

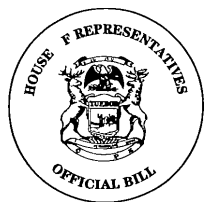
Official HB _____

Clerk

Passed the House

Co Clerk of the House of Representatives

Passed the Senate



Secretary of the Senate



HOUSE BILL No. 5372

February 23 1994 Introduced by Reps Crissman Hammerstrom Middleton Stille
Johnson Kaza Bodem Dolan Dobb and Galloway and referred to the Committee on Labor

A bill to amend sections 29 and 46 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 164 of the Public Acts of 1983, being
sections 421 29 and 421 46 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 29 and 46 of Act No 1 of the Public
2 Acts of the Extra Session of 1936 as amended by Act No 164 of
3 the Public Acts of 1983 being sections 421 29 and 421 46 of the
4 Michigan Compiled Laws are amended to read as follows

5 Sec 29 (1) An individual ~~shall be~~ IS disqualified ~~for~~
6 FROM RECEIVING benefits in the following cases in which the
7 individual

8 (a) Left work voluntarily without good cause attributable to
9 the employer or employing unit However, if the individual has

1 an established benefit year in effect and ~~—~~ during that benefit
2 year ~~—, has left~~ LEAVES unsuitable work within 60 days after the
3 beginning of that work ~~—such—~~ THE leaving ~~—shall—~~ IS not ~~—be—~~
4 disqualifying

5 (b) Was discharged for misconduct connected with the
6 individual s work, or for intoxication while at work unless the
7 discharge was subsequently reduced to a disciplinary layoff or
8 suspension

9 (c) Failed without good cause to apply for available suit-
10 able work ~~—of which the individual was notified by—~~ AFTER RECEIV-
11 ING FROM the employment office or the commission NOTICE OF THE
12 AVAILABILITY OF THAT WORK

13 (d) ~~—Being unemployed, failed—~~ FAILED without good cause
14 WHILE UNEMPLOYED to report to the individual s former employer or
15 employing unit within a reasonable time after ~~—notice from—~~ that
16 employer or employing unit ~~—for—~~ PROVIDED NOTICE OF THE AVAIL-
17 ABILITY OF an interview concerning available suitable work with
18 the former employer or employing unit

19 (e) Failed without good cause to accept suitable work ~~—when—~~
20 offered TO the individual or to return to the individual s cus-
21 tomary self-employment if any, when directed by the employment
22 office or the commission

23 (f) Lost his or her job ~~—by reason of being absent—~~ DUE TO
24 ABSENCE from work ~~—as a result of—~~ RESULTING FROM a violation of
25 law for which the individual was convicted, and sentenced to jail
26 or prison This subdivision ~~—shall—~~ DOES not apply if conviction
27 of a person results in a sentence to county jail under conditions

1 of day parole as provided in Act No 60 of the Public Acts of
 2 1962 being sections 801 251 to 801 258 of the Michigan Compiled
 3 Laws or ~~when~~ IF the conviction was for a traffic violation
 4 that resulted in an absence of less than 10 consecutive work days
 5 from the individual's place of employment

6 (g) Is discharged, whether or not the discharge is subse-
 7 quently reduced to a disciplinary layoff or suspension, for par-
 8 ticipation in ~~a~~ EITHER OF THE FOLLOWING

9 (i) A strike or other concerted action ~~resulting~~ IN VIOLA-
 10 TION OF AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT THAT
 11 RESULTS in curtailment of work or restriction of or interference
 12 with production ~~, contrary to the provisions of an applicable~~
 13 ~~collective bargaining agreement or participation in a~~

14 (ii) A wildcat strike or other concerted action not autho-
 15 rized by the individual s recognized bargaining representative

16 (h) Was discharged for an act of assault and battery con-
 17 nected with the individual s work

18 (i) Was discharged for theft connected with the individual s
 19 work resulting in a loss or damage of \$25 00 or less

20 (j) Was discharged for theft connected with the individual s
 21 work resulting in a loss or damage of more than \$25 00

22 (k) Was discharged for ~~wilful~~ WILLFUL destruction of prop-
 23 erty connected with the individual s work resulting in loss or
 24 damage of \$25 00 or less

25 (l) Was discharged for ~~wilful~~ WILLFUL destruction of prop-
 26 erty connected with the individual s work resulting in loss or
 27 damage of more than \$25 00

1 (m) Committed a theft ~~which occurred subsequent to a~~ AFTER
2 RECEIVING notice of A layoff or discharge but ~~prior to~~ BEFORE
3 the effective date of THE layoff or discharge, resulting in loss
4 or damage of more than \$25 00 to the employer who would otherwise
5 be chargeable for the benefits, ~~notwithstanding that the origi-~~
6 ~~nal layoff or discharge was under nondisqualifying circumstances~~
7 REGARDLESS OF WHETHER THE INDIVIDUAL HAD QUALIFIED FOR THE BENE-
8 FITS BEFORE THE THEFT

9 (N) WAS EMPLOYED BY AN EMPLOYER OR EMPLOYING UNIT THAT DID
10 BOTH OF THE FOLLOWING

11 (1) PROVIDED THE INDIVIDUAL AT THE TIME OF HIRING WITH WRIT-
12 TEN NOTICE THAT THE EMPLOYER OR EMPLOYING UNIT WOULD EMPLOY THE
13 INDIVIDUAL FOR LESS THAN 1,000 HOURS WITHIN A 1-YEAR PERIOD

14 (2) EMPLOYED THE INDIVIDUAL FOR LESS THAN 1,000 HOURS
15 WITHIN A 1-YEAR PERIOD

16 (O) WAS EMPLOYED BY A TEMPORARY HELP FIRM WHICH AS USED IN
17 THIS SECTION MEANS AN EMPLOYER WHOSE PRIMARY BUSINESS IS TO PRO-
18 VIDE A CLIENT WITH THE TEMPORARY SERVICES OF 1 OR MORE INDIVIDU-
19 ALS UNDER CONTRACT WITH THE EMPLOYER TO PERFORM SERVICES FOR A
20 CLIENT OF THAT FIRM IF EACH OF THE FOLLOWING CONDITIONS WAS MET

21 (1) THE TEMPORARY HELP FIRM PROVIDED THE EMPLOYEE WITH A
22 WRITTEN NOTICE BEFORE THE EMPLOYEE BEGAN PERFORMING SERVICES FOR
23 THE CLIENT STATING IN SUBSTANCE BOTH OF THE FOLLOWING

24 (A) THAT WITHIN 7 DAYS AFTER COMPLETING SERVICES FOR A
25 CLIENT OF THE TEMPORARY HELP FIRM, THE EMPLOYEE IS UNDER A DUTY
26 TO NOTIFY THE TEMPORARY HELP FIRM OF THE COMPLETION OF THOSE
27 SERVICES

1 (B) THAT A FAILURE TO PROVIDE THE TEMPORARY HELP FIRM WITH
 2 NOTICE OF THE EMPLOYEE S COMPLETION OF SERVICES PURSUANT TO
 3 SUB-SUBPARAGRAPH (A) CONSTITUTES A VOLUNTARY QUIT THAT WILL
 4 AFFECT THE EMPLOYEE S ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION
 5 SHOULD THE EMPLOYEE SEEK UNEMPLOYMENT COMPENSATION FOLLOWING COM-
 6 PLETION OF THOSE SERVICES

7 (1) THE EMPLOYEE DID NOT PROVIDE THE TEMPORARY HELP FIRM
 8 WITH NOTICE THAT THE EMPLOYEE HAD COMPLETED HIS OR HER SERVICES
 9 FOR THE CLIENT WITHIN 7 DAYS AFTER COMPLETION OF HIS OR HER SERV-
 10 ICES FOR THE CLIENT

11 (2) A disqualification ~~provided in~~ UNDER subsection (1)
 12 ~~shall begin with~~ BEGINS the week in which the act or discharge
 13 ~~occurred which~~ THAT caused the disqualification OCCURS and
 14 ~~shall continue~~ CONTINUES until the disqualified individual
 15 requalifies under subsection (3) ~~Except with respect to multi-~~
 16 ~~employer credit weeks the~~ THE disqualification ~~shall~~ DOES not
 17 prevent the payment of benefits if there are credit weeks
 18 ~~subsequent to~~ OTHER THAN MULTIEmployer CREDIT WEEKS AFTER the
 19 most recent disqualifying act or discharge

20 (3) ~~Subsequent to the week in which the~~ FOLLOWING A dis-
 21 qualifying act or discharge ~~occurred~~ DESCRIBED IN
 22 SUBSECTION (1) an individual ~~shall complete 6 requalifying~~
 23 ~~weeks if~~ WHO SEEKS TO REQUALIFY FOR BENEFITS IS SUBJECT TO ALL
 24 OF THE FOLLOWING

25 (A) IF disqualified under subsection (1)(c) (d) (e), (f)
 26 ~~or~~ (g) ~~or~~ (N) OR (O) HE OR SHE shall complete ~~+3~~ 6
 27 requalifying weeks ~~if~~ IF THE INDIVIDUAL WAS disqualified

1 under subsection (1)(h) (j), (l) or (m), HE OR SHE SHALL
 2 COMPLETE 13 REQUALIFYING WEEKS THE REQUALIFYING WEEKS REQUIRED
 3 UNDER THIS SUBSECTION SHALL BE for each week AFTER THE WEEK A
 4 DISQUALIFYING ACT OR DISCHARGE DESCRIBED IN SUBSECTION (1)
 5 OCCURRED in which the individual ~~earns~~ DOES ANY OF THE
 6 FOLLOWING

7 (i) EARNS or receives remuneration in an amount at least
 8 equal to an amount needed to earn a credit week, as THAT TERM IS
 9 defined in section 50 ~~— or would otherwise meet —~~

10 (ii) OTHERWISE MEETS all of the requirements of this act to
 11 receive a benefit payment if the individual were not disqualified
 12 under subsection (1) ~~, or receives~~

13 (iii) RECEIVES a benefit payment based on credit weeks sub-
 14 sequent to the disqualifying act or discharge ~~— An —~~

15 (B) IF THE individual ~~who~~ is disqualified under subsection
 16 (1)(a) (b) (1) or (k) HE OR SHE shall REQUALIFY ~~— subsequent~~
 17 ~~to~~ AFTER the week in which the disqualifying discharge occurred
 18 ~~requalify~~ by earning in employment for an employer liable under
 19 this act or the unemployment compensation act of another state
 20 ~~an~~ THE LESSER OF THE FOLLOWING

21 (i) AN amount equal to or in excess of, 7 times the
 22 individual's potential weekly benefit rate, calculated on the
 23 basis of employment with the employer involved in the
 24 disqualification ~~, or by earning in employment for an employer~~
 25 ~~liable under this act or the unemployment compensation act of~~
 26 ~~another state an~~

1 (11) AN amount equal to, or in excess of, 40 times the state
 2 minimum hourly wage times 7 ~~, whichever is the lesser amount~~
 3 ~~Any benefits which may become~~

4 (C) A BENEFIT payable to an individual disqualified under
 5 subsection (1)(a), (b), (1), or (k) shall not be charged to the
 6 account of the employer with whom the individual was involved in
 7 the disqualification The benefits paid shall be charged to the
 8 nonchargeable benefits account

9 (4) ~~Subject to the conditions provided in this subsection,~~
 10 ~~an individual's~~ THE maximum amount of benefits otherwise avail-
 11 able UNDER SECTION 27(D) to ~~the~~ AN individual ~~, under section~~
 12 ~~27(d),~~ DISQUALIFIED UNDER SUBSECTION (1) IS SUBJECT TO ALL OF
 13 THE FOLLOWING CONDITIONS

14 (A) IF THE INDIVIDUAL IS DISQUALIFIED UNDER
 15 SUBSECTION (1)(C) (D) (E), (F), (G), (N), OR (O) AND THE MAXI-
 16 MUM AMOUNT OF BENEFITS IS based on wages and credit weeks earned
 17 FROM AN EMPLOYER before an act or discharge ~~with the~~ INVOLVING
 18 THAT employer ~~involved therein as the result of which the indi-~~
 19 ~~vidual was disqualified under subsection (1)(c), (d), (e), (f),~~
 20 ~~or (g),~~ THE AMOUNT shall be reduced by an amount equal to the
 21 individual s weekly benefit rate as to that employer multiplied
 22 by the LESSER OF EITHER OF THE FOLLOWING

23 (1) THE number of requalifying weeks required of the indi-
 24 vidual under this ~~subsection or multiplied by the~~ SECTION

25 (11) THE number of weeks of benefit entitlement remaining
 26 with that employer ~~whichever is less~~

1 (B) The ~~reductions~~ REDUCTION of benefits ~~provided for in~~
 2 ~~this subsection are subject, however to the following~~
 3 ~~conditions~~ DESCRIBED IN SUBDIVISION (A) APPLIES IN THE YEAR
 4 SUCCEEDING THE BENEFIT YEAR if the individual has insufficient or
 5 no potential benefit entitlement remaining with ~~that~~ THE
 6 employer DESCRIBED IN SUBDIVISION (A) in the EXISTING benefit
 7 year ~~in existence~~ on the date of the disqualifying
 8 determination ~~, the reduction shall be applicable in a suc-~~
 9 ~~ceeding benefit year with respect to any benefit entitlement~~
 10 ~~based upon credit weeks earned with the employer involved in the~~
 11 ~~disqualification before the disqualifying act or discharge~~

12 (C) An individual disqualified under subsection (1)(h) (j)
 13 (l) or (m) ~~shall~~ IS not ~~be~~ entitled to benefits based on
 14 wages and credit weeks earned before the disqualifying act or
 15 discharge with the employer involved in the disqualification

16 (D) The benefit entitlement of an individual disqualified
 17 under subsection (1)(a) (b) (1), or (k) ~~shall~~ IS not ~~be~~
 18 subject to reduction as a result of that disqualification

19 (E) ~~For purposes of this subsection, the~~ THE denial or
 20 reduction of benefits ~~shall~~ DESCRIBED IN THIS SUBSECTION DO not
 21 apply to benefits based upon multiemployer credit weeks

22 (5) ~~If~~ SUBJECT TO THE FOLLOWING CONDITIONS, SUBSECTION (1)
 23 DOES NOT APPLY IF an individual leaves work to accept permanent
 24 full-time work with another employer ~~,~~ and performs services
 25 for that employer, or IF AN INDIVIDUAL LEAVES WORK to accept a
 26 recall from a former employer ~~, the disqualification provisions~~
 27 ~~of subsection (1) shall not apply to that leaving but the wages~~

1 (A) WAGES earned with the employer that the individual last
 2 left including wages previously transferred under this
 3 ~~provision~~ SUBSECTION to the last employer, ~~shall~~ ARE for
 4 the purpose of computing and charging benefits, ~~be considered~~
 5 wages earned from the employer with whom the individual accepted
 6 work or recall and benefits paid based upon those wages shall be
 7 charged to that employer

8 (B) When issuing a determination covering ~~that~~ THE period
 9 of employment WITH A NEW OR FORMER EMPLOYER DESCRIBED IN THIS
 10 SUBSECTION the commission shall advise the chargeable employer
 11 of the name and address of the other employer, the period covered
 12 by the employment and the extent of the benefits ~~which may be~~
 13 THAT WILL BE charged to the account of the chargeable employer

14 (6) In determining whether ~~or not~~ work is suitable for an
 15 individual the commission shall consider the degree of risk
 16 involved to the individual s health, safety, and morals, the
 17 individual s physical fitness and prior training, the
 18 individual s experience and prior earnings, the individual s
 19 length of unemployment and prospects for securing local work in
 20 the individual s customary occupation and the distance of the
 21 available work from the individual s residence

22 (7) Work ~~shall~~ IS not ~~be considered~~ suitable and bene-
 23 fits shall not be denied under this act to an otherwise eligible
 24 individual for refusing to accept new work under any of the fol-
 25 lowing conditions ~~(a) if~~

26 (A) IF the position offered is vacant due directly to a
 27 strike lockout or other labor dispute ~~(b) if~~

1 (B) IF the remuneration, hours, or other conditions of the
 2 work offered are substantially less favorable to the individual
 3 than those prevailing for similar work in the locality ~~---(e)~~
 4 ~~if~~

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

8 (8) ~~An~~ ALL OF THE FOLLOWING APPLY TO AN individual ~~shall~~
 9 ~~be~~ WHO SEEKS BENEFITS UNDER THIS ACT

10 (A) AN INDIVIDUAL IS disqualified ~~for~~ FROM RECEIVING bene-
 11 fits for a week in which the individual s total or partial unem-
 12 ployment is due to ~~a~~ EITHER OF THE FOLLOWING

13 (1) A labor dispute in active progress IN THE ESTABLISHMENT
 14 IN WHICH THE INDIVIDUAL IS OR WAS LAST EMPLOYED, or ~~to~~ A shut-
 15 down or start-up ~~operations~~ OPERATION caused by that labor
 16 dispute ~~---in the establishment in which the individual is or~~
 17 ~~was last employed, or to a~~

18 (11) A labor dispute other than a lockout, in active
 19 progress or ~~to~~ A shutdown or start-up ~~operations~~ OPERATION
 20 caused by that labor dispute in any ~~other~~ establishment within
 21 the United States ~~which~~ THAT is BOTH functionally integrated
 22 with the establishment DESCRIBED IN SUBPARAGRAPH (1) and ~~is~~
 23 operated by the same employing unit

24 (B) An individual s disqualification imposed or imposable
 25 under this subsection ~~shall be~~ IS terminated ~~by~~ IF the
 26 ~~individual's performing~~ INDIVIDUAL PERFORMS services in
 27 employment with an employer in at least 2 consecutive weeks

1 falling wholly within the period of the individual's total or
 2 partial unemployment due to the labor dispute, and in addition
 3 ~~by earning~~ THE INDIVIDUAL EARNs wages in each of those weeks in
 4 an amount equal to or ~~in excess of~~ GREATER THAN the
 5 individual's actual or potential weekly benefit rate with respect
 6 to those weeks based on the individual's employment with the
 7 employer involved in the labor dispute

8 (C) An individual ~~shall~~ IS not ~~be~~ disqualified under
 9 this subsection if the individual is not directly involved in
 10 ~~the~~ A LABOR dispute AN INDIVIDUAL IS NOT DIRECTLY INVOLVED IN
 11 A LABOR DISPUTE UNLESS ANY OF THE FOLLOWING ARE ESTABLISHED

12 ~~(a) For the purposes of this subsection an individual shall~~
 13 ~~not be considered to be directly involved in a labor dispute~~
 14 ~~unless it is established that any of the following occurred~~

15 (1) At the time or in the course of a labor dispute in the
 16 establishment in which the individual was then employed the
 17 individual in concert with 1 or more other employees voluntarily
 18 stopped working other than at the direction of the individual's
 19 employing unit

20 (2) The individual is participating in, ~~or~~ financing or
 21 directly interested in the labor dispute ~~which~~ THAT causes the
 22 individual's total or partial unemployment The payment of regu-
 23 lar union dues, in amounts and for purposes established before
 24 the inception of the labor dispute ~~shall not be construed as~~
 25 IS NOT financing a labor dispute within the meaning of this
 26 subparagraph

1 (iii) At any time ~~when there is not~~ a labor dispute in the
 2 establishment or department in which the individual was employed
 3 DOES NOT EXIST AND the individual voluntarily ~~stopped~~ STOPS
 4 working other than at the direction of the individual s employ-
 5 ing unit, in sympathy with employees in some other establishment
 6 or department in which a labor dispute ~~was then~~ IS in
 7 progress

8 (iv) The individual s total or partial unemployment is due
 9 to a labor dispute ~~which~~ THAT was or is in progress in a
 10 department or unit or group of workers in the same
 11 establishment

12 (D) ~~(b) "Directly interested", as used in this subsection,~~
 13 ~~shall be construed and~~ AS USED IN THIS SUBSECTION THE TERM
 14 DIRECTLY INTERESTED SHALL BE applied so as not to disqualify
 15 individuals unemployed as a result of a labor dispute the resolu-
 16 tion of which may not reasonably be expected to affect their
 17 wages hours or other conditions of employment and to disqual-
 18 ify individuals whose wages, hours or conditions of employment
 19 may reasonably be expected to be affected by the resolution of
 20 the labor dispute A reasonable expectation of an effect on an
 21 individual s wages hours or other conditions of employment
 22 ~~shall be considered to exist~~ EXISTS in the absence of sub-
 23 stantial preponderating evidence to the contrary ~~in~~ UNDER any
 24 of the following ~~situations~~ CIRCUMSTANCES

25 (i) If it is established that there is in the particular
 26 establishment or employing unit a practice or custom or
 27 contractual obligation to extend within a reasonable period to

1 members of the individual s grade or class of workers in the
 2 establishment in which the individual is or was last employed
 3 changes in terms and conditions of employment ~~which~~ THAT are
 4 substantially similar or related to some or all of the changes in
 5 terms and conditions of employment ~~which~~ THAT are made for the
 6 workers among whom there exists the labor dispute ~~which~~ THAT
 7 has caused the individual's total or partial unemployment

8 (ii) If it is established that 1 of the issues in or pur-
 9 poses of the labor dispute is to obtain a change in the terms and
 10 conditions of employment for members of the individual's grade or
 11 class of workers in the establishment in which the individual is
 12 or was last employed

13 (iii) If ~~the labor dispute exists at a time when the~~ A
 14 collective bargaining agreement ~~, which~~ covers BOTH the
 15 individual s grade or class of workers in the establishment in
 16 which the individual is or was last employed and the workers in
 17 another establishment of the same employing unit who are actively
 18 participating in the labor dispute, ~~has expired, has been opened~~
 19 ~~by mutual consent or may by its terms be modified, supplemented~~
 20 ~~or replaced~~ AND THAT COLLECTIVE BARGAINING AGREEMENT IS SUBJECT
 21 BY ITS TERMS TO MODIFICATIONS SUPPLEMENTATION OR REPLACEMENT
 22 OR HAS EXPIRED OR BEEN OPENED BY MUTUAL CONSENT AT THE TIME OF
 23 THE LABOR DISPUTE

24 (E) ~~(c)~~ In determining the scope of the grade or class of
 25 workers, ~~evidence submitted to show~~ the following ~~shall be~~
 26 EVIDENCE IS relevant

1 (1) Representation of the workers by the same national or
2 international organization or by local affiliates ~~thereof~~ OF
3 THAT ORGANIZATION

4 (11) Whether the workers are included in a single, legally
5 designated, or negotiated bargaining unit

6 (111) Whether the workers are ~~—~~ or ~~have~~ within the past
7 6 months HAVE been ~~—~~ covered by a common master collective bar-
8 gaining agreement ~~which~~ THAT sets forth all or any part of
9 ~~their~~ THE terms and conditions of THE WORKERS employment or
10 by separate agreements ~~which~~ THAT are or have been bargained as
11 a part of the same negotiations

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

14 (111) Whether the resolution of THOSE issues ~~of the type~~
15 involved in the labor dispute ~~—~~ as to some of the workers ~~—~~
16 could directly or indirectly affect the advancement, negotiation
17 or settlement of the same or similar issues in respect to the
18 remaining workers

19 (111) Whether the workers are currently or have been cov-
20 ered by the same or similar demands by their recognized or certi-
21 fied bargaining agent or agents for changes in their wages
22 hours or other conditions of employment

23 (111) Whether issues on the same subject matter as those
24 involved in the labor dispute have been the subject of proposals
25 or demands made upon the employing unit ~~which~~ THAT would by
26 their terms have applied to those workers

1 (9) ~~An~~ EXCEPT FOR AN INDIVIDUAL DISQUALIFIED UNDER
 2 SUBSECTION (1)(G) OR AN INDIVIDUAL WHOSE DISQUALIFYING DISCHARGE
 3 UNDER SUBSECTION (1)(B) IS DETERMINED OR REDETERMINED TO BE A
 4 DISCIPLINARY LAYOFF OR SUSPENSION, AN individual ~~shall be~~ IS
 5 disqualified ~~for~~ FROM RECEIVING benefits for the duration of
 6 the individual s disciplinary layoff or suspension in all cases
 7 in which the individual becomes unemployed because of a disci-
 8 plinary layoff or suspension based upon ~~misconduct~~ ANY OF THE
 9 FOLLOWING

10 (A) MISCONDUCT or indirectly connected with work ~~or for~~
 11 ~~participation~~

12 (B) PARTICIPATION in a strike or other concerted action
 13 resulting in a curtailment of work or restriction of or interfer-
 14 ence with production contrary to the provisions of an applicable
 15 collective bargaining agreement ~~or participation~~

16 (C) PARTICIPATION in a wildcat strike or other concerted
 17 action not authorized by the individual s recognized bargaining
 18 representative ~~This subsection applies only if the individual~~
 19 ~~is not subject to disqualification under subsection (1)(g) or if~~
 20 ~~a disqualifying discharge under subsection (1)(b) is determined~~
 21 ~~or redetermined to be a disciplinary layoff or suspension~~

22 (10) If a disqualifying discharge under subsection (1)(b) is
 23 determined or redetermined to be a suspension the disqualifica-
 24 tion provided under ~~this subsection shall apply~~ SUBSECTION (9)
 25 APPLIES from the date of the discharge

26 (11) ~~(10)~~ Notwithstanding subsections (1) to ~~(9)~~ (10),
 27 if the employing unit submits notice to the commission of

1 possible ineligibility or disqualification beyond the time limits
 2 prescribed by commission rule, the notice shall not form the
 3 basis of a determination of ineligibility or disqualification for
 4 a claim period compensated before the receipt of the notice by
 5 the commission

6 (12) ~~---(11)---~~ An individual ~~shall be~~ IS disqualified ~~for~~
 7 FROM RECEIVING benefits for any week ~~with respect to which~~ or
 8 ~~a~~ part of A WEEK IN which the individual has received ~~or~~ is
 9 receiving or is seeking unemployment benefits under an unemploy-
 10 ment compensation law of another state or of the United States
 11 If the appropriate agency of the other state or of the United
 12 States finally determines that the individual is not entitled to
 13 unemployment benefits ~~---this~~ THE disqualification ~~shall~~
 14 DESCRIBED IN THIS SUBSECTION DOES not apply

15 Sec 46 (a) ~~"Benefit year" with respect to any~~
 16 ~~individual~~ SUBJECT TO SUBSECTIONS (B) THROUGH (E) 'BENEFIT
 17 EAR means the period of 52 consecutive calendar weeks beginning
 18 ~~with~~ the first calendar week ~~with respect to~~ IN which ~~the~~
 19 AN individual ~~who does not already have a benefit year in~~
 20 effect, files ~~an application~~ A CLAIM in accordance with sec-
 21 tion 32 ~~---However, a benefit year shall not be established~~
 22 ~~unless the individual~~ AND meets all of the following
 23 conditions

24 (1) THE INDIVIDUAL has earned 20 credit weeks in the 52 con-
 25 secutive calendar weeks ~~preceding~~ BEFORE the week ~~with respect~~
 26 ~~to which the individual filed an application~~ HE OR SHE FILES THE
 27 CLAIM for benefits ~~---~~

1 (2) ~~with respect to the week for which the~~ THE individual
 2 is ~~filing an application for benefits, is~~ unemployed — and
 3 meets all ~~of the other~~ requirements of section 28 — FOR THE
 4 WEEK FOR WHICH HE OR SHE FILES A CLAIM FOR BENEFITS

5 (3) ~~with respect to the week for which the individual is~~
 6 ~~filing an application for benefits the individual is not disqual-~~
 7 ~~ified nor subject to disqualification, except in case of a labor~~
 8 ~~dispute under section 29(8), with respect to the~~ EXCEPT FOR A
 9 DISQUALIFICATION UNDER SECTION 29(8) INVOLVING A LABOR DISPUTE
 10 DURING THE INDIVIDUAL'S most recent period of employment with the
 11 most recent employer with whom the individual earned a credit
 12 week THE INDIVIDUAL IS NOT DISQUALIFIED OR SUBJECT TO DISQUALI-
 13 FICATION FOR THE WEEK FOR WHICH HE OR SHE FILES A CLAIM

14 (4) THE INDIVIDUAL DOES NOT HAVE A BENEFIT YEAR ALREADY IN
 15 EFFECT AT THE TIME OF THE CLAIM

16 (B) If an individual files ~~an application~~ A CLAIM for a
 17 7-day period ~~as provided in~~ PURSUANT TO section 27(c) ~~the~~
 18 HIS OR HER benefit year ~~with respect to the individual shall~~
 19 ~~begin with~~ BEGINS the calendar week ~~which contains~~ CONTAINING
 20 the first day of that 7-day period HOWEVER NOT MORE THAN 10
 21 CREDIT WEEKS BASED ON THOSE SERVICES SHALL BE USED TO PAY
 22 BENEFITS ALL BASE PERIOD WAGES AND CREDIT WEEKS SHALL BE USED
 23 IN CALCULATING THE INDIVIDUAL'S AVERAGE WEEKLY WAGE

24 (C) ~~(b)~~ If all ~~—~~ or ~~the then remaining~~ part ~~—~~ of a
 25 claimant's ~~rights~~ RIGHT to benefits during his or her benefit
 26 year are canceled under ~~the provisions of~~ section 62(b) the

1 ~~remaining portion of that~~ benefit year ~~shall be~~ IS terminated
 2 ~~as of~~ ON the effective date of the cancellation

3 (D) ~~(c)~~ An individual may request a redetermination of his
 4 or her benefit rights and cancellation of a previously estab-
 5 lished benefit year if he or she has not completed a compensable
 6 period ~~in such case, the~~ THE benefit year ~~shall begin with~~
 7 UNDER CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION BEGINS the first
 8 day of the first week ~~with respect to~~ IN which the request for
 9 redetermination of benefit rights is duly filed

10 (E) ~~(d)~~ Notwithstanding section 43(g), ~~and subsection~~
 11 ~~(a) for services performed on or after January 2, 1983,~~ an
 12 individual ~~shall~~ IS not ~~be~~ entitled to establish a benefit
 13 year based in whole or in part on credit weeks for ~~service~~ THE
 14 FOLLOWING SERVICES

15 (1) SERVICE in the employ of an employing unit ~~in which~~ IF
 16 more than 50% of the proprietary interest IN THAT EMPLOYING UNIT
 17 is owned by ~~the~~ ANY OF THE FOLLOWING UNLESS BOTH THE INDIVID-
 18 UAL AND THE EMPLOYER NOTIFY THE COMMISSION IN RESPONSE TO THE
 19 COMMISSION S REQUEST FOR INFORMATION, OF THE INDIVIDUAL S RELA-
 20 TIONSHIP TO THE OWNERS OF THE PROPRIETARY INTEREST IN THE EMPLOY-
 21 ING UNIT

22 (A) THE individual or his or her son, daughter, or spouse
 23 ~~or any~~

24 (B) A combination of ~~these~~ individuals ~~, or in which more~~
 25 ~~than 50% of the proprietary interest is owned by the mother or~~
 26 ~~father of~~ DESCRIBED IN SUBPARAGRAPH (A)

1 (C) IF THE INDIVIDUAL IS a child under the age of 18 THE
2 INDIVIDUAL S MOTHER FATHER, OR BOTH PARENTS JOINTLY ~~or mother~~
3 ~~and father combined, unless both the individual and the employer~~
4 ~~notify the commission, in response to the commission's request~~
5 ~~for information, of the individual's relationship to the owners~~
6 ~~of the proprietary interest in the employing unit~~ Upon timely
7 notification to the commission, a benefit year may be established
8 for the individual, if the individual meets all of the following
9 conditions— (1) has earned 20 credits weeks in the 52 consecu-
10 tive calendar weeks preceding the week with respect to which the
11 individual filed an application for benefits— (2) with respect to
12 the week for which the individual is filing an application for
13 benefits is unemployed and meets all of the other requirements
14 of section 28— (3) with respect to the week for which the indi-
15 vidual is filing an application for benefits the individual is
16 not disqualified nor subject to disqualification except in case
17 of a labor dispute under section 29(8)— with respect to the most
18 recent period of employment with the most recent employer with
19 whom the individual earned a credit week— If an individual files
20 an application for a 7 day period as provided in section 27(c),
21 the benefit year with respect to the individual shall begin with
22 the calendar week which contains the first day of that 7 day
23 period— However, for benefit years established on or after
24 July 1, 1983, not more than 10 credit weeks based on such serv-
25 ices shall be used to pay benefits— For the purpose of calculat-
26 ing the individual's average weekly wage, all base period wages
27 and credit weeks shall be used—

1 (11) SERVICES FOR AN EMPLOYER OR EMPLOYING UNIT THAT
2 COMPLIED WITH SECTION 29(1)(N)

3 (111) SERVICES FOR A TEMPORARY HELP FIRM, IF THAT TEMPORARY
4 HELP FIRM GAVE THE INDIVIDUAL THE WRITTEN NOTICE DESCRIBED IN
5 SECTION 29(1)(O) AND THE INDIVIDUAL FAILED TO COMPLY WITH SEC-
6 TION 29(1)(O)