, Bender, Muxlow, London, McBryde, Willis Bullard, Sikkema, Nye, Jaye, Wozniak, Trim, Dalman, Oxender, McNutt, Dobb, Gernaat, Middleton, Jamian and Horton and referred to the Committee on Labor.

A bill to amend section 50 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 535 of the Public Acts of 1982, being section 421.50 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 50 of Act No. 1 of the Public Acts of  
2 the Extra Session of 1936, as amended by Act No. 535 of the  
3 Public Acts of 1982, being section 421.50 of the Michigan  
4 Compiled Laws, is amended to read as follows:

5 Sec. 50. (a) "Week" means calendar week, ending at mid-  
6 night Saturday, but all work performed and wages earned during a  
7 working shift ~~which~~ THAT starts before midnight Saturday shall  
8 be included in the week in which that shift begins.

1 (b) Except as provided in subsection (c), "credit week"  
2 means a calendar week of an individual's base period during which  
3 the individual earned wages equal to or greater than ~~20~~ 30  
4 times the state minimum hourly wage in effect on the first day of  
5 the calendar week in which the individual filed an application  
6 for benefits subject to the following:

7 (1) If an individual earns wages from more than 1 employer  
8 in a credit week, that week shall be counted as 1 multiemployer  
9 credit week and shall be governed by ~~the provisions of~~ section  
10 20(d) ~~—~~ unless the individual has earned sufficient wages in  
11 the base period with only 1 of the employers for whom the indi-  
12 vidual performed services in the week of concurrent employment to  
13 entitle the individual to a maximum weekly benefit rate, in which  
14 case ~~—~~ the week shall be a credit week with respect to that  
15 employer only and not a multiemployer credit week.

16 (2) Not more than 35 uncanceled and uncharged credit weeks  
17 shall be counted as credit weeks. In determining the 35 credit  
18 weeks to be used for computing and paying benefits, credit weeks  
19 shall be counted in the following sequence:

20 (A) ~~(a)~~ First, all credit weeks ~~which~~ THAT are not mul-  
21 tiemployer credit weeks and ~~which~~ THAT were earned with employ-  
22 ers not involved in a disqualifying act or discharge under sec-  
23 tion 29(1), and all credit weeks earned with an employer involved  
24 in such a disqualifying act or discharge which were earned subse-  
25 quent to the last act or discharge in which the employer was  
26 involved, shall be counted in inverse order of most recent  
27 employment with each employer.

1 (B) ~~(b)~~ Second, if the credit weeks counted under  
2 ~~paragraph (a)~~ SUBPARAGRAPH (A) total less than 35, all credit  
3 weeks ~~which~~ THAT are not multiemployer credit weeks and ~~which~~  
4 THAT were earned with each employer before a disqualifying act or  
5 discharge shall be counted, in inverse order to that in which the  
6 most recent disqualifying act or discharge with each employer  
7 occurred, to the extent necessary to use all available credit  
8 weeks with respect to the employers, or a total of 35 credit  
9 weeks, whichever is less.

10 (C) ~~(c)~~ Third, if the credit weeks counted under  
11 ~~paragraphs (a) and (b)~~ SUBPARAGRAPHS (A) AND (B) total less  
12 than 35, all multiemployer credit weeks shall be counted, in  
13 inverse chronological order of their occurrence, to the extent  
14 necessary to count all available credit weeks, or a total of 35  
15 credit weeks, whichever is less.

16 (3) As used in this subsection:

17 (A) ~~(a)~~ "Uncharged credit week" means a credit week  
18 ~~which~~ THAT has not been used as a basis for a benefit payment,  
19 a reduction of benefits under section 29(4), or a penalty dis-  
20 qualification under section 62(b).

21 (B) ~~(b)~~ "Uncanceled credit week" means a credit week  
22 ~~which~~ THAT is not canceled in accordance with section 62(b).

23 (4) There shall not be counted toward the wages required to  
24 establish a credit week under this subsection payments in the  
25 form of termination, separation, severance, or dismissal allow-  
26 ances ~~; nor shall there be counted~~ OR any payments for a  
27 vacation or a holiday unless the payment has been made, or the

1 right to receive it has irrevocably vested, within 14 days  
2 following the vacation or holiday.

3 ~~(c) Notwithstanding subsection (b), for weeks of unemploy-~~  
4 ~~ment beginning January 2, 1983, "credit week" means a calendar~~  
5 ~~week of an individual's base period during which the individual~~  
6 ~~earned wages equal to or greater than 30 times the state minimum~~  
7 ~~hourly wage in effect on the first day of the calendar week in~~  
8 ~~which the individual filed an application for benefits subject to~~  
9 ~~the following:~~

10 ~~(1) If an individual earns wages from more than 1 employer~~  
11 ~~in a credit week, that week shall be counted as 1 multiemployer~~  
12 ~~credit week and shall be governed by the provisions of section~~  
13 ~~20(d), unless the individual has earned sufficient wages in the~~  
14 ~~base period with only 1 of the employers for whom the individual~~  
15 ~~performed services in the week of concurrent employment to enti-~~  
16 ~~tle the individual to a maximum weekly benefit rate for his or~~  
17 ~~her family class, in which case the week shall be a credit week~~  
18 ~~with respect to that employer only and not to a multiemployer~~  
19 ~~credit week.~~

20 ~~(2) Not more than 35 uncanceled and uncharged credit weeks~~  
21 ~~shall be counted as credit weeks. In determining the 35 credit~~  
22 ~~weeks to be used for computing and paying benefits, credit weeks~~  
23 ~~shall be counted in the following sequence:~~

24 ~~(a) First, all credit weeks which are not multiemployer~~  
25 ~~credit weeks and which were earned with employers not involved in~~  
26 ~~a disqualifying act or discharge under section 29(1), and all~~  
27 ~~credit weeks earned with an employer involved in such a~~

~~1 disqualifying act or discharge which were earned subsequent to  
2 the last act or discharge in which the employer was involved,  
3 shall be counted in inverse order of most recent employment with  
4 each employer.~~

~~5 (b) Second, if the credit weeks counted under paragraph (a)  
6 total less than 35, all credit weeks which are not multiemployer  
7 credit weeks and which were earned with each employer before a  
8 disqualifying act or discharge shall be counted, in inverse order  
9 to that in which the most recent disqualifying act or discharge  
10 with each employer occurred, to the extent necessary to use all  
11 available credit weeks with respect to the employers, or a total  
12 of 35 credit weeks, whichever is less.~~

~~13 (c) Third, if the credit weeks counted under paragraphs (a)  
14 and (b) total less than 35, all multiemployer credit weeks shall  
15 be counted, in inverse chronological order of their occurrence,  
16 to the extent necessary to count all available credit weeks, or a  
17 total of 35 credit weeks, whichever is less.~~

~~18 (3) As used in this subsection:~~

~~19 (a) "Uncharged credit week" means a credit week which has  
20 not been used as a basis for a benefit payment, a reduction of  
21 benefits under section 29(4), or a penalty disqualification under  
22 section 62(b).~~

~~23 (b) "Uncanceled credit week" means a credit week which is  
24 not canceled in accordance with section 62(b).~~

~~25 (4) There shall not be counted toward the wages required to  
26 establish a credit week under this subsection payments in the  
27 form of termination, separation, severance, or dismissal.~~

1 ~~allowances; nor shall there be counted any payments for a~~  
2 ~~vacation or a holiday unless the payment has been made, or the~~  
3 ~~right to receive it has irrevocably vested, within 14 days fol-~~  
4 ~~lowing the vacation or holiday.~~

5 ~~(5) This subsection shall not apply to benefit years begin-~~  
6 ~~ning after January 3, 1987.~~