



HOUSE BILL No. 5488

April 21 1994 Introduced by Reps DeLange Murphy Munsell Freeman Cropsey,
Nye Clack Middleton Gnodtke Middaugh and Varga and referred to the Committee on Labor

A bill to amend sections 13f, 13g, 13k, 17, 19, 20, 27, 28,
28a, 29, 32, 44, 45, 46, 50, 51, 54, and 62 of Act No 1 of the
Public Acts of the Extra Session of 1936, entitled as amended
Michigan employment security act,
sections 17 and 50 as amended by Act No 535 of the Public Acts
of 1982, sections 19 and 27 as amended by Act No 311 of the
Public Acts of 1993, sections 20, 28a, 29, 32, and 46 as amended
by Act No 164 of the Public Acts of 1983, section 28 as amended
by Act No 227 of the Public Acts of 1989, section 44 as amended
by Act No 223 of the Public Acts of 1985 section 54 as amended
by Act No 280 of the Public Acts of 1993, and section 62 as
amended by Act No 3 of the Public Acts of 1991, being
sections 421 13f, 421 13g, 421 13k, 421 17, 421 19, 421 20,
421 27, 421 28 421 28a, 421 29, 421 32, 421 44, 421 45, 421 46,

421 50 421 51 421 54 and 421 62 of the Michigan Compiled Laws
and to add section 75

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 13f 13g 13k, 17 19 20, 27, 28 28a,
2 29 32 44, 45 46 50 51 54 and 62 of Act No 1 of the Public
3 Acts of the Extra Session of 1936, sections 17 and 50 as amended
4 by Act No 535 of the Public Acts of 1982 sections 19 and 27 as
5 amended by Act No 311 of the Public Acts of 1993 sections 20
6 28a 29, 32, and 46 as amended by Act No 164 of the Public Acts
7 of 1983 section 28 as amended by Act No 227 of the Public Acts
8 of 1989 section 44 as amended by Act No 223 of the Public Acts
9 of 1985 section 54 as amended by Act No 280 of the Public Acts
10 of 1993 and section 62 as amended by Act No 3 of the Public
11 Acts of 1991, being sections 421 13f 421 13g 421 13k 421 17,
12 421 19 421 20, 421 27 421 28 421 28a 421 29, 421 32 421 44,
13 421 45, 421 46 421 50 421 51 421 54, and 421 62 of the
14 Michigan Compiled Laws are amended and section 75 is added to
15 read as follows

16 Sec 13f (1) ~~the~~ FOR BENEFIT YEARS ESTABLISHED BEFORE
17 THE CONVERSION DATE PRESCRIBED IN SECTION 75, THE benefits paid
18 on the basis of credit weeks earned with a nonprofit organization
19 while it was a reimbursing employer shall be reimbursed by the
20 nonprofit organization pursuant to ~~subsection (1) of~~ section
21 ~~13c~~ 13C(1) and the benefits paid on the basis of credit weeks
22 earned with that nonprofit organization while it was a
23 contributing employer shall be charged to the ~~rating~~ EXPERIENCE
24 account of the nonprofit organization pursuant to section 20

1 (2) FOR BENEFIT YEARS ESTABLISHED AFTER THE CONVERSION DATE
 2 PRESCRIBED IN SECTION 75 THE BENEFITS PAID ON THE BASIS OF BASE
 3 PERIOD WAGES PAID BY A NONPROFIT ORGANIZATION WHILE IT WAS A
 4 REIMBURSING EMPLOYER SHALL BE REIMBURSED BY THE NONPROFIT ORGANI-
 5 ZATION PURSUANT TO SECTION 13C(1) AND THE BENEFITS PAID ON THE
 6 BASIS OF BASE PERIOD WAGES PAID BY THAT NONPROFIT ORGANIZATION
 7 WHILE IT WAS A CONTRIBUTING EMPLOYER SHALL BE CHARGED TO THE
 8 EXPERIENCE ACCOUNT OF THE NONPROFIT ORGANIZATION PURSUANT TO
 9 SECTION 20 BENEFITS PAID TO AN INDIVIDUAL AND CHARGEABLE TO THE
 10 NONPROFIT ORGANIZATION ON THE BASIS THAT THE NONPROFIT ORGANIZA-
 11 TION WAS THE SEPARATING EMPLOYER IN THE CLAIM SHALL BE CHARGED TO
 12 THE EXPERIENCE ACCOUNT OF THE NONPROFIT ORGANIZATION IF IT WAS A
 13 CONTRIBUTING EMPLOYER AT THE TIME OF THE SEPARATION, OR SHALL BE
 14 REIMBURSED BY THE NONPROFIT ORGANIZATION IF IT WAS A REIMBURSING
 15 EMPLOYER AT THE TIME OF THE SEPARATION

16 Sec 13g ~~-(1) The state shall make reimbursement payments~~
 17 ~~in lieu of contributions as a reimbursing employer for not less~~
 18 ~~than 2 calendar years beginning January 1, 1978, except that the~~
 19 ~~state, by concurrent resolution of the legislature may elect to~~
 20 ~~become a contributing employer pursuant to section 13 beginning~~
 21 ~~January 1, 1978, by adopting a resolution to that effect before~~
 22 ~~January 31, 1978~~

23 (1) ~~-(2) If the~~ THE state AS A REIMBURSING EMPLOYER, is
 24 liable for reimbursement payments in lieu of contributions ~~, it~~
 25 AND shall pay to the commission an amount equal to the full
 26 amount of regular benefits plus the amount of extended benefits
 27 and training benefits paid during any calendar quarter that is

1 attributable to service in the employ of the state and which is
2 not reimbursable by the federal government The amount which is
3 required to be paid into the fund ~~pursuant to subsection (1)~~
4 shall be ascertained by the commission as soon as practicable
5 after the end of each calendar quarter Payments by the state
6 shall be made at the times and manner as the commission
7 prescribes

8 (3) The commission shall maintain a separate account in the
9 fund for each department commission, or other budgetary unit of
10 the state Reimbursement payments made by the state to the unem-
11 ployment fund under this section shall be charged to funds avail-
12 able for the payment of wages and salaries in each department
13 commission or other budgetary unit according to the amount of
14 benefits charged to each budgetary unit

15 (4) The state shall continue to be liable for reimbursement
16 payments in lieu of contributions until it terminates its status
17 as a reimbursing employer and elects to become a contributing
18 employer The election shall be by concurrent resolution of the
19 legislature adopted before the beginning of a calendar year for
20 which the election is to be effective

21 (5) If the state elects to be a contributing employer it
22 may subsequently elect by concurrent resolution of the legisla-
23 ture, to become a reimbursing employer The concurrent resolu-
24 tion shall be adopted before the beginning of a calendar year for
25 which the election is to be effective The election to be a
26 reimbursing employer may not be terminated for the calendar year

1 with respect to which the election is made and the following
2 calendar year

3 (6) ~~Benefits~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CON-
4 VERSION DATE ESTABLISHED IN SECTION 75, BENEFITS paid on the
5 basis of credit weeks earned with the state while it was a reim-
6 bursing employer shall be reimbursed by the state and benefits
7 paid on the basis of credit weeks earned with the state while it
8 was a contributing employer shall be charged to the ~~rating~~
9 EXPERIENCE account of the state pursuant to section 20 FOR BEN-
10 EFIT YEARS ESTABLISHED AFTER THE CONVERSION DATE PRESCRIBED IN
11 SECTION 75 BENEFITS PAID ON THE BASIS OF BASE PERIOD WAGES PAID
12 BY THE STATE WHILE IT WAS A REIMBURSING EMPLOYER SHALL BE REIM-
13 BURSED BY THE STATE AND BENEFITS PAID ON THE BASIS OF BASE PERIOD
14 WAGES PAID BY THE STATE WHILE IT WAS A CONTRIBUTING EMPLOYER
15 SHALL BE CHARGED TO THE EXPERIENCE ACCOUNT OF THE STATE PURSUANT
16 TO SECTION 20 BENEFITS PAID TO AN INDIVIDUAL AND CHARGEABLE TO
17 THE STATE ON THE BASIS THAT THE STATE WAS THE SEPARATING EMPLOYER
18 IN THE CLAIM FOR BENEFITS SHALL BE CHARGED TO THE EXPERIENCE
19 ACCOUNT OF THE STATE IF IT WAS A CONTRIBUTING EMPLOYER AT THE
20 TIME OF THE SEPARATION OR SHALL BE REIMBURSED BY THE STATE IF IT
21 WAS A REIMBURSING EMPLOYER AT THE TIME OF THE SEPARATION

22 (7) Past due reimbursement payments in lieu of contributions
23 shall be subject to the interest penalty assessment and col-
24 lection provisions provided in section 15

25 Sec 13k (1) Except as provided in section 13g, a govern-
26 mental entity which is liable for reimbursement payments in lieu
27 of contributions shall pay to the commission an amount equal to

1 the full amount of regular benefits plus the amount of extended
2 benefits and training benefits paid during a calendar quarter
3 that are attributable to service in the employ of the organiza-
4 tion and which are not reimbursable by the federal government

5 (2) The amount required to be paid by a governmental entity
6 shall be ascertained by the commission as soon as practicable
7 after the end of each calendar quarter and a statement of charges
8 shall be mailed to each entity A governmental entity shall
9 reimburse the fund within 30 days after the start of the next
10 fiscal year of the governmental entity following the calendar
11 year for which the governmental entity is to be charged

12 (3) Past due reimbursement payments in lieu of contributions
13 shall be subject to the interest, penalty, assessment, and col-
14 lection provisions provided in section 15

15 (4) A school district or community college district which is
16 liable for contributions for a calendar year shall pay the con-
17 tributions within 30 days after the start of its next fiscal year
18 after that calendar year

19 (5) A governmental entity other than the state or a school
20 district or community college district which is liable for con-
21 tributions shall pay the contributions due ~~for the first 2 cal-~~
22 ~~endar quarters of 1975 within 30 days after the start of its~~
23 ~~fiscal year beginning in 1975, and thereafter~~ as required by
24 section 13

25 (6) If a governmental entity other than the state is delin-
26 quent for 2 consecutive calendar years in making reimbursement
27 payments in lieu of contributions, the commission may terminate

1 the employer's election to make reimbursement payments in lieu of
2 contributions as of the beginning of the next calendar year
3 which termination shall be effective for that and the next calen-
4 dar year

5 (7) ~~Benefits~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CON-
6 VERSION DATE PRESCRIBED IN SECTION 75, BENEFITS paid on the basis
7 of credit weeks earned with a governmental entity while it was a
8 reimbursing employer shall be reimbursed by the employer pursuant
9 to subsections (1), (2), and (3), and the benefits paid on the
10 basis of credit weeks earned with A governmental entity while it
11 was a contributing employer shall be charged to the ~~rating~~
12 EXPERIENCE account of the employer pursuant to section 20 FOR
13 BENEFIT YEARS ESTABLISHED AFTER THE CONVERSION DATE PRESCRIBED IN
14 SECTION 75 BENEFITS PAID ON THE BASIS OF BASE PERIOD WAGES PAID
15 BY A GOVERNMENTAL ENTITY WHILE IT WAS A REIMBURSING EMPLOYER
16 SHALL BE REIMBURSED BY THE EMPLOYER PURSUANT TO SUBSECTIONS (1)
17 (2), AND (3) AND BENEFITS PAID ON THE BASIS OF BASE PERIOD WAGES
18 PAID BY A GOVERNMENTAL ENTITY WHILE IT WAS A CONTRIBUTING
19 EMPLOYER SHALL BE CHARGED TO THE EXPERIENCE ACCOUNT OF THE
20 EMPLOYER PURSUANT TO SECTION 20 BENEFITS PAID TO AN INDIVIDUAL
21 AND CHARGEABLE TO THE GOVERNMENTAL ENTITY ON THE BASIS THAT THE
22 GOVERNMENTAL ENTITY WAS THE SEPARATING EMPLOYER IN THE CLAIM
23 SHALL BE CHARGED TO THE EXPERIENCE ACCOUNT OF THE GOVERNMENTAL
24 ENTITY IF IT WAS A CONTRIBUTING EMPLOYER AT THE TIME OF THE SEPA-
25 RATION OR SHALL BE REIMBURSED BY THE GOVERNMENTAL ENTITY IF IT
26 WAS A REIMBURSING EMPLOYER AT THE TIME OF THE SEPARATION

1 Sec 17 (1) ~~(a)~~ The commission shall maintain in the
2 fund a nonchargeable benefits account, and a separate experience
3 account for each employer as provided in this section As used
4 in this act experience account' means an account in the fund
5 showing an employer's experience with respect to contribution
6 payments and benefit charges under this act determined and
7 recorded in the manner provided in this act Nonchargeable ben-
8 efits account means the account in the fund maintained as pro-
9 vided in ~~subsection (c)~~ SUBSECTIONS (2) AND (3) A reference
10 in this act to the 'solvency account shall be construed to refer
11 to the nonchargeable benefits account and a reference in this act
12 to an employer s experience record" or 'rating account' shall be
13 construed to include reference to the employer's experience
14 account But this act shall not be construed to grant an
15 employer or individuals in the employer s service prior claims or
16 rights to the amount paid by the employer to the unemployment
17 compensation fund All contributions to that fund shall be
18 pooled and available to pay benefits to any individual entitled
19 to the benefits under this act irrespective of the source of the
20 contributions

21 ~~(b) The balance of each employer's former rating account~~
22 ~~established as of June 30, 1977 under the provisions of this~~
23 ~~subsection then in effect, shall be carried over and continued as~~
24 ~~the balance of the employer's experience account under this sec-~~
25 ~~tion as modified~~

26 (2) ~~(c) The balance of the fund's former solvency account~~
27 ~~established as of June 30, 1977, under the provisions of this~~

~~1 subsection then in effect, shall be carried over and continued as~~
~~2 the balance of the nonchargeable benefits account under this sec-~~
~~3 tion as modified After June 30 1977 the~~ THE nonchargeable
 4 benefits account shall be credited ~~---(1) With all~~ WITH THE
 5 FOLLOWING

6 (A) ALL net earnings received on money, property, or securi-
 7 ties in the fund ~~---(2) with any~~

8 (B) ANY positive balance remaining in the employer's
 9 experience account as of the second June 30 computation date
 10 occurring after the employer has ceased to be subject to this act
 11 or after the employer has elected to change from a contributing
 12 employer to a reimbursing employer ~~---(3) with the~~

13 (C) THE proceeds of the nonchargeable benefits component of
 14 employers contribution rates determined as provided in section
 15 19(a)(5) ~~---(4) with all~~

16 (D) ALL reimbursements received under section 11(c) ~~---(5)~~
 17 ~~with all~~

18 (E) ALL amounts which may be paid or advanced by the federal
 19 government under section 903 or section 1201 of the social secur-
 20 ity act 42 U S C 1103 and 1321, to the account of the state in
 21 the federal unemployment trust fund ~~---(6) with all~~

22 (F) ALL benefits improperly paid to claimants which have
 23 been recovered and which were previously charged to an employer s
 24 account ~~---(7) with the amount of any~~

25 (G) ANY benefits forfeited by an individual ~~pursuant to~~ BY
 26 application of section 62(b) ~~---(8) with the~~

1 (H) THE amount of any benefit check, any employer refund
 2 check or any claimant restitution refund check duly issued which
 3 has not been presented for payment within 1 year after the date
 4 of issue ~~, (9) with any~~

5 (I) ANY other unemployment fund income not creditable to the
 6 experience account of any employer ~~, (10) with any~~

7 (J) ANY negative balance transferred to an employer s new
 8 experience account pursuant to ~~subsection (e), and (11) with~~
 9 ~~amounts~~ THIS SECTION

10 (K) AMOUNTS transferred from the contingent fund pursuant to
 11 section 10 ~~This~~

12 (3) THE NONCHARGEABLE BENEFITS account shall be charged WITH
 13 THE FOLLOWING

14 (A) ~~(i) with any~~ ANY negative balance remaining in an
 15 employer s experience account as of the second June 30 computa-
 16 tion date occurring after the employer has ceased to be subject
 17 to this act or has elected to change from a contributing employer
 18 to a reimbursing employer ~~, (11) with refunds~~

19 (B) REFUNDS of amounts erroneously collected due to the non-
 20 chargeable benefits component of an employer's contribution rate
 21 ~~, (11) with all~~

22 (C) ALL training benefits paid under section 27(g) not reim-
 23 bursable by the federal government and based on service with a
 24 contributing employer ~~, (12) with any~~

25 (D) ANY positive balance credited or transferred to an
 26 employer s new experience account pursuant to THIS subsection
 27 ~~(e), (v) with repayments~~

1 (E) REPAYMENTS to the federal government of amounts advanced
 2 by it under section 1201 of the social security act, 42 U S C
 3 1321, to the unemployment compensation fund established by this
 4 act ~~, (vi) with such of the~~

5 (F) THE amounts received by the fund under section 903 of
 6 the social security act, 42 U S C 1103, ~~as~~ THAT may be appro-
 7 priated to the commission in accordance with subsection ~~(f),~~
 8 ~~(vii) with all~~ (9)

9 (G) ALL benefits determined to have been improperly paid to
 10 claimants which have been credited to employers' accounts in
 11 accordance with section 20(a) ~~, (viii) with the~~

12 (H) THE amount of any substitute check issued to replace an
 13 uncashed benefit check employer refund check, or claimant resti-
 14 tution refund check previously credited to this account ~~, (ix)~~
 15 ~~with the~~

16 (I) THE amount of any benefit check issued which would be
 17 chargeable to the experience account of an employer who has
 18 ceased to be subject to this act and who has had a balance
 19 transferred from the employer s experience account to the sol-
 20 vency or nonchargeable benefits account ~~, (x) all~~

21 (J) ALL benefits which become nonchargeable to an employer
 22 under section 29(3) or section 19(b) or (c) ~~and (xi)~~

23 (K) FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION DATE
 24 PRESCRIBED IN SECTION 75, with benefits allocated under section
 25 20(d)(2) for a week of unemployment in which a claimant earns
 26 remuneration with a contributing employer which equals or exceeds
 27 the amount of benefits allocated to that contributing employer,

1 AND FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
2 PRESCRIBED IN SECTION 75 WITH BENEFITS ALLOCATED UNDER
3 SECTION 20(D)(3) FOR A WEEK OF UNEMPLOYMENT IN WHICH A CLAIMANT
4 EARNS REMUNERATION WITH A CONTRIBUTING EMPLOYER WHICH EQUALS OR
5 EXCEEDS THE AMOUNT OF BENEFITS ALLOCATED TO THAT CONTRIBUTING
6 EMPLOYER

7 (L) BENEFITS THAT ARE NONCHARGEABLE TO AN EMPLOYER S ACCOUNT
8 IN ACCORDANCE WITH SECTION 74

9 (M) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
10 PRESCRIBED IN SECTION 75 WITH THE FIRST 4 WEEKS OF BENEFITS PAID
11 TO THE CLAIMANT IF THE SEPARATING EMPLOYING ENTITY WAS NOT A
12 LIABLE EMPLOYER

13 (4) The commission shall include in each of its annual
14 reports a statement of the condition of the nonchargeable bene-
15 fits account its classified transactions and its contingent
16 liabilities as specified in section 18(c) The statement shall
17 also show as of the most recent June 30 the number of the
18 employer experience accounts showing negative balances and the
19 amount of those balances classified by the industry by the
20 annual total and annual taxable payroll by amount of negative
21 balance and by the duration of coverage under this act of the
22 employers involved

23 (5) ~~(d)~~ All contributions paid by an employer shall be
24 credited to the unemployment compensation fund and except as
25 otherwise provided with respect to the proceeds of the noncharge-
26 able benefits component of employers contribution rates by
27 section 19(a)(5), to the employer s experience account, as of the

1 date when paid However those contributions paid during any
2 July shall be credited as of the immediately preceding June 30
3 Additional contributions paid by an employer as the result of a
4 retroactive contribution rate adjustment solely for the purpose
5 of this subsection shall be credited to the employer's
6 experience account as if paid when due, if the payment is
7 received within 30 days after the issuance of the initial assess-
8 ment which results from the contribution rate adjustment and a
9 written request for the application is filed by the employer
10 during this period

11 (6) ~~-(e)-(1)-~~ If an employer who has ceased to be subject to
12 this act and who has had a positive balance transferred as pro-
13 vided in subsection ~~-(e)-~~ (2) from the employer's experience
14 account to the solvency or nonchargeable benefits account as of
15 the second computation date after the employer has ceased to be
16 subject to this act shall thereafter again become subject to
17 this act within 6 years after that computation date, the employer
18 may apply within 60 days after the commission's determination
19 that the employer is again subject to this act to the commission
20 to have the positive balance adjusted by the debits and credits
21 as have been made subsequent to the date of transfer credited to
22 the employer's new experience account If the application is
23 timely the commission shall credit the positive balance to the
24 employer's new experience account

25 (7) ~~-(2)-~~ If an employer's status as a reimbursing employer
26 is terminated within 6 years after the date the employer's
27 experience account as a prior contributing employer was

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

11 (8) ~~(3)~~ If a balance is transferred to an employer's new
 12 account UNDER SUBSECTION (6) OR (7), the employer shall not be
 13 considered a qualified employer until the employer has again
 14 been subject to this act for the period set forth in section
 15 19(a)(1)

16 (9) ~~(f)(1)~~ All money credited under section 903 of the
 17 social security act 42 U S C 1103 to the account of the state
 18 in the federal unemployment trust fund shall immediately be cred-
 19 ited by the commission to the fund's nonchargeable benefits
 20 account ~~(2)~~ There is authorized to be appropriated to the
 21 commission from the money credited to the nonchargeable BENEFITS
 22 account under ~~paragraph (1)~~ THIS SUBSECTION sums found neces-
 23 sary for the proper and efficient administration by the commis-
 24 sion of this act for purposes for which federal grants under
 25 Title 3 of the social security act, 42 U S C 501 to 504 and
 26 the Wagner-Peyser national employment system act 29 U S C 49
 27 to 49k are not available or are insufficient The appropriation

1 shall expire not more than 2 years after the date of enactment
 2 and shall provide that any unexpended balance shall then be cred-
 3 ited to the nonchargeable benefits account ~~-(3)-~~ An appropria-
 4 tion shall not be made under this subsection for an amount which
 5 exceeds the 'adjusted balance' of the nonchargeable benefits
 6 account on the most recent computation date ~~-(4)-~~
 7 Appropriations made under this subsection shall limit the total
 8 amount which may be obligated by the commission during a fiscal
 9 year to an amount which does not exceed the amount by which the
 10 aggregate of the amounts credited to the nonchargeable benefits
 11 account under ~~paragraph (1)~~ THIS SUBSECTION during the fiscal
 12 year and the 24 preceding fiscal years, exceeds the aggregate of
 13 ~~---(a) The~~ THE amounts obligated by the commission pursuant to
 14 appropriation under this subsection and charged against the
 15 amounts thus credited to the nonchargeable benefits account
 16 during any of the 25 fiscal years and ~~-(b)-~~ any amounts credited
 17 to the nonchargeable benefits account which have been used for
 18 the payment of benefits

19 Sec 19 (a) The commission shall determine the contribution
 20 rate of each contributing employer for each calendar year after
 21 1977 as follows

22 (1) (1) Except as provided in paragraph (11) an employer s
 23 rate shall be calculated as described in table A with respect to
 24 wages paid by the employer in each calendar year for employment
 25 If an employer s coverage is terminated under section 24 or at
 26 the conclusion of 8 or more consecutive calendar quarters during
 27 which the employer has not had workers in covered employment and

1 if the employer becomes liable for contributions the employer
2 shall be considered as newly liable for contributions for the
3 purposes of table A or table B of this subsection

4 (ii) To provide against the high risk of net loss to the
5 fund in such cases an employing unit which becomes newly liable
6 for contributions under this act in a calendar year beginning on
7 or after January 1 1983 in which it employs in employment , not
8 necessarily simultaneously but in any 1 week 2 or more individu-
9 als in the performance of 1 or more contracts or subcontracts for
10 construction in the state of roads bridges highways, sewers
11 water mains utilities public buildings, factories, housing
12 developments, or similar construction projects, shall be liable
13 for contributions to that employer s account under this act for
14 the first 4 years of operations in this state at a rate equal to
15 the average rate paid by employers engaged in the construction
16 business as determined by contractor type in the annual report
17 published by the commission in the manner provided in table B

18 (iii) For the calendar years 1983 and 1984 the contribution
19 rate of a construction employer shall not exceed its 1982 contri-
20 bution rate with respect to wages paid by that employer related
21 to the execution of a fixed price construction contract which was
22 entered into prior to January 1 1983 Furthermore such contri-
23 bution rate shall be reduced, by the solvency tax rate assessed
24 against the employer under section 19a, for the year in which
25 such solvency tax rate is applicable Furthermore notwithstand-
26 ing section 44 the taxable wage limit, for calendar years 1983
27 and 1984 with respect to wages paid under such fixed price

1 contract shall be the maximum amount of remuneration paid within
 2 a calendar year by an employer subject to the federal unemploy-
 3 ment tax act 26 U S C 3301 to 3311, to an individual with
 4 respect to employment as defined in that act which is subject to
 5 tax under that act during that year

Table A

Year of Contribution
Liability

Contribution Rate

1	2 7-
2	2 7%
3	1/3 (chargeable benefits component) + 1 8%
4	2/3 (chargeable benefits component) + 1 0%
5 and over	(chargeable benefits component) + (account building component) + (nonchargeable benefits component)

Table B

Year of Contribution
Liability

Contribution Rate

1	average construction contractor rate as determined by the commission
2	average construction contractor rate as determined by the commission
3	1/3 (chargeable benefits component) + 2/3 average construction contrac- tor rate as determined by the com- mission
4	2/3 (chargeable benefits component) + 1/3 average construction contrac- tor rate as determined by the com- mission
5 and over	(chargeable benefits component) + (account building component) + (nonchargeable benefits component)

1 (2) With the exception of employers who are in the first 4
 2 consecutive years of liability each employer's contribution rate
 3 for each calendar year after 1977 shall be the sum of the follow-
 4 ing components all of which are determined as of the computation
 5 date a chargeable benefits component determined under subdivi-
 6 sion (3) an account building component determined under subdivi-
 7 sion (4) and a nonchargeable benefits component determined under
 8 subdivision (5) Each employer's contribution rate for calendar
 9 years before 1978 shall be determined by the provisions of this
 10 act in effect during the years in question

11 (3) (1) The chargeable benefits component of an employer's
 12 contribution rate is the percentage determined by dividing the
 13 total amount of benefits charged to the employer's experience
 14 account within the lesser of 60 consecutive months ending on the
 15 computation date or the number of consecutive months ending on
 16 the computation date with respect to which the employer has been
 17 continuously liable for contributions by the amount of wages
 18 subject to contributions paid by the employer within the same
 19 period If the resulting quotient is not an exact multiple of
 20 $1/10$ of 1- it shall be increased to the next higher multiple of
 21 $1/10$ of 1-

22 (11) ~~The~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVER-
 23 SION DATE PRESCRIBED IN SECTION 75 THE chargeable benefits com-
 24 ponent shall not exceed 6 0-, unless there is a statutory change
 25 in the maximum duration of regular benefit payments or the statu-
 26 tory ratio of regular benefit payments to credit weeks In the
 27 event of a change in the maximum duration of regular benefit

1 payments the maximum chargeable benefits component shall
2 increase by the same percentage as the statutory percentage
3 change in the duration of regular benefit payments between compu-
4 tation dates In the event of an increase in the statutory ratio
5 of regular benefit payments to credit weeks as described in sec-
6 tion 27(d), the maximum chargeable benefits component determined
7 as of the computation dates occurring after the effective date of
8 the increased ratio shall increase by $1/2$ the same percentage as
9 the increase in the ratio of regular benefit payments to credit
10 weeks If the resulting increase is not already an exact multi-
11 ple of $1/10$ of 1 it shall be adjusted to the next higher multi-
12 ple of $1/10$ of 1 FOR BENEFIT YEARS ESTABLISHED AFTER THE CON-
13 VERSION DATE PRESCRIBED IN SECTION 75 THE CHARGEABLE BENEFITS
14 COMPONENT SHALL NOT EXCEED 6 0- UNLESS THERE IS A STATUTORY
15 CHANGE IN THE MAXIMUM DURATION OF REGULAR BENEFIT PAYMENTS OR THE
16 PERCENTAGE FACTOR OF BASE PERIOD WAGES WHICH DEFINES MAXIMUM
17 DURATION AS PROVIDED IN SECTION 27(D) IF THERE IS A STATUTORY
18 CHANGE IN THE MAXIMUM DURATION OF REGULAR BENEFIT PAYMENTS THE
19 MAXIMUM CHARGEABLE BENEFITS COMPONENT SHALL INCREASE BY THE SAME
20 PERCENTAGE AS THE STATUTORY PERCENTAGE CHANGE IN THE DURATION OF
21 REGULAR BENEFIT PAYMENTS BETWEEN COMPUTATION DATES IF THERE IS
22 AN INCREASE IN THE STATUTORY PERCENTAGE FACTOR OF BASE PERIOD
23 WAGES AS DESCRIBED IN SECTION 27(D) THE MAXIMUM CHARGEABLE BEN-
24 EFITS COMPONENT DETERMINED AS OF THE COMPUTATION DATES OCCURRING
25 AFTER THE EFFECTIVE DATE OF THE INCREASED RATIO SHALL INCREASE BY
26 $1/2$ THE SAME PERCENTAGE AS THE INCREASE IN THE PERCENTAGE FACTOR
27 OF BASE PERIOD WAGES IF THE RESULTING INCREASE IS NOT ALREADY

1 AN EXACT MULTIPLE OF $1/10$ OF 1- IT SHALL BE ADJUSTED TO THE NEXT
2 HIGHER MULTIPLE OF $1/10$ OF 1-

3 (4) The account building component of an employer's contri-
4 bution rate is the percentage arrived at by the following
5 calculations (i) Multiply the amount of the employer's total
6 payroll as defined in section 18(f) for the 12 months ending on
7 the computation date by the cost criterion selected for the com-
8 putation date under section 18(e) (ii) Subtract the amount of
9 the balance in the employer's experience account as of the compu-
10 tation date from the product determined under (i) and (iii) if
11 the remainder is zero or a negative quantity the account build-
12 ing component of the employer's contribution rate shall be zero
13 but (iv) if the remainder is a positive quantity the account
14 building component of the employer's contribution rate shall be
15 determined by dividing that remainder by the employer's total
16 payroll, as defined in section 18(f) paid within the 12 months
17 ending on the computation date The account building component
18 shall not exceed the lesser of $1/4$ of the percentage thus calcu-
19 lated or 2- However except as otherwise provided in this sub-
20 division for calendar years after 1982 the account building
21 component shall not exceed the lesser of $1/2$ of the percentage
22 thus calculated or 3- if on the June 30 of the preceding calen-
23 dar year the balance in the unemployment compensation fund was
24 less than 50- of an amount equal to the aggregate of all contrib-
25 uting employers annual payrolls for the 12 months ending
26 March 31, as defined in section 18(f) times the cost criterion
27 selected for the computation date under section 18(e) For

1 calendar years after 1993 and before 1999 the account building
 2 component shall not exceed the lesser of 69 of the percentage
 3 thus calculated or 3- if on the June 30 of the preceding calen-
 4 dar year the balance in the unemployment compensation fund was
 5 less than 50- of an amount equal to the aggregate of all contrib-
 6 uting employers annual payrolls for the 12 months ending
 7 March 31 as defined in section 18(f), times the cost criterion
 8 selected for the computation date under section 18(e) The
 9 account building component thus determined, if not an exact
 10 multiple of $1/10$ of 1- shall be adjusted to the next higher
 11 multiple of $1/10$ of 1-

12 (5) The nonchargeable benefits component of employers con-
 13 tribution rates is the percentage arrived at by the following
 14 calculations (i) multiply the aggregate amount of all contrib-
 15 uting employers annual payrolls, for the 12 months ending March
 16 31 as defined in section 18(f) by the cost criterion selected
 17 for the computation date under section 18(e) (ii) subtract the
 18 balance of the unemployment fund on the computation date net of
 19 federal advances from the product determined under (i) and
 20 (iii) if the remainder is zero or a negative quantity the non-
 21 chargeable benefits component of employers contribution rates
 22 shall be zero but (iv) if the remainder is a positive quantity
 23 the nonchargeable benefits component of employers contribution
 24 rates shall be determined by dividing that remainder by the total
 25 of wages subject to contributions under this act paid by all con-
 26 tributing employers within the 12 months ending on March 31 and
 27 adjusting the quotient if not an exact multiple of $1/10$ of 1-

1 to the next higher multiple of 1/10 of 1- The maximum
2 nonchargeable benefits component shall be 1- However, for cal-
3 endar years after 1993 and before 1999 if there are no benefit
4 charges against an employer s account for the 60 months ending as
5 of the computation date and if the program provided for in
6 section 5a is funded and operates for that fiscal year, the maxi-
7 mum nonchargeable benefit component shall not exceed 1/2 of 1-
8 An employer with a positive balance in its experience account on
9 the June 30 computation date preceding the calendar year shall
10 receive for that calendar year a credit in an amount equal to 1/2
11 of the extra federal unemployment tax paid in the preceding cal-
12 endar year under section 3302(c)(2) of the federal unemployment
13 tax act 26 U S C 3302(c)(2), because of an outstanding balance
14 of unrepaid advances from the federal government to the unemploy-
15 ment compensation fund under section 1201 of the social security
16 act 42 U S C 1321 However the credit for any calendar year
17 shall not exceed an amount determined by multiplying the
18 employer s nonchargeable benefit component for that calendar year
19 times the employer s taxable payroll for that year
20 Contributions paid by an employer shall be credited to the
21 employer s experience account in accordance with the provisions
22 of section ~~17(d)~~ 17(5) without regard to any credit given
23 under this subsection The amount credited to an employer's
24 experience account shall be the amount of the employer s tax
25 before deduction of the credit provided in this subsection
26 (6) ~~Notwithstanding other provisions of this section, for~~
27 ~~calendar years 1979 through 1982 the total of the chargeable~~

~~1 benefits and account building components of an employer's~~
~~2 contribution rate for a calendar year shall not exceed by more~~
~~3 than 1/2 of 1% the higher of 4% or the total of the chargeable~~
~~4 benefits component and the account building component which~~
~~5 applied to the employer during the preceding calendar year For~~
~~6 purposes of 1978 contribution rates, the sum of the chargeable~~
~~7 benefits and account building tax may not increase more than 1/2~~
~~8 of 1% above the higher of 4% or the employer's 1977 contribution~~
~~9 rate, exclusive of the then applicable emergency contribution~~
10 rate— The total of the chargeable benefits and account building
11 components of an employer s contribution rate shall not exceed by
12 more than 1% in the 1983 calendar year, 1 5% in the calendar year
13 1984 or 2% in the 1985 calendar year the higher of 4% or the
14 total of the chargeable benefits and the account building compo-
15 nents which applied to the employer during the preceding calendar
16 year For calendar years after 1985, the total of the chargeable
17 benefits and account building components of the employer s con-
18 tribution rate shall be computed without regard to the foregoing
19 limitation provided in this subdivision During a year in which
20 ~~the~~ THIS subdivision limits an employer s contribution rate,
21 the resulting reduction shall be considered to be entirely in the
22 experience component of the employer s contribution rate as
23 defined in section 18(d)

24 (b) An employer previously liable for contributions under
25 this act which on or after January 1 1978 filed a petition for
26 arrangement under the bankruptcy act of 1898, chapter 541,
27 30 Stat 544 or on or after October 1, 1979 filed a petition for

1 reorganization under title 11 of the United States code entitled
2 bankruptcy 11 U S C 101 to 1330 pursuant to which a plan of
3 arrangement or reorganization for rehabilitation purposes has
4 been confirmed by order of the United States bankruptcy court
5 shall be considered as a reorganized employer and shall have a
6 reserve fund balance of zero as of the first calendar year imme-
7 diately following court confirmation of the plan of arrangement
8 or reorganization, but not earlier than the calendar year begin-
9 ning January 1 1983 if the employer meets each of the following
10 requirements

11 (1) An employer whose plan of arrangement or reorganization
12 has been confirmed as of January 1, 1983 shall within 60 days
13 after January 1 1983 notify the commission of its intention to
14 elect the status of a reorganized employer An employer which
15 has not had a plan of arrangement or reorganization confirmed as
16 of January 1 1983 shall within 60 days after the entry by the
17 bankruptcy court of the order of confirmation of the plan of
18 arrangement or reorganization notify the commission of its
19 intention to elect the status of a reorganized employer An
20 employer shall not make an election under this subdivision after
21 December 31 1985

22 (2) The employer has paid to the commission all contribu-
23 tions previously owed by the employer pursuant to this act for
24 all calendar years prior to the calendar year as to which the
25 employer elects to begin its status as a reorganized employer

26 (3) More than 50 of the employer s total payroll is paid
27 for services rendered in this state during the employer s fiscal

1 year immediately preceding the date the employer notifies the
2 fund administrator of its intention to elect the status of a
3 reorganized employer

4 (4) The employer, within 180 days after notifying the com-
5 mission of its intention to elect the status of a reorganized
6 employer, makes a cash payment to the commission, for the unem-
7 ployment compensation fund, equal to 20 times the first
8 \$2,000,000 00 of the employer's negative balance, 35 times the
9 amount of the employer's negative balance above \$2,000,000 00 and
10 up to \$5 000 000 00, and 50 times the amount of the negative
11 balance above \$5,000,000 00 The total amount so determined by
12 the commission shall be based on the employer's negative balance
13 existing as of the end of the calendar month immediately preced-
14 ing the calendar year in which the employer will begin its status
15 as a reorganized employer If the employer fails to pay the
16 amount determined, within 180 days of electing status as a reor-
17 ganized employer, the commission shall reinstate the employer's
18 negative balance previously reduced and redetermine the
19 employer's rate on the basis of such reinstated negative
20 balance Such redetermined rate shall then be used to redeter-
21 mine the employer's quarterly contributions for that calendar
22 year Such redetermined contributions shall be subject to the
23 interest provisions of section 15 as of the date the redetermined
24 quarterly contributions were originally due

25 (5) Except as provided in subdivision (6), the employer con-
26 tribution rates for a reorganized employer beginning with the

1 first calendar year of the employer's status as a reorganized
 2 employer shall be as follows

3

4	Year of Contribution	Contribution Rate
5	Liability	
6		
7	1	2 7% of total taxable wages paid
8	2	2 7%
9	3	2 7%
10	4 and over	(chargeable benefits component based
11		upon 3-year experience) plus
12		(account building component based
13		upon 3-year experience) plus
14		(nonchargeable benefits component)
15	(6)	To provide against the high risk of net loss to the fund

16 in such cases any reorganized employer which employs in
 17 employment not necessarily simultaneously but in any 1 week 25
 18 or more individuals in the performance of 1 or more contracts or
 19 subcontracts for construction in the state of roads, bridges,
 20 highways, sewers, water mains utilities, public buildings, fac-
 21 tories, housing developments or similar major construction
 22 projects shall be liable beginning the first calendar year of
 23 the employer s status as a reorganized employer for contribution
 24 rates as follows

25

26	Year of Contribution	Contribution Rate
27	Liability	
28		
29	1	average construction contractor rate
30		as determined by the commission
31	2	average construction contractor rate
32		as determined by the commission
33	3	1/3 (chargeable benefits component)
34		+ 2/3 average construction contrac-
35		tor rate as determined by the com-
36		mission
37	4	2/3 (chargeable benefits component)
38		+ 1/3 average construction

1 contractor rate as determined by the
 2 commission
 3 5 and over (chargeable benefits component) +
 4 (account building component) +
 5 (nonchargeable benefits component)
 6 (c) Upon application by an employer to the commission for
 7 designation as a distressed employer, the commission, within
 8 60 days after receipt of the application, shall make a determina-
 9 tion whether the employer meets the conditions set forth in this
 10 subsection Upon finding that the conditions are met, the com-
 11 mission shall notify the legislature of the determination and
 12 request legislative acquiescence in the determination If the
 13 legislature approves the determination by concurrent resolution,
 14 the employer shall be considered to be a distressed employer as
 15 of January 1 of the year in which the determination is made The
 16 commission shall notify the employer of such determination and
 17 notify the employer of its contribution rate as a distressed
 18 employer and the contribution rate that would apply if the
 19 employer was not a distressed employer The distressed employer
 20 shall determine its tax contribution using the 2 rates furnished
 21 by the commission and shall pay its tax contribution based on the
 22 lower of the 2 rates If the determination of distressed
 23 employer status is made during the calendar year, the employer
 24 shall be entitled to a credit on future quarterly installments
 25 for any excess contributions paid during that initial calendar
 26 year The employer shall notify the commission of the difference
 27 between the amount paid and the amount which would have been paid
 28 if the employer were not determined to be a distressed employer
 29 and the difference will be owed to the unemployment compensation
 30 fund payable in accordance with this subsection Cumulative

1 totals of the difference must be reported to the commission with
2 each return required to be filed The commission may periodi-
3 cally determine continued eligibility of an employer under this
4 subsection When the commission makes a determination that an
5 employer no longer qualifies as a distressed employer the com-
6 mission shall notify the employer of that determination After
7 notice by the commission that the employer no longer qualifies as
8 a distressed employer the employer will be liable for contribu-
9 tions beginning with the first quarter occurring after receipt
10 of notification of disqualification, on the basis of the rate
11 that would apply if the employer was not a distressed employer
12 The contribution rate for a distressed employer shall be calcu-
13 lated under the law in effect for the 1982 calendar year except
14 that the rate thus determined shall be reduced by the applicable
15 solvency tax rate assessed against the employer under section
16 19a The taxable wage limit of such distressed employer for the
17 1983, 1984 and 1985 calendar years shall be the maximum amount
18 of remuneration paid within a calendar year by such an employer
19 subject to the federal unemployment tax act 26 U S C 3301 to
20 3311 to an individual with respect to employment as defined in
21 that act which is subject to tax under that act during that
22 year Commencing with the fourth quarter of 1986 the distressed
23 employer will pay in 10 equal annual installments the amount of
24 the unpaid contributions owed to the unemployment compensation
25 fund due to the application of this subsection without
26 interest Each installment shall be made with the fourth
27 quarterly return for the respective year As used in this

1 subsection, "distressed employer" means an employer whose
2 continued presence in this state is considered essential to the
3 state's economic well-being and who meets the following
4 criteria

5 (1) The employer's average annual Michigan payroll in the 5
6 previous years exceeded \$500,000,000.00

7 (2) The employer's average quarterly number of employees in
8 Michigan in the 5 previous years exceeded 25,000

9 (3) The employer's business income as defined in section 3
10 of Act No. 228 of the Public Acts of 1975 being section 208.3 of
11 the Michigan Compiled Laws, has resulted in an aggregate loss of
12 \$1,000,000.00 or more during the 5-year period ending in the
13 second year prior to the year for which the application is being
14 made

15 (4) The employer has received from the state of Michigan
16 loans totaling \$500,000.00 or more or loan guarantees from the
17 federal government in excess of \$500,000.00 either of which
18 are still outstanding

19 (5) Failure to give an employer designation as a distressed
20 employer would adversely impair the employer's ability to repay
21 the outstanding loans owed to the state of Michigan or which are
22 guaranteed by the federal government

23 (d) An employer may at any time make payments to that
24 employer's experience account in the fund in excess of the
25 requirements of this section, but these payments, when accepted
26 by the commission, shall be irrevocable. A payment made by an
27 employer within 30 days after mailing to the employer by the

1 commission of a notice of the adjusted contribution rate of the
2 employer shall be credited to the employer s account as of the
3 computation date for which the adjusted contribution rate was
4 computed, and the employer s contribution rate shall be further
5 adjusted accordingly However a payment made more than 120 days
6 after the beginning of a calendar year shall not affect the
7 employer s contribution rate for that year

8 Sec 20 (a) Benefits paid shall be charged against the
9 employer s account as of the quarter in which the payments are
10 made If the commission determines that any benefits charged
11 against an employer s account were improperly paid an amount
12 equal to the charge based on those benefits shall be credited to
13 the employer s account and a corresponding charge shall be made
14 to the nonchargeable benefits account as of the current period
15 or in the discretion of the commission as of the date of the
16 charge Benefits paid to an individual as a result of an
17 employer s failure to provide the commission with separation
18 employment and wage data as required by section 32 shall be con-
19 sidered as benefits properly paid to the extent that the benefits
20 are chargeable to the noncomplying employer

21 (b) ~~Benefits~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CON-
22 VERSION DATE PRESCRIBED IN SECTION 75 BENEFITS paid to an indi-
23 vidual shall be based upon the credit weeks earned during the
24 individual's base period and shall be charged against the
25 ~~rating~~ EXPERIENCE accounts of the contributing employers or
26 charged to the ACCOUNTS OF THE reimbursing employers from whom
27 the individual earned credit weeks If the individual earned

1 credit weeks from more than 1 employer, a separate determination
2 shall be made of the amount and duration of benefits based upon
3 the total credit weeks and wages earned with each employer
4 Benefits paid in accordance with the determinations shall be
5 charged against the ~~rating~~ EXPERIENCE account of a contributing
6 employer or charged to THE ACCOUNT OF a reimbursing employer
7 beginning with the most recent employer first and thereafter as
8 necessary against other base period employers in inverse order to
9 that in which the claimant earned his or her last credit week
10 with those employers If there is any disqualifying act or dis-
11 charge under section 29(1) with an employer, benefits based upon
12 credit weeks earned from that employer before the disqualifying
13 act or discharge shall be charged only after the exhaustion of
14 charges as provided above Benefits based upon those credit
15 weeks shall be charged first against the ~~rating~~ EXPERIENCE
16 account of the contributing employer involved or to the ACCOUNT
17 OF THE reimbursing employer involved in the most recent disquali-
18 fying act or discharge and thereafter as necessary in similar
19 inverse order against other base period employers involved in
20 disqualifying acts or discharges The order of charges deter-
21 mined as of the beginning date of a benefit year shall remain
22 fixed during the benefit year FOR BENEFIT YEARS ESTABLISHED
23 AFTER THE CONVERSION DATE PRESCRIBED IN SECTION 75, THE
24 CLAIMANT S FULL WEEKLY BENEFIT RATE SHALL BE CHARGED TO THE
25 ACCOUNT OR EXPERIENCE ACCOUNT OF THE CLAIMANT S MOST RECENT SEPA-
26 RATING EMPLOYER FOR EACH OF THE FIRST 4 WEEKS OF BENEFITS PAYABLE
27 TO THE CLAIMANT IN THE BENEFIT YEAR IN ACCORDANCE WITH THE

1 MONETARY DETERMINATION ISSUED PURSUANT TO SECTION 32
2 THEREAFTER REMAINING WEEKS OF BENEFITS PAYABLE IN THE BENEFIT
3 YEAR SHALL BE PAID IN ACCORDANCE WITH THE MONETARY DETERMINATION
4 AND SHALL BE CHARGED PROPORTIONALLY TO ALL BASE PERIOD EMPLOYERS
5 WITH THE CHARGE TO EACH BASE PERIOD EMPLOYER BEING MADE ON THE
6 BASIS OF THE RATIO THAT TOTAL WAGES PAID BY THE EMPLOYER IN THE
7 BASE PERIOD BEARS TO TOTAL WAGES PAID BY ALL EMPLOYERS IN THE
8 BASE PERIOD HOWEVER, IF THE CLAIMANT DID NOT PERFORM SERVICES
9 FOR THE MOST RECENT SEPARATING EMPLOYER OR EMPLOYING ENTITY AND
10 RECEIVE EARNINGS FOR PERFORMING THE SERVICES OF AT LEAST \$450 00
11 DURING THE CLAIMANT'S MOST RECENT PERIOD OF EMPLOYMENT WITH THE
12 EMPLOYER OR EMPLOYING ENTITY, THEN ALL WEEKS OF BENEFITS PAYABLE
13 IN THE BENEFIT YEAR SHALL BE CHARGED PROPORTIONALLY TO ALL BASE
14 PERIOD EMPLOYERS, WITH THE CHARGE TO EACH BASE PERIOD EMPLOYER
15 BEING MADE ON THE BASIS OF THE RATIO THAT TOTAL WAGES PAID BY THE
16 EMPLOYER IN THE BASE PERIOD BEARS TO TOTAL WAGES PAID BY ALL
17 EMPLOYERS IN THE BASE PERIOD IF THE CLAIMANT PERFORMED SERVICES
18 FOR THE MOST RECENT SEPARATING EMPLOYING ENTITY AND RECEIVED
19 EARNINGS FOR PERFORMING THE SERVICES OF AT LEAST \$450 00 DURING
20 THE CLAIMANT S MOST RECENT PERIOD OF EMPLOYMENT FOR THE EMPLOYING
21 ENTITY BUT THE SEPARATING EMPLOYING ENTITY WAS NOT A LIABLE
22 EMPLOYER, THE FIRST 4 WEEKS OF BENEFITS PAYABLE TO THE CLAIMANT
23 SHALL BE CHARGED TO THE NONCHARGEABLE BENEFITS ACCOUNT THE
24 'SEPARATING EMPLOYER IS THE EMPLOYER THAT CAUSED THE INDIVIDUAL
25 TO BE UNEMPLOYED AS DEFINED IN SECTION 48
26 (c) ~~Except~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE
27 CONVERSION DATE PRESCRIBED IN SECTION 75 AND EXCEPT as otherwise

1 provided in section 11(d) or (g) or section 46a the charges for
2 regular benefits to any reimbursing employer or to any contribut-
3 ing employer's ~~rating~~ EXPERIENCE account shall not exceed the
4 weekly benefit rate multiplied by $\frac{3}{4}$ the number of credit weeks
5 earned by the individual during his or her base period from that
6 employer If the resultant product is not an even multiple of
7 $\frac{1}{2}$ the weekly benefit rate, the amount shall be raised to an
8 amount equal to the next higher multiple of $\frac{1}{2}$ the weekly bene-
9 fit rate, and in the case of an individual who was employed by
10 only 1 employer in his or her base period and who earned 34
11 credit weeks with that employer, the product shall be raised to
12 the next higher multiple of the weekly benefit rate

13 (D) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
14 PRESCRIBED IN SECTION 75, AND EXCEPT AS OTHERWISE PROVIDED IN
15 SECTION 11(D) OR (G) OR SECTION 46, THE CHARGES FOR REGULAR BENE-
16 FITS TO ANY REIMBURSING EMPLOYER S ACCOUNT OR TO ANY CONTRIBUTING
17 EMPLOYER S EXPERIENCE ACCOUNT SHALL NOT EXCEED EITHER THE AMOUNT
18 DERIVED BY MULTIPLYING BY 4 THE WEEKLY BENEFIT RATE CHARGEABLE TO
19 THE EMPLOYER IN ACCORDANCE WITH SUBSECTION (B) IF THE EMPLOYER IS
20 THE SEPARATING EMPLOYER AND IS CHARGEABLE FOR THE FIRST 4 WEEKS
21 OF BENEFITS OR THE AMOUNT DERIVED FROM THE PERCENTAGE OF THE
22 WEEKLY BENEFIT RATE CHARGEABLE TO THE EMPLOYER IN ACCORDANCE WITH
23 SUBSECTION (B), MULTIPLIED BY THE NUMBER OF WEEKS OF BENEFITS
24 CHARGEABLE TO BASE PERIOD EMPLOYERS BASED ON BASE PERIOD WAGES,
25 TO WHICH THE INDIVIDUAL IS ENTITLED AS PROVIDED IN SECTION 27(D),
26 IF THE EMPLOYER IS A BASE PERIOD EMPLOYER, OR BOTH OF THESE

1 AMOUNTS IF THE EMPLOYER WAS BOTH THE CHARGEABLE SEPARATING
2 EMPLOYER AND A BASE PERIOD EMPLOYER

3 (E) ~~-(d)-~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
4 DATE PRESCRIBED IN SECTION 75

5 (1) When an individual has multiemployer credit weeks in his
6 or her base period, and when it becomes necessary to use those
7 credit weeks as a basis for benefit payments, a single determina-
8 tion shall be made of the individual's weekly benefit rate and
9 maximum amount of benefits based on the individual's multiem-
10 ployer credit weeks and the wages earned therein. Each employer
11 involved in the individual's multiemployer credit weeks shall be
12 an interested party to the determination. The proviso in
13 section 29(2) shall not be applicable to multiemployer credit
14 weeks nor shall the reduction provision of section 29(4) apply
15 to benefit entitlement based upon those credit weeks.

16 (2) The charge for benefits based on multiemployer credit
17 weeks shall be allocated to each employer involved on the basis
18 of the ratio that the total wages earned during the total multi-
19 employer credit weeks counted under section 50(b) ~~or (c)~~ with
20 the employer bears to the total amount of wages earned during the
21 total multiemployer credit weeks counted under section 50(b)
22 ~~or (c)~~ with all such employers computed to the nearest cent.
23 However, if an adjusted weekly benefit rate is determined in
24 accordance with section 27(f), the charge to the employer who has
25 contributed to the financing of the retirement plan shall be
26 reduced by the same amount by which the weekly benefit rate was
27 adjusted under section 27(f). Benefits for a week of

1 unemployment allocated under this subsection to a contributing
2 employer shall be charged to the nonchargeable benefits account
3 if the claimant during that week earns remuneration with that
4 employer which equals or exceeds the amount of benefits allocated
5 to that employer

6 (3) Benefits paid in accordance with the determination based
7 on multiemployer credit weeks shall be allocated to each employer
8 involved and charged as of the quarter in which the payments are
9 made Notice of charges made under this subsection shall be
10 given to each employer by means of a current listing of charges,
11 at least weekly or of a quarterly statement of charges The
12 listing or statement shall specify the weeks for which benefits
13 were paid based on multiemployer credit weeks and the amount of
14 benefits paid chargeable to that employer for each week The
15 notice shall be considered to satisfy the requirements of
16 sections 21(a) and 32(d) that notification be given each employer
17 of benefits charged against that employer s account by means of a
18 copy or listing of the benefit check and all protest and appeal
19 rights applicable to benefit check copies or listings shall also
20 be applicable to the notice of charges If an employer receives
21 both a current listing of charges and a quarterly statement of
22 charges under this subsection all protest and appeal rights
23 shall only be applicable to the first notice given

24 (F) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
25 PRESCRIBED IN SECTION 75 BENEFITS FOR A WEEK OF UNEMPLOYMENT
26 CHARGED UNDER THIS SECTION TO A CONTRIBUTING EMPLOYER SHALL BE
27 CHARGED TO THE NONCHARGEABLE BENEFITS ACCOUNT IF THE CLAIMANT

1 DURING THAT WEEK EARNS REMUNERATION WITH THAT EMPLOYER WHICH
 2 EQUALS OR EXCEEDS THE AMOUNT OF BENEFITS CHARGED TO THAT
 3 EMPLOYER

4 (G) ~~-(e)-~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
 5 DATE PRESCRIBED IN SECTION 75

6 (1) Training benefits as provided in section 27(g), and
 7 extended benefits as provided in section 64, shall be allocated
 8 to each reimbursing employer involved in the individual's base
 9 period of the claim to which the benefits are related on the
 10 basis of the ratio that the total wages earned during the total
 11 credit weeks counted under section 50(b) with a reimbursing
 12 employer bears to the total amount of wages earned during the
 13 total credit weeks counted under section 50(b) with all
 14 employers

15 (2) Training benefits and extended benefits, to the extent
 16 that they are not reimbursable by the federal government and have
 17 been allocated to a reimbursing employer, shall be charged to
 18 that reimbursing employer A contributing employer's experience
 19 account shall not be charged with training ~~or extended~~
 20 benefits Training ~~and extended~~ benefits based on service with
 21 a contributing employer to the extent that they are not reimbur-
 22 sable by the federal government, shall be charged to the non-
 23 chargeable benefits account ~~However, for weeks of unemployment~~
 24 ~~beginning on or after January 2, 1983, extended~~ EXTENDED bene-
 25 fits paid and based on service with a contributing employer to
 26 the extent that they are not reimbursable by the federal

1 government shall be charged to that employer s experience
2 account

3 (3) If the training benefits or extended benefits are
4 chargeable only to a single reimbursing employer, the benefits
5 shall be charged in accordance with subsection (a) If the
6 training benefits or extended benefits are chargeable to more
7 than 1 reimbursing employer, or to 1 or more reimbursing employ-
8 ers and the nonchargeable benefits account the benefits shall be
9 charged as of the quarter in which the payments are made

10 (4) Notice of charges made under this subsection shall be
11 given to each employer by means of a current listing of charges,
12 at least weekly ~~or of~~ AND SUBSEQUENTLY BY a quarterly SUMMARY
13 statement of charges The listing ~~or statement~~ shall specify
14 THE NAME AND SOCIAL SECURITY NUMBER OF EACH CLAIMANT PAID BENE-
15 FITS DURING THE WEEK the weeks for which the benefits were paid
16 and the amount of benefits chargeable to that employer paid for
17 each week THE QUARTERLY STATEMENT OF CHARGES SHALL LIST EACH
18 CLAIMANT BY NAME AND SOCIAL SECURITY NUMBER AND SHALL SHOW TOTAL
19 BENEFIT PAYMENTS MADE TO EACH CLAIMANT DURING THE CALENDAR
20 QUARTER The ~~notice~~ LISTING shall be considered to satisfy the
21 requirements of sections 21(a) and 32(d) that notification be
22 given each employer of benefits charged against that employer s
23 account by means of a ~~copy or~~ listing of the benefit check
24 All protest and appeal rights applicable to benefit check
25 ~~copies~~ LISTINGS shall also be applicable to the notice of
26 charges If an employer receives both a current listing of
27 charges and a quarterly statement of charges under this

1 subsection all protest and appeal rights shall only be
2 applicable to the first notice given

3 (H) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
4 PRESCRIBED IN SECTION 75

5 (1) TRAINING BENEFITS AS PROVIDED IN SECTION 27(G), AND
6 EXTENDED BENEFITS AS PROVIDED IN SECTION 64, SHALL BE CHARGED TO
7 EACH REIMBURSING EMPLOYER IN THE BASE PERIOD OF THE CLAIM TO
8 WHICH THE BENEFITS ARE RELATED ON THE BASIS OF THE RATIO THAT
9 THE TOTAL WAGES PAID BY A REIMBURSING EMPLOYER DURING THE BASE
10 PERIOD BEARS TO THE TOTAL WAGES PAID BY ALL REIMBURSING EMPLOYERS
11 IN THE BASE PERIOD

12 (2) TRAINING BENEFITS, AND EXTENDED BENEFITS TO THE EXTENT
13 THEY ARE NOT REIMBURSABLE BY THE FEDERAL GOVERNMENT AND HAVE BEEN
14 ALLOCATED TO A REIMBURSING EMPLOYER SHALL BE CHARGED TO THAT
15 REIMBURSING EMPLOYER A CONTRIBUTING EMPLOYER'S EXPERIENCE
16 ACCOUNT SHALL NOT BE CHARGED WITH TRAINING BENEFITS TRAINING
17 BENEFITS BASED ON SERVICE WITH A CONTRIBUTING EMPLOYER, TO THE
18 EXTENT THEY ARE NOT REIMBURSABLE BY THE FEDERAL GOVERNMENT SHALL
19 BE CHARGED TO THE NONCHARGEABLE BENEFITS ACCOUNT EXTENDED BENE-
20 FITS PAID AND BASED ON SERVICE WITH A CONTRIBUTING EMPLOYER, TO
21 THE EXTENT THEY ARE NOT REIMBURSABLE BY THE FEDERAL GOVERNMENT
22 SHALL BE CHARGED TO THAT EMPLOYER S EXPERIENCE ACCOUNT

23 (3) IF THE TRAINING BENEFITS OR EXTENDED BENEFITS ARE
24 CHARGEABLE ONLY TO A SINGLE REIMBURSING EMPLOYER, THE BENEFITS
25 SHALL BE CHARGED IN ACCORDANCE WITH SUBSECTION (A) IF THE
26 TRAINING BENEFITS OR EXTENDED BENEFITS ARE CHARGEABLE TO MORE
27 THAN 1 REIMBURSING EMPLOYER, OR TO 1 OR MORE REIMBURSING

1 EMPLOYERS AND THE NONCHARGEABLE BENEFITS ACCOUNT THE BENEFITS
2 SHALL BE CHARGED AS OF THE QUARTER IN WHICH THEY PAYMENTS ARE
3 MADE

4 (4) NOTICE OF CHARGES MADE UNDER THIS SUBSECTION SHALL BE
5 GIVEN TO EACH EMPLOYER BY MEANS OF A CURRENT LISTING OF CHARGES,
6 AT LEAST WEEKLY, AND SUBSEQUENTLY BY A QUARTERLY SUMMARY STATE-
7 MENT OF CHARGES THE LISTING SHALL SPECIFY THE NAME AND SOCIAL
8 SECURITY NUMBER OF EACH CLAIMANT PAID BENEFITS IN THE WEEK, THE
9 WEEKS FOR WHICH THE BENEFITS WERE PAID, AND THE AMOUNT OF BENE-
10 FITS CHARGEABLE TO THAT EMPLOYER PAID FOR EACH WEEK THE QUAR-
11 TERLY SUMMARY STATEMENT OF CHARGES SHALL LIST EACH CLAIMANT BY
12 NAME AND SOCIAL SECURITY NUMBER AND SHALL SHOW TOTAL BENEFIT PAY-
13 MENTS MADE TO EACH CLAIMANT DURING THE CALENDAR QUARTER THE
14 LISTING SHALL BE CONSIDERED TO SATISFY THE REQUIREMENTS OF
15 SECTIONS 21(A) AND 32(D) THAT NOTIFICATION BE GIVEN EACH EMPLOYER
16 OF BENEFITS CHARGED AGAINST THAT EMPLOYER S ACCOUNT BY MEANS OF A
17 LISTING OF THE BENEFIT CHECK ALL PROTEST AND APPEAL RIGHTS
18 APPLICABLE TO BENEFIT CHECK LISTINGS SHALL ALSO BE APPLICABLE TO
19 THE NOTICE OF CHARGES IF AN EMPLOYER RECEIVES BOTH A CURRENT
20 LISTING OF CHARGES AND A QUARTERLY SUMMARY STATEMENT OF CHARGES
21 UNDER THIS SUBSECTION ALL PROTEST AND APPEAL RIGHTS SHALL ONLY
22 BE APPLICABLE TO THE FIRST NOTICE GIVEN

23 (I) IF A BENEFIT YEAR IS ESTABLISHED AFTER THE CONVERSION
24 DATE PRESCRIBED IN SECTION 75 THE PORTION OF BENEFITS PAID IN
25 THAT BENEFIT YEAR THAT ARE BASED ON WAGES USED TO ESTABLISH THE
26 IMMEDIATELY PRECEDING BENEFIT YEAR THAT BEGAN BEFORE THE
27 CONVERSION DATE SHALL NOT BE CHARGED TO THE EMPLOYER OR EMPLOYERS

1 WHO PAID THOSE WAGES BUT SHALL BE CHARGED INSTEAD TO THE
2 NONCHARGEABLE BENEFITS ACCOUNT

3 Sec 27 (a)(1) When a determination redetermination or
4 decision is made that benefits are due an unemployed individual
5 the benefits shall immediately become payable from the fund and
6 continue to be payable to the unemployed individual subject to
7 the limitations imposed by the individual's monetary entitlement,
8 as long as the individual continues to be unemployed and to file
9 claims for benefits, until the determination, redetermination, or
10 decision is reversed a determination, redetermination, or deci-
11 sion on a new issue holding the individual disqualified or ineli-
12 gible is made, or, FOR BENEFIT YEARS BEGINNING BEFORE THE CONVER-
13 SION DATE PRESCRIBED IN SECTION 75 a new separation issue arises
14 resulting from subsequent work

15 (2) Benefits shall be paid in person or by mail through
16 employment offices in accordance with rules promulgated by the
17 commission

18 (b)(1) Subject to subsection (f) the weekly benefit rate
19 for an individual with respect to benefit years beginning ~~on or~~
20 ~~after January 2, 1983 but before January 4, 1987~~ BEFORE THE
21 CONVERSION DATE PRESCRIBED IN SECTION 75 shall be ~~65%~~ 70% of
22 the individual's average after tax weekly wage, except that the
23 individual's weekly benefit rate shall not exceed 58% of the
24 state average weekly wage. However, the maximum weekly benefit
25 amount established under this subsection shall not exceed \$293.00
26 for benefit years beginning on or after January 2, 1994 but
27 before January 5, 1997 ~~With respect to benefit years beginning~~

~~1 on or after January 4, 1987, the individual's weekly benefit rate~~
~~2 shall be 70% of the individual's average after tax weekly wage,~~
~~3 except that the individual's weekly benefit rate shall not exceed~~
~~4 53% of the state average weekly wage. With respect to benefit~~
~~5 years beginning on or after January 3, 1988, the individual's~~
~~6 weekly benefit rate shall not exceed 55% of the state average~~
~~7 weekly wage. With respect to benefit years beginning on or after~~
~~8 January 1, 1989, the individual's weekly benefit rate shall not~~
~~9 exceed 58% of the state average weekly wage. However, with~~
10 respect to benefit years beginning on or after January 5, 1997,
11 the individual's weekly benefit rate shall not exceed 53% of the
12 state average weekly wage, and with respect to benefit years
13 beginning on or after January 4, 1998, but before January 3,
14 1999 the individual's weekly benefit rate shall not exceed 55%
15 of the state average weekly wage. WITH RESPECT TO BENEFIT YEARS
16 BEGINNING AFTER THE CONVERSION DATE AS PRESCRIBED IN SECTION 75,
17 THE INDIVIDUAL'S WEEKLY BENEFIT RATE SHALL BE 4 2% OF THE
18 INDIVIDUAL'S WAGES PAID IN THE CALENDAR QUARTER OF THE BASE
19 PERIOD IN WHICH THE INDIVIDUAL WAS PAID THE HIGHEST TOTAL WAGES,
20 PLUS \$6 00 FOR EACH DEPENDENT AS DEFINED IN SUBDIVISION (3) UP
21 TO A MAXIMUM OF 5 DEPENDENTS, CLAIMED BY THE INDIVIDUAL AT THE
22 TIME THE INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS. With respect
23 to benefit years beginning on or after October 2, 1983, the
24 weekly benefit rate shall be adjusted to the next lower multiple
25 of \$1 00.
26 (2) ~~The~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
27 DATE PRESCRIBED IN SECTION 75, THE state average weekly wage for

1 a calendar year shall be computed on the basis of the 12 months
 2 ending the June 30 immediately preceding that calendar year The
 3 commission shall prepare a table of weekly benefit rates based on
 4 an average after tax weekly wage' calculated by subtracting,
 5 from an individual s average weekly wage as determined in accord-
 6 ance with section 51 a reasonable approximation of the weekly
 7 amount required to be withheld by the employer from the remunera-
 8 tion of the individual based on dependents and exemptions for
 9 income taxes under chapter 24 of subtitle C of the internal reve-
 10 nue code of 1986 26 U S C 3401 to 3406, and under section 351
 11 of the income tax act of 1967, Act No 281 of the Public Acts of
 12 1967, being section 206 351 of the Michigan Compiled Laws, and
 13 for old age and survivor s disability insurance taxes under the
 14 federal insurance contributions act, chapter 21 of subtitle C of
 15 the internal revenue code of 1986, 26 U S C 3128 For purposes
 16 of applying the table to an individual s claim, a dependent shall
 17 be as defined in subdivision (3) The table applicable to an
 18 individual s claim shall be the table reflecting the number of
 19 dependents claimed by the individual under subdivision (3) The
 20 commission shall adjust the tables based on changes in withhold-
 21 ing schedules published by the United States department of trea-
 22 sury, internal revenue service, and by the department of
 23 treasury The number of dependents allowed shall be determined
 24 with respect to each week of unemployment for which an individual
 25 is claiming benefits

26 (3) ~~—A~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
 27 DATE PRESCRIBED IN SECTION 75 A dependent means any of the

1 following persons who is receiving and for at least 90
2 consecutive days immediately preceding the week for which bene-
3 fits are claimed or in the case of a dependent husband, wife,
4 or child, for the duration of the marital or parental relation-
5 ship if the relationship has existed less than 90 days has
6 received more than half the cost of his or her support from the
7 individual claiming benefits

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

16 (b) The husband or wife of the individual

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

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

1 community or junior college or college or university and is less
2 than 22 years of age

3 (4) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
4 PRESCRIBED IN SECTION 75 A DEPENDENT MEANS ANY OF THE FOLLOWING
5 PERSONS WHO RECEIVED FOR AT LEAST 90 CONSECUTIVE DAYS IMMEDIATELY
6 PRECEDING THE FIRST WEEK OF THE BENEFIT YEAR OR IN THE CASE OF A
7 DEPENDENT HUSBAND, WIFE, OR CHILD, FOR THE DURATION OF THE MARI-
8 TAL OR PARENTAL RELATIONSHIP IF THE RELATIONSHIP EXISTED LESS
9 THAN 90 DAYS BEFORE THE BEGINNING OF THE BENEFIT YEAR, HAS
10 RECEIVED MORE THAN 1/2 THE COST OF HIS OR HER SUPPORT FROM THE
11 INDIVIDUAL CLAIMING THE BENEFITS

12 (A) A CHILD INCLUDING STEPCHILD, ADOPTED CHILD, OR GRAND-
13 CHILD OF THE INDIVIDUAL WHO IS UNDER 18 YEARS OF AGE OR 18 YEARS
14 OF AGE AND OVER IF, BECAUSE OF PHYSICAL OR MENTAL INFIRMITY, THE
15 CHILD IS UNABLE TO ENGAGE IN A GAINFUL OCCUPATION OR IS A
16 FULL-TIME STUDENT AS DEFINED BY THE PARTICULAR EDUCATIONAL INSTI-
17 TUTION, AT A HIGH SCHOOL, VOCATIONAL SCHOOL, COMMUNITY OR JUNIOR
18 COLLEGE OR COLLEGE OR UNIVERSITY AND HAS NOT ATTAINED THE AGE OF
19 22

20 (B) THE HUSBAND OR WIFE OF THE INDIVIDUAL

21 (C) THE LEGAL FATHER OR MOTHER OF THE INDIVIDUAL IF THAT
22 PARENT IS EITHER MORE THAN 65 YEARS OF AGE OR IS PERMANENTLY DIS-
23 ABLED FROM ENGAGING IN A GAINFUL OCCUPATION

24 (D) A BROTHER OR SISTER OF THE INDIVIDUAL IF THE BROTHER OR
25 SISTER IS ORPHANED OR THE LIVING PARENTS ARE DEPENDENT PARENTS OF
26 AN INDIVIDUAL, AND THE BROTHER OR SISTER IS UNDER 18 YEARS OF
27 AGE OR 18 YEARS OF AGE AND OVER IF, BECAUSE OF PHYSICAL OR

1 MENTAL INFIRMITY, THE BROTHER OR SISTER IS UNABLE TO ENGAGE IN A
 2 GAINFUL OCCUPATION OR IS A FULL-TIME STUDENT AS DEFINED BY THE
 3 PARTICULAR EDUCATIONAL INSTITUTION AT A HIGH SCHOOL VOCATIONAL
 4 SCHOOL, COMMUNITY OR JUNIOR COLLEGE, OR COLLEGE OR UNIVERSITY AND
 5 IS LESS THAN 22 YEARS OF AGE

6 (5) ~~(4) Dependency~~ FOR BENEFIT YEARS BEGINNING BEFORE THE
 7 CONVERSION DATE PRESCRIBED IN SECTION 75, DEPENDENCY status of a
 8 dependent, child or otherwise, once established or fixed in favor
 9 of an individual continues during the individual s benefit year
 10 until terminated Dependency status of a dependent terminates at
 11 the end of the week in which the dependent ceases to be an indi-
 12 vidual described in subdivision (3)(a), (b) (c) or (d) because
 13 of age, death or divorce FOR BENEFIT YEARS BEGINNING AFTER THE
 14 CONVERSION DATE PRESCRIBED IN SECTION 75 THE NUMBER OF DEPEN-
 15 DENTS ESTABLISHED FOR AN INDIVIDUAL AT THE BEGINNING OF THE BENE-
 16 FIT YEAR SHALL REMAIN IN EFFECT DURING THE ENTIRE BENEFIT YEAR

17 ~~(5) If an individual is assigned to a dependency class with~~
 18 ~~respect to a week by reason of having 1 or more dependents, and~~
 19 ~~any of those dependents files an application for benefits for~~
 20 ~~that week that dependent shall be assigned to dependency class~~
 21 ~~"0" for that week~~

22 (6) ~~Failure~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVER-
 23 SION DATE PRESCRIBED IN SECTION 75 FAILURE on the part of an
 24 individual due to misinformation or lack of information to fur-
 25 nish all information material for determination of the NUMBER OF
 26 THE individual s ~~dependency class~~ DEPENDENTS when the
 27 individual files a claim for benefits with respect to a week

1 shall be considered good cause for the issuance of a
2 redetermination as to the amount of benefits based on the NUMBER
3 OF THE individual s ~~dependency class~~ DEPENDENTS as of the
4 beginning date of that week Dependency status of a dependent,
5 child or otherwise once established or fixed in favor of a
6 person is not transferable to or usable by another person with
7 respect to the same week

8 FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE AS
9 PRESCRIBED IN SECTION 75, FAILURE ON THE PART OF AN INDIVIDUAL
10 DUE TO MISINFORMATION OR LACK OF INFORMATION, TO FURNISH ALL
11 INFORMATION MATERIAL FOR DETERMINATION OF THE NUMBER OF THE
12 INDIVIDUAL'S DEPENDENTS SHALL BE CONSIDERED GOOD CAUSE FOR THE
13 ISSUANCE OF A REDETERMINATION AS TO THE AMOUNT OF BENEFITS BASED
14 ON THE NUMBER OF THE INDIVIDUAL S DEPENDENTS AS OF THE BEGINNING
15 OF THE BENEFIT YEAR

16 (c) Subject to subsection (f), each eligible individual
17 shall be paid a weekly benefit rate with respect to the week for
18 which the individual earns or receives no remuneration or remuneration
19 equal to less than $1/2$ the individual s weekly benefit
20 rate or shall be paid $1/2$ his or her weekly benefit rate with
21 respect to the week for which the individual earns or receives
22 remuneration equal to at least $1/2$ but less than the individual's
23 weekly benefit rate Notwithstanding the definition of week as
24 contained in section 50 if within 2 consecutive weeks in which
25 an individual was not unemployed within the meaning of section 48
26 there was a period of 7 or more consecutive days for which the
27 individual did not earn or receive remuneration, that period

1 shall be considered a week for benefit purposes under this act if
2 a claim for benefits for that period is filed not later than 30
3 days subsequent to the end of the period All remuneration for
4 work performed during a shift that terminates on 1 day but that
5 began on the preceding day shall be considered to have been
6 earned on the preceding day

7 (d) ~~Subject~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVER-
8 SION DATE PRESCRIBED IN SECTION 75, AND SUBJECT to subsection (f)
9 and this subsection, the amount of benefits to which an individ-
10 ual who is otherwise eligible is entitled during a benefit year
11 from an employer with respect to employment during the base
12 period is the amount obtained by multiplying the weekly benefit
13 rate with respect to that employment by $\frac{3}{4}$ of the number of
14 credit weeks earned in the employment For the purpose of this
15 subsection and section 20(c) if the resultant product is not an
16 even multiple of $\frac{1}{2}$ the weekly benefit rate, the product shall
17 be raised to an amount equal to the next higher multiple of $\frac{1}{2}$
18 the weekly benefit rate and for an individual who was employed
19 by only 1 employer in the individual's base period and earned 34
20 credit weeks with that employer, the product shall be raised to
21 the next higher multiple of the weekly benefit rate The maximum
22 amount of benefits payable to an individual within a benefit
23 year with respect to employment by an employer, shall not exceed
24 26 times the weekly benefit rate with respect to that
25 employment The maximum amount of benefits payable to an indi-
26 vidual within a benefit year shall not exceed the amount to which
27 the individual would be entitled for 26 weeks of unemployment in

1 which remuneration was not earned or received The limitation of
2 total benefits set forth in this subsection does not apply to
3 claimants declared eligible for training benefits in accordance
4 with subsection (g) FOR BENEFIT YEARS BEGINNING AFTER THE CON-
5 VERSION DATE PRESCRIBED IN SECTION 75, AND SUBJECT TO
6 SUBSECTION (F) AND THIS SUBSECTION, THE MAXIMUM BENEFIT AMOUNT
7 PAYABLE TO AN INDIVIDUAL IN A BENEFIT YEAR FOR PURPOSES OF THIS
8 SECTION AND SECTION 20(C) IS THE NUMBER OF WEEKS OF BENEFITS PAY-
9 ABLE TO AN INDIVIDUAL DURING THE BENEFIT YEAR, MULTIPLIED BY THE
10 INDIVIDUAL'S WEEKLY BENEFIT RATE THE NUMBER OF WEEKS OF BENE-
11 FITS PAYABLE TO AN INDIVIDUAL SHALL BE CALCULATED BY TAKING 40%
12 OF THE INDIVIDUAL S BASE PERIOD WAGES AND DIVIDING THE RESULT BY
13 THE INDIVIDUAL'S WEEKLY BENEFIT RATE IF THE QUOTIENT IS NOT A
14 WHOLE OR HALF NUMBER, THE RESULT SHALL BE ROUNDED DOWN TO THE
15 NEAREST HALF NUMBER HOWEVER, NOT MORE THAN 26 WEEKS OF BENEFITS
16 OR LESS THAN 14 WEEKS OF BENEFITS SHALL BE PAYABLE TO AN INDIVID-
17 UAL IN A BENEFIT YEAR THE LIMITATION OF TOTAL BENEFITS SET
18 FORTH IN THIS SUBSECTION SHALL NOT APPLY TO CLAIMANTS DECLARED
19 ELIGIBLE FOR TRAINING BENEFITS IN ACCORDANCE WITH SUBSECTION (G)

20 (e) When a claimant dies or is judicially declared insane or
21 mentally incompetent, unemployment compensation benefits accrued
22 and payable to that person for weeks of unemployment before
23 death insanity or incompetency, but not paid, shall become due
24 and payable to the person who is the legal heir or guardian of
25 the claimant or to any other person found by the commission to be
26 equitably entitled to the benefits by reason of having incurred

1 expense in behalf of the claimant for the claimant's burial or
2 other necessary expenses

3 (f)(1) ~~Notwithstanding~~ FOR BENEFIT YEARS BEGINNING BEFORE
4 THE CONVERSION DATE PRESCRIBED IN SECTION 75, AND NOTWITHSTANDING
5 any inconsistent provisions of this act the weekly benefit rate
6 of each individual who is receiving or will receive a 'retirement
7 benefit , as defined in subdivision (4), shall be adjusted as
8 provided in subparagraphs (a) (b), and (c) However, an
9 individual's extended benefit account and an individual's weekly
10 extended benefit rate under section 64 shall be established with-
11 out reduction under this subsection unless subdivision (5) is in
12 effect Except as otherwise provided in this subsection, all
13 other provisions of this act continue to apply in connection with
14 the benefit claims of those retired persons

15 (a) If and to the extent that unemployment benefits payable
16 under this act would be chargeable to an employer who has con-
17 tributed to the financing of a retirement plan under which the
18 claimant is receiving or will receive a retirement benefit yield-
19 ing a pro rata weekly amount equal to or larger than the
20 claimant's weekly benefit rate as otherwise established under
21 this act, the claimant shall not receive unemployment benefits
22 that would be chargeable to the employer under this act

23 (b) If and to the extent that unemployment benefits payable
24 under this act would be chargeable to an employer who has con-
25 tributed to the financing of a retirement plan under which the
26 claimant is receiving or will receive a retirement benefit
27 yielding a pro rata weekly amount less than the claimant's weekly

1 benefit rate as otherwise established under this act, then the
2 weekly benefit rate otherwise payable to the claimant and charge-
3 able to the employer under this act shall be reduced by an amount
4 equal to the pro rata weekly amount adjusted to the next lower
5 multiple of \$1 00, which the claimant is receiving or will
6 receive as a retirement benefit

7 (c) If the unemployment benefit payable under this act would
8 be chargeable to an employer who has not contributed to the
9 financing of a retirement plan under which the claimant is
10 receiving or will receive a retirement benefit, then the weekly
11 benefit rate of the claimant as otherwise established under this
12 act shall not be reduced due to receipt of a retirement benefit

13 (d) If the unemployment benefit payable under this act is
14 computed on the basis of multiemployer credit weeks and a portion
15 of the benefit is allocable under section ~~20(d)~~ 20(E) to an
16 employer who has contributed to the financing of a retirement
17 plan under which the claimant is receiving or will receive a
18 retirement benefit the adjustments required by subparagraph (a)
19 or (b) apply only to that portion of the weekly benefit rate that
20 would otherwise be allocable and chargeable to the employer

21 (2) If an individual s weekly benefit rate under this act
22 was established before the period for which the individual first
23 receives a retirement benefit, any benefits received after a
24 retirement benefit becomes payable shall be determined in accord-
25 ance with the formula stated in this subsection

26 (3) When necessary to assure prompt payment of benefits, the
27 commission shall determine the pro rata weekly amount yielded by

1 an individual's retirement benefit based on the best information
2 currently available to it In the absence of fraud, a determina-
3 tion shall not be reconsidered unless it is established that the
4 individual's actual retirement benefit in fact differs from the
5 amount determined by \$2 00 or more per week The reconsideration
6 shall apply only to benefits as may be claimed after the informa-
7 tion on which the reconsideration is based was received by the
8 commission

9 (4)(a) As used in this subdivision, "retirement benefit"
10 means a benefit, annuity, or pension of any type or that part
11 thereof that is described in subparagraph (b) that is

12 (1) Provided as an incident of employment under an estab-
13 lished retirement plan, policy, or agreement including federal
14 social security if subdivision (5) is in effect

15 (2) Payable to an individual because the individual has
16 qualified on the basis of attained age length of service or
17 disability, whether or not the individual retired or was retired
18 from employment Amounts paid to individuals in the course of
19 liquidation of a private pension or retirement fund because of
20 termination of the business or of a plant or department of the
21 business of the employer involved shall not be considered to be
22 retirement benefits

23 (b) If a benefit as described in subparagraph (a) is payable
24 or paid to the individual under a plan to which the individual
25 has contributed

26 (1) Less than half of the cost of the benefit, then only
27 half of the benefit shall be treated as a retirement benefit

1 (11) Half or more of the cost of the benefit, then none of
2 the benefit shall be treated as a retirement benefit

3 (c) The burden of establishing the extent of an individual's
4 contribution to the cost of his or her retirement benefit for the
5 purpose of subparagraph (b) is upon the employer who has contrib-
6 uted to the plan under which a benefit is provided

7 (5) Notwithstanding any other provision of this subsection
8 for any week that begins after March 31, 1980, and with respect
9 to which an individual is receiving a governmental or other pen-
10 sion and claiming unemployment compensation, the weekly benefit
11 amount payable to the individual for those weeks shall be
12 reduced, but not below zero by the entire prorated weekly amount
13 of any governmental or other pension, retirement or retired pay,
14 annuity or any other similar payment that is based on any previ-
15 ous work of the individual This reduction shall be made only if
16 it is required as a condition for full tax credit against the tax
17 imposed by the federal unemployment tax act, chapter 23 of
18 subtitle C of the internal revenue code of 1986, 26 U S C 3301
19 to 3311

20 (6) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
21 PRESCRIBED IN SECTION 75 NOTWITHSTANDING ANY INCONSISTENT PROVI-
22 SIONS OF THIS ACT, THE WEEKLY BENEFIT RATE OF EACH INDIVIDUAL WHO
23 IS RECEIVING OR WILL RECEIVE A RETIREMENT BENEFIT, AS DEFINED IN
24 SUBDIVISION (4) SHALL BE ADJUSTED AS PROVIDED IN
25 SUBPARAGRAPHS (A), (B), AND (C) HOWEVER, AN INDIVIDUAL S
26 EXTENDED BENEFIT ACCOUNT AND AN INDIVIDUAL S WEEKLY EXTENDED
27 BENEFIT RATE UNDER SECTION 64 SHALL BE ESTABLISHED WITHOUT

1 REDUCTION UNDER THIS SUBSECTION, UNLESS SUBDIVISION (5) IS IN
2 EFFECT EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION ALL THE
3 OTHER PROVISIONS OF THIS ACT SHALL CONTINUE TO BE APPLICABLE IN
4 CONNECTION WITH THE BENEFIT CLAIMS OF THOSE RETIRED PERSONS

5 (A) IF ANY BASE PERIOD OR CHARGEABLE EMPLOYER HAS CONTRIB-
6 UTED TO THE FINANCING OF A RETIREMENT PLAN UNDER WHICH THE CLAIM-
7 ANT IS RECEIVING OR WILL RECEIVE A RETIREMENT BENEFIT YIELDING A
8 PRO RATA WEEKLY AMOUNT EQUAL TO OR LARGER THAN THE CLAIMANT'S
9 WEEKLY BENEFIT RATE AS OTHERWISE ESTABLISHED UNDER THIS ACT, THE
10 CLAIMANT SHALL NOT RECEIVE UNEMPLOYMENT BENEFITS

11 (B) IF ANY BASE PERIOD EMPLOYER OR CHARGEABLE EMPLOYER HAS
12 CONTRIBUTED TO THE FINANCING OF A RETIREMENT PLAN UNDER WHICH THE
13 CLAIMANT IS RECEIVING OR WILL RECEIVE A RETIREMENT BENEFIT YIELD-
14 ING A PRO RATA WEEKLY AMOUNT LESS THAN THE CLAIMANT S WEEKLY BEN-
15 EFIT RATE AS OTHERWISE ESTABLISHED UNDER THIS ACT THEN THE
16 WEEKLY BENEFIT RATE OTHERWISE PAYABLE TO THE CLAIMANT SHALL BE
17 REDUCED BY AN AMOUNT EQUAL TO THE PRO RATA WEEKLY AMOUNT
18 ADJUSTED TO THE NEXT LOWER MULTIPLE OF \$1 00, WHICH THE CLAIMANT
19 IS RECEIVING OR WILL RECEIVE AS A RETIREMENT BENEFIT AND THE PER-
20 CENTAGE OF CHARGE AS TO EACH BASE PERIOD EMPLOYER SHALL BE CORRE-
21 SPONDINGLY REDUCED

22 (C) IF NO BASE PERIOD OR SEPARATING EMPLOYER HAS CONTRIBUTED
23 TO THE FINANCING OF A RETIREMENT PLAN UNDER WHICH THE CLAIMANT IS
24 RECEIVING OR WILL RECEIVE A RETIREMENT BENEFIT THEN THE WEEKLY
25 BENEFIT RATE OF THE CLAIMANT AS OTHERWISE ESTABLISHED UNDER THIS
26 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 sub-
4 section (d) may be paid for each week of approved vocational
5 training pursued beyond the date of exhaustion a benefit amount
6 in accordance with subsection (c), but not in excess of the
7 individual's most recent weekly benefit rate. However, an indi-
8 vidual shall 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 shall not stop or
11 interrupt payment of training benefits if the training for which
12 the benefits were granted began before expiration or termination
13 of the benefit year.

14 (h) A payment of accrued unemployment benefits shall not be
15 made to an eligible individual or in behalf of that individual as
16 provided in subsection (e) more than 6 years after the ending
17 date of the benefit year covering the payment or 2 calendar years
18 after 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
22 the same terms, and subject to the same conditions as compensa-
23 tion payable on the basis of other service subject to this act,
24 except 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

1 educational institution other than an institution of higher
2 education as defined in section 53(3), benefits shall not be paid
3 to an individual based on those services for any week of unem-
4 ployment beginning after December 31, 1977 that commences during
5 the period between 2 successive academic years or during a simi-
6 lar period between 2 regular terms, whether or not successive or
7 during a period of paid sabbatical leave provided for in the
8 individual's contract to an individual if the individual per-
9 forms the service in the first of the academic years or terms and
10 if there is a contract or a reasonable assurance that the indi-
11 vidual will perform service in an instructional research, or
12 principal administrative capacity for an institution of higher
13 education or an educational institution other than an institution
14 of higher education in the second of the academic years or terms,
15 whether or not the terms are successive

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

1 other than an institution of higher education in the second of
2 the academic years or terms

3 (3) With respect to any service described in subdivision (1)
4 or (2) benefits shall not be paid to an individual based upon
5 service for any week of unemployment that commences during an
6 established and customary vacation period or holiday recess if
7 the individual performs the service in the period immediately
8 before the vacation period or holiday recess and there is a con-
9 tract or reasonable assurance that the individual will perform
10 the service in the period immediately following the vacation
11 period or holiday recess

12 (4) If benefits are denied to an individual for any week
13 solely as a result of subdivision (2) and the individual was not
14 offered an opportunity to perform in the second academic year or
15 term the service for which reasonable assurance had been given,
16 the individual is entitled to a retroactive payment of benefits
17 for each week for which the individual had previously filed a
18 timely claim for benefits An individual entitled to benefits
19 under this subdivision may apply for those benefits by mail in
20 accordance with R 421 210 as promulgated by the commission

21 (5) The amendments to subdivision (2) made by Act No 219 of
22 the Public Acts of 1983 apply to all claims for unemployment com-
23 pensation that are filed on and after October 31 1983 However
24 the amendments are retroactive to September 5, 1982 only if, as a
25 condition for full tax credit against the tax imposed by the fed-
26 eral unemployment tax act, chapter 23 of subtitle C of the
27 internal revenue code of 1986, 26 U S C 3301 to 3311, the United

1 States secretary of labor determines that retroactivity is
2 required by federal law

3 (6) Notwithstanding subdivision (2), on and after April 1
4 1984 benefits based upon services in other than an instructional,
5 research or principal administrative capacity for an institution
6 of higher education shall not be denied for any week of unemploy-
7 ment commencing during the period between 2 successive academic
8 years or terms solely because the individual had performed the
9 service in the first of the academic years or terms and there is
10 reasonable assurance that the individual will perform the service
11 for an institution of higher education or an educational institu-
12 tion other than an institution of higher education in the second
13 of the academic years or terms, unless a denial is required as a
14 condition for full tax credit against the tax imposed by the fed-
15 eral unemployment tax act, chapter 23 of subtitle C of the inter-
16 nal revenue code of 1986, 26 U S C 3301 to 3311

17 (7) ~~Notwithstanding~~ FOR BENEFIT YEARS ESTABLISHED BEFORE
18 THE CONVERSION DATE PRESCRIBED IN SECTION 75, AND NOTWITHSTANDING
19 subdivisions (1), (2), and (3), the denial of benefits does not
20 prevent an individual from completing requalifying weeks in
21 accordance with section 29(3) nor does the denial prevent an
22 individual from receiving benefits based on service with an
23 employer other than an educational institution for any week of
24 unemployment occurring between academic years or terms whether
25 or not successive, or during an established and customary vaca-
26 tion period or holiday recess even though the employer is not
27 the most recent chargeable employer in the individual s base

1 period However, in that case section 20(b) applies to the
2 sequence of benefit charging, except for the employment with the
3 educational institution, and section 50(b) applies to the calcu-
4 lation of credit weeks When a denial of benefits under subdivi-
5 sion (1) no longer applies benefits shall be charged in accord-
6 ance with the normal sequence of charging as provided in section
7 20(b)

8 (8) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
9 PRESCRIBED IN SECTION 75, AND NOTWITHSTANDING SUBDIVISIONS (1),
10 (2) AND (3) THE DENIAL OF BENEFITS SHALL NOT PREVENT AN INDI-
11 VIDUAL FROM COMPLETING REQUALIFYING WEEKS IN ACCORDANCE WITH
12 SECTION 29(3) NOR SHALL THE DENIAL PREVENT AN INDIVIDUAL FROM
13 RECEIVING BENEFITS BASED ON SERVICE WITH ANOTHER BASE PERIOD
14 EMPLOYER OTHER THAN AN EDUCATIONAL INSTITUTION FOR ANY WEEK OF
15 UNEMPLOYMENT OCCURRING BETWEEN ACADEMIC YEARS OR TERMS WHETHER
16 OR NOT SUCCESSIVE, OR DURING AN ESTABLISHED AND CUSTOMARY VACA-
17 TION PERIOD OR HOLIDAY RECESS HOWEVER, WHEN BENEFITS ARE PAID
18 BASED ON SERVICE WITH 1 OR MORE BASE PERIOD EMPLOYERS OTHER THAN
19 AN EDUCATIONAL INSTITUTION THE INDIVIDUAL'S WEEKLY RATE SHALL BE
20 CALCULATED IN ACCORDANCE WITH SUBSECTION (B)(1) BUT DURING THE
21 DENIAL PERIOD THE INDIVIDUAL S WEEKLY BENEFIT PAYMENT SHALL BE
22 REDUCED BY THE PORTION OF THE PAYMENT ATTRIBUTABLE TO BASE PERIOD
23 WAGES PAID BY AN EDUCATIONAL INSTITUTION AND THE ACCOUNT OR
24 EXPERIENCE ACCOUNT OF THE EDUCATIONAL INSTITUTION SHALL NOT BE
25 CHARGED FOR BENEFITS PAYABLE TO THE INDIVIDUAL WHEN A DENIAL OF
26 BENEFITS UNDER SUBDIVISION (1) IS NO LONGER APPLICABLE, BENEFITS
27 SHALL BE PAID AND CHARGED ON THE BASIS OF BASE PERIOD WAGES WITH

1 EACH OF THE BASE PERIOD EMPLOYERS INCLUDING THE EDUCATIONAL
2 INSTITUTION

3 (9) ~~-(8)-~~ For the purposes of this subsection academic
4 year means that period as defined by the educational institu-
5 tion, when classes are in session for that length of time
6 required for students to receive sufficient instruction or earn
7 sufficient credit to complete academic requirements for a partic-
8 ular grade level or to complete instruction in a noncredit
9 course

10 (10) ~~-(9)-~~ Benefits shall be denied as provided in subdivi-
11 sions (1), (2), and (3), for any week of unemployment beginning
12 on and after April 1 1984, to an individual who performed those
13 services in an educational institution while in the employ of an
14 educational service agency For the purpose of this subdivision,
15 'educational service agency' means a governmental agency or gov-
16 ernmental entity that is established and operated exclusively for
17 the purpose of providing the services to 1 or more educational
18 institutions

19 (j) For weeks of unemployment beginning after December 31,
20 1977 benefits shall not be paid to an individual on the basis of
21 any base period services substantially all of which consist of
22 participating in sports or athletic events or training or prepar-
23 ing to so participate, for a week that commences during the
24 period between 2 successive sport seasons or similar periods if
25 the individual performed the services in the first of the seasons
26 or similar periods and there is a reasonable assurance that the

1 individual will perform the services in the later of the seasons
2 or similar periods

3 (k)(1) For weeks of unemployment beginning after
4 December 31, 1977, benefits shall not be payable on the basis of
5 services performed by an alien unless the alien is an individual
6 who was lawfully admitted for permanent residence at the time the
7 services were performed, was lawfully present for the purpose of
8 performing the services or was permanently residing in the
9 United States under color of law at the time the services were
10 performed, including an alien who was lawfully present in the
11 United States under section 203(a)(7) or section 212(d)(5) of the
12 immigration and nationality act, 8 U S C 1153 and 1182

13 (2) Any data or information required of individuals applying
14 for benefits to determine whether benefits are payable because of
15 their alien status are uniformly required from all applicants for
16 benefits

17 (3) Where an individual whose application for benefits would
18 otherwise be approved a determination that benefits to that
19 individual are not payable because of the individual s alien
20 status shall not be made except upon a preponderance of the
21 evidence

22 (m)(1) An individual filing a new claim for unemployment
23 compensation under this act after September 30 1982 at the time
24 of filing the claim, shall disclose whether the individual owes
25 child support obligations as defined in this subsection If an
26 individual discloses that he or she owes child support
27 obligations and is determined to be eligible for unemployment

1 compensation the commission shall notify the state or local
2 child support enforcement agency enforcing the obligation that
3 the individual has been determined to be eligible for unemploy-
4 ment compensation

5 (2) Notwithstanding section 30, the commission shall deduct
6 and withhold from any unemployment compensation payable to an
7 individual who owes child support obligations by using whichever
8 of the following methods results in the greatest amount

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

11 (b) The amount if any determined pursuant to an agreement
12 submitted to the commission under section 454(19)(B)(1) of
13 part D of title IV of the social security act, chapter 531, 49
14 Stat 620, 42 U S C 654, by the state or local child support
15 enforcement agency

16 (c) Any amount otherwise required to be so deducted and
17 withheld from unemployment compensation pursuant to legal pro-
18 cess, as that term is defined in section 462(e) of part D of
19 title IV of the social security act chapter 531 49 Stat 620
20 42 U S C 662, properly served upon the commission

21 (3) The amount of unemployment compensation subject to
22 deduction under subdivision (2) is that portion that remains pay-
23 able to the individual after application of the recoupment provi-
24 sions of section 62(a) and the reduction provisions of
25 subsections (c) and (f)

1 (4) Any amount deducted and withheld under subdivision (2)
2 shall be paid by the commission to the appropriate state or local
3 child support enforcement agency

4 (5) Any amount deducted and withheld under subdivision (2)
5 shall be treated for all purposes as if it were paid to the indi-
6 vidual as unemployment compensation and paid by the individual to
7 the state or local child support enforcement agency in satisfac-
8 tion of the individual's child support obligations

9 (6) This subsection applies only if the state or local child
10 support enforcement agency agrees in writing to reimburse and
11 does reimburse the commission for the administrative costs
12 incurred by the commission under this subsection that are attrib-
13 utable to child support obligations being enforced by the state
14 or local child support enforcement agency The administrative
15 costs incurred shall be determined by the commission The com-
16 mission, in its discretion, may require payment of administrative
17 costs in advance

18 (7) As used in this subsection

19 (a) Unemployment compensation', for purposes of
20 subdivisions (1) through (5) means any compensation payable
21 under this act including amounts payable by the commission pur-
22 suant to an agreement under any federal law providing for compen-
23 sation, assistance, or allowances with respect to unemployment

24 (b) "Child support obligations" includes only obligations
25 that are being enforced pursuant to a plan described in
26 section 454 of part D of title IV of the social security act
27 chapter 531, 49 Stat 620 42 U S C 654, that has been approved

1 by the secretary of health and human services under part D of
2 title IV of the social security act, chapter 531, 49 Stat 620,
3 42 U S C 651 to 669

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

7 (n) Subsection (1)(2) applies to services performed by
8 school bus drivers employed by a private contributing employer
9 holding a contractual relationship with an educational institu-
10 tion but only if at least 75% of the individual's base period
11 wages with that employer are attributable to services performed
12 as a school bus driver

13 Sec 28 (1) An unemployed individual shall be eligible to
14 receive benefits with respect to any week only if the commission
15 finds that

16 (a) ~~The~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVER-
17 SION DATE PRESCRIBED IN SECTION 75, THE individual has registered
18 for work at and thereafter has continued to report at an employ-
19 ment office in accordance with such rules as the commission may
20 prescribe and is seeking work ~~(+)~~ The requirements that the
21 individual must report at an employment office must register for
22 work must be available to perform suitable full-time work and
23 must seek work may be waived by the commission if the individual
24 is laid off and the employer who laid the individual off notifies
25 the commission in writing or by computerized data exchange that
26 the layoff is temporary and that work is expected to be available
27 for the individual within a declared number of days, not to

1 exceed 45 calendar days following the last day the individual
 2 worked This waiver shall not be effective unless the notifica-
 3 tion from the employer has been received by the commission before
 4 the individual has completed his or her first compensable week
 5 following layoff If the individual is not recalled within the
 6 specified period the waiver shall cease to be operative with
 7 respect to that layoff ~~-(2)-~~ Except for a period of disqualifi-
 8 cation the requirement that the individual shall seek work may
 9 be waived by the commission where it finds that suitable work is
 10 unavailable both in the locality where the individual resides and
 11 in those localities in which the individual has earned base
 12 period credit weeks This waiver shall not apply, for weeks of
 13 unemployment beginning on or after March 1 1981, to a claimant
 14 enrolled and attending classes as a full-time student ~~-(3)-~~ An
 15 individual shall ~~be deemed to~~ have satisfied the requirement of
 16 personal reporting at an employment office, as applied to a week
 17 in a period during which the requirements of registration and
 18 seeking work have been waived by the commission ~~under subpara-~~
 19 ~~graph (1)-~~ PURSUANT TO THIS SUBDIVISION if ~~-(1)-~~ the individual
 20 has satisfied the personal reporting requirement with respect to
 21 a preceding week in that period and ~~-(11)-~~ the individual has
 22 reported with respect to the week by mail in accordance with the
 23 rules promulgated by the commission FOR BENEFIT YEARS ESTAB-
 24 LISHED AFTER THE CONVERSION DATE PRESCRIBED IN SECTION 75 THE
 25 INDIVIDUAL HAS REGISTERED FOR WORK AND HAS CONTINUED TO REPORT IN
 26 ACCORDANCE WITH SUCH RULES AS THE COMMISSION MAY PRESCRIBE AND IS
 27 SEEKING WORK THE REQUIREMENTS THAT THE INDIVIDUAL MUST REPORT

1 MUST REGISTER FOR WORK, MUST BE AVAILABLE TO PERFORM SUITABLE
2 FULL-TIME WORK, AND MUST SEEK WORK MAY BE WAIVED BY THE COMMIS-
3 SION IF THE INDIVIDUAL IS LAID OFF AND THE EMPLOYER WHO LAID THE
4 INDIVIDUAL OFF NOTIFIES THE COMMISSION IN WRITING OR BY COMPUTER-
5 IZED DATA EXCHANGE THAT THE LAYOFF IS TEMPORARY AND THAT WORK IS
6 EXPECTED TO BE AVAILABLE FOR THE INDIVIDUAL WITHIN A DECLARED
7 NUMBER OF DAYS, NOT TO EXCEED 45 CALENDAR DAYS FOLLOWING THE LAST
8 DAY THE INDIVIDUAL WORKED THIS WAIVER SHALL NOT BE EFFECTIVE
9 UNLESS THE NOTIFICATION FROM THE EMPLOYER HAS BEEN RECEIVED BY
10 THE COMMISSION BEFORE THE INDIVIDUAL HAS COMPLETED HIS OR HER
11 FIRST COMPENSABLE WEEK FOLLOWING LAYOFF IF THE INDIVIDUAL IS
12 NOT RECALLED WITHIN THE SPECIFIED PERIOD THE WAIVER SHALL CEASE
13 TO BE OPERATIVE WITH RESPECT TO THAT LAYOFF EXCEPT FOR A PERIOD
14 OF DISQUALIFICATION, THE REQUIREMENT THAT THE INDIVIDUAL SHALL
15 SEEK WORK MAY BE WAIVED BY THE COMMISSION WHERE IT FINDS THAT
16 SUITABLE WORK IS UNAVAILABLE BOTH IN THE LOCALITY WHERE THE INDI-
17 VIDUAL RESIDES AND IN THOSE LOCALITIES IN WHICH THE INDIVIDUAL
18 HAS EARNED WAGES DURING OR AFTER THE BASE PERIOD THIS WAIVER
19 SHALL NOT APPLY TO A CLAIMANT ENROLLED AND ATTENDING CLASSES AS A
20 FULL-TIME STUDENT AN INDIVIDUAL SHALL BE CONSIDERED TO HAVE
21 SATISFIED THE REQUIREMENT OF PERSONAL REPORTING AT AN EMPLOYMENT
22 OFFICE AS APPLIED TO A WEEK IN A PERIOD DURING WHICH THE
23 REQUIREMENTS OF REGISTRATION AND SEEKING WORK HAVE BEEN WAIVED BY
24 THE COMMISSION PURSUANT TO THIS SUBDIVISION, IF THE INDIVIDUAL
25 HAS SATISFIED THE PERSONAL REPORTING REQUIREMENT WITH RESPECT TO
26 A PRECEDING WEEK IN THAT PERIOD AND THE INDIVIDUAL HAS REPORTED

1 WITH RESPECT TO THE WEEK BY MAIL IN ACCORDANCE WITH THE RULES
2 PROMULGATED BY THE COMMISSION

3 (b) The individual has made a claim for benefits in accord-
4 ance with ~~the provisions of~~ section 32 and has provided the
5 commission with his or her social security number

6 (c) The individual is able and available to perform suitable
7 full-time work of a character which the individual is qualified
8 to perform by past experience or training which is of a charac-
9 ter generally similar to work for which the individual has previ-
10 ously received wages and for which the individual is available,
11 full time either at a locality at which the individual earned
12 wages for insured work during his or her base period or at a
13 locality where it is found by the commission that such work is
14 available

15 (d) In the event of the death of an individual s immediate
16 family member the eligibility requirements of availability and
17 reporting shall be waived for the day of the death and for 4 con-
18 secutive calendar days thereafter As used in this subdivision,
19 immediate family member means a spouse child stepchild
20 adopted child grandchild parent grandparent brother or
21 sister of the individual or his or her spouse It shall also
22 include the spouse of any of the persons specified in the previ-
23 ous sentence

24 (2) The commission may authorize an individual with an unex-
25 pired benefit year to pursue vocational training or retraining
26 only if the commission finds that

1 (a) Reasonable opportunities for employment ~~—~~ in
2 occupations for which the individual is fitted by training and
3 experience ~~—~~ do not exist in the locality in which the individ-
4 ual is claiming benefits

5 (b) The vocational training course relates to an occupation
6 or skill for which there are, or are expected to be in the imme-
7 diate future, reasonable employment opportunities

8 (c) The training course has been approved by a local
9 advisory council on which both management and labor are repre-
10 sented, or if there is no local advisory council, by the
11 commission

12 (d) The individual has the required qualifications and apti-
13 tudes to complete the course successfully

14 (e) The vocational training course has been approved by the
15 state board of education and is maintained by a public or private
16 school or by the commission

17 (3) Notwithstanding any other provision of this act an oth-
18 erwise eligible individual shall not be ineligible for benefits
19 because he or she is participating in training with the approval
20 of the commission For each week that the commission finds that
21 an individual who is claiming benefits under this act and who is
22 participating in training with the approval of the commission, is
23 satisfactorily pursuing an approved course of vocational train-
24 ing it shall waive the requirements that he or she be available
25 for work and be seeking work as prescribed in subsection (1)(a)
26 and (c) and it shall find good cause for his or her failure to
27 apply for suitable work report to a former employer for an

1 interview concerning suitable work or accept suitable work as
 2 required in section 29(1)(c) (d) and (e)

3 (4) The waiver of the requirement that a claimant seek work
 4 as provided in subsection ~~(1)(a)(1) and (a)(2)~~ (1)(A), shall
 5 not be applicable to weeks of unemployment for which the claimant
 6 is claiming extended benefits if section 64(8)(a)(11) is in
 7 effect, unless the individual is participating in training
 8 approved by the commission

9 (5) Notwithstanding any other provisions of this act, an
 10 otherwise eligible individual shall not be denied benefits for
 11 any week beginning after October 30, 1982 solely because the
 12 individual is in training approved under section 236(a)(1) of the
 13 trade act of 1974, as amended, 19 U S C 2296, nor shall the
 14 individual be denied benefits by reason of leaving work to enter
 15 such training if the work left is not suitable employment
 16 Furthermore, an otherwise eligible individual shall not be denied
 17 benefits because of the application to any such week in training
 18 of provisions of this act or any applicable federal unemployment
 19 compensation law relating to availability for work active
 20 search for work or refusal to accept work For purposes of this
 21 subsection suitable employment means with respect to an indi-
 22 vidual, work of a substantially equal or higher skill level than
 23 the individual s past adversely affected employment, as defined
 24 for purposes of the trade act of 1974 19 U S C 2101 to 2495
 25 and wages for that work at not less than 80% of the individual s
 26 average weekly wage as determined for the purposes of the trade
 27 act of 1974

1 Sec 28a (1) ~~Notwithstanding~~ FOR BENEFIT YEARS BEGINNING
2 BEFORE THE CONVERSION DATE PRESCRIBED IN SECTION 75 AND
3 NOTWITHSTANDING any other provision of this act, an unemployed
4 individual who has a benefit year in effect and who has not
5 exhausted benefit entitlement may have unused credit weeks pre-
6 served during a period of continuous involuntary disability if a
7 written request from the individual to preserve the unused credit
8 weeks is received by the commission within 90 days after the com-
9 mencement of the period of disability, within 90 days after being
10 advised of his or her rights by the commission or if the indi-
11 vidual is unable to submit the written request due to a medical
12 inability within 90 days after the end of that medical
13 inability FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
14 PRESCRIBED IN SECTION 75 AND NOTWITHSTANDING ANY OTHER PROVISION
15 OF THIS ACT, AN UNEMPLOYED INDIVIDUAL WHO HAS A BENEFIT YEAR IN
16 EFFECT AND WHO HAS NOT EXHAUSTED BENEFIT ENTITLEMENT MAY HAVE
17 UNUSED BENEFIT ENTITLEMENT PRESERVED DURING A PERIOD OF CONTINU-
18 OUS INVOLUNTARY DISABILITY IF A WRITTEN REQUEST FROM THE INDIVID-
19 UAL TO PRESERVE THE UNUSED BENEFIT ENTITLEMENT IS RECEIVED BY THE
20 COMMISSION WITHIN 90 DAYS AFTER THE COMMENCEMENT OF THE PERIOD OF
21 DISABILITY WITHIN 90 DAYS AFTER BEING ADVISED OF HIS OR HER
22 RIGHTS BY THE COMMISSION, OR IF THE INDIVIDUAL IS UNABLE TO
23 SUBMIT THE WRITTEN REQUEST DUE TO A MEDICAL INABILITY, WITHIN 90
24 DAYS AFTER THE END OF THAT MEDICAL INABILITY

25 (2) ~~Unused~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVER-
26 SION DATE PRESCRIBED IN SECTION 75, UNUSED credit weeks shall not
27 be preserved pursuant to this section unless the commission

1 receives a written statement from the individual s physician
2 within 90 days after the commencement of the disability within
3 90 days after the individual is advised of his or her rights by
4 the commission or if the individual is unable to submit the
5 written statement due to a medical inability, within 90 days
6 after the end of that medical inability the commission receives
7 the written statement from the individual s physician The writ-
8 ten statement from the individual s physician shall certify all
9 of the following

10 (a) The nature of the injury illness or hospitalization

11 (b) That based upon the examination of the physician the
12 individual is not able and available to perform full-time work as
13 described in section 28(1)(c)

14 (c) The probable duration of the injury illness or
15 hospitalization

16 FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE PRESCRIBED
17 IN SECTION 75 UNUSED BENEFIT ENTITLEMENT SHALL NOT BE PRESERVED
18 PURSUANT TO THIS SECTION UNLESS THE COMMISSION RECEIVES A WRITTEN
19 STATEMENT FROM THE INDIVIDUAL S PHYSICIAN WITHIN 90 DAYS AFTER
20 THE COMMENCEMENT OF THE DISABILITY WITHIN 90 DAYS AFTER THE
21 INDIVIDUAL IS ADVISED OF HIS OR HER RIGHTS BY THE COMMISSION OR
22 IF THE INDIVIDUAL IS UNABLE TO SUBMIT THE WRITTEN STATEMENT DUE
23 TO A MEDICAL INABILITY WITHIN 90 DAYS AFTER THE END OF THAT MED-
24 ICAL INABILITY THE COMMISSION RECEIVES THE WRITTEN STATEMENT FROM
25 THE INDIVIDUAL S PHYSICIAN THE WRITTEN STATEMENT FROM THE
26 INDIVIDUAL S PHYSICIAN SHALL CERTIFY ALL OF THE FOLLOWING

1 (A) THE NATURE OF THE INJURY ILLNESS OR HOSPITALIZATION

2 (B) THAT BASED UPON THE EXAMINATION OF THE PHYSICIAN THE
3 INDIVIDUAL IS NOT ABLE AND AVAILABLE TO PERFORM FULL-TIME WORK AS
4 DESCRIBED IN SECTION 28(1)(C)

5 (C) THE PROBABLE DURATION OF THE INJURY ILLNESS OR
6 HOSPITALIZATION

7 (3) The commission immediately shall provide a copy of the
8 statement required by subsection (2) to the individual s last
9 employer and all base period employers

10 (4) ~~An~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
11 DATE AS PRESCRIBED IN SECTION 75 AN individual who has unused
12 credit weeks preserved pursuant to this section shall receive an
13 extension of his or her benefit year equal in weeks to the number
14 of weeks the period of disability continued during the benefit
15 year The extension shall begin with the week after the week in
16 which the disability terminated Benefits may be paid for weeks
17 of unemployment after the period of disability if the individual
18 is eligible and qualified but benefits shall not be payable under
19 this section for any week that commences more than 156 weeks
20 after the first week of the benefit year FOR BENEFIT YEARS
21 BEGINNING AFTER THE CONVERSION DATE PRESCRIBED IN SECTION 75 AN
22 INDIVIDUAL WHO HAS UNUSED BENEFIT ENTITLEMENT PRESERVED PURSUANT
23 TO THIS SECTION SHALL RECEIVE AN EXTENSION OF HIS OR HER BENEFIT
24 YEAR EQUAL IN WEEKS TO THE NUMBER OF WEEKS THE PERIOD OF DISABIL-
25 ITY CONTINUED DURING THE BENEFIT YEAR THE EXTENSION SHALL BEGIN
26 WITH THE WEEK AFTER THE WEEK IN WHICH THE DISABILITY TERMINATED
27 BENEFITS MAY BE PAID FOR WEEKS OF UNEMPLOYMENT AFTER THE PERIOD

1 OF DISABILITY IF THE INDIVIDUAL IS ELIGIBLE AND QUALIFIED BUT
2 BENEFITS SHALL NOT BE PAYABLE UNDER THIS SECTION FOR ANY WEEK
3 THAT COMMENCES MORE THAN 156 WEEKS AFTER THE FIRST WEEK OF THE
4 BENEFIT YEAR

5 (5) As used in this section, a period of "continuous
6 disability means a period continuing for more than 14 consecu-
7 tive days during which an unemployed individual is not able and
8 available to perform full-time work, as described in section
9 28(1)(c) due to injury illness or hospitalization

10 (6) ~~An~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
11 DATE PRESCRIBED IN SECTION 75, AN unemployed individual who has
12 been unable to establish a benefit year solely due to a period of
13 continuous disability may preserve all credit weeks earned by the
14 individual in the 52 week period preceding the individual's first
15 week of unemployment as defined in section 48, caused by the
16 disability However credit weeks may be preserved if the com-
17 mission receives a written request and a physician's statement,
18 as described in subsections (1) and (2) within 90 days after the
19 commencement of the unemployment within 90 days after being
20 advised of his or her rights by the commission, or if the indi-
21 vidual is unable to submit the written statement and request due
22 to a medical inability within 90 days after the end of that med-
23 ical inability The individual s benefit year shall begin the
24 first week the individual was both unemployed and disabled and
25 the benefit year shall be extended pursuant to subsection (4)
26 FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE PRESCRIBED
27 IN SECTION 75 AN UNEMPLOYED INDIVIDUAL WHO HAS BEEN UNABLE TO

1 ESTABLISH A BENEFIT YEAR SOLELY DUE TO AN INABILITY TO FILE A
2 CLAIM BECAUSE OF A PERIOD OF CONTINUOUS DISABILITY MAY PRESERVE
3 ALL UNUSED BENEFIT ENTITLEMENT IN THE BASE PERIOD PRECEDING THE
4 INDIVIDUAL'S FIRST WEEK OF UNEMPLOYMENT, AS DEFINED IN
5 SECTION 48 CAUSED BY THE DISABILITY HOWEVER BENEFIT ENTITLE-
6 MENT MAY BE PRESERVED IF THE COMMISSION RECEIVES A WRITTEN
7 REQUEST AND A PHYSICIAN'S STATEMENT AS DESCRIBED IN
8 SUBSECTIONS (1) AND (2) WITHIN 90 DAYS AFTER THE COMMENCEMENT OF
9 THE UNEMPLOYMENT, WITHIN 90 DAYS AFTER BEING ADVISED OF HIS OR
10 HER RIGHTS BY THE COMMISSION, OR IF THE INDIVIDUAL IS UNABLE TO
11 SUBMIT THE WRITTEN STATEMENT AND REQUEST DUE TO A MEDICAL INABIL-
12 ITY WITHIN 90 DAYS AFTER THE END OF THAT MEDICAL INABILITY THE
13 INDIVIDUAL'S BENEFIT YEAR SHALL BEGIN THE FIRST WEEK THE INDIVID-
14 UAL WAS BOTH UNEMPLOYED AND DISABLED, AND THE BENEFIT YEAR SHALL
15 BE EXTENDED PURSUANT TO SUBSECTION (4)

16 (7) ~~IF~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
17 DATE PRESCRIBED IN SECTION 75 IF an individual has sufficient
18 credit weeks to establish a new benefit year under section 46
19 after the termination of the period of continuous disability and
20 is otherwise eligible and qualified for benefits, the individual
21 shall cease to be entitled to benefits under this section FOR
22 BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE PRESCRIBED IN
23 SECTION 75, IF AN INDIVIDUAL HAS SUFFICIENT BASE PERIOD WAGES TO
24 ESTABLISH A NEW BENEFIT YEAR UNDER SECTION 46 AFTER THE TERMINA-
25 TION OF THE PERIOD OF CONTINUOUS DISABILITY, AND IS OTHERWISE
26 ELIGIBLE AND QUALIFIED FOR BENEFITS THE INDIVIDUAL SHALL CEASE
27 TO BE ENTITLED TO BENEFITS UNDER THIS SECTION

1 (8) This section shall apply to all benefit years that
2 commence after the effective date of this section

3 (9) The commission shall disseminate information on this
4 section to potential interested parties including the legal pro-
5 fession, employers, and unions

6 (10) ~~Notwithstanding~~ FOR BENEFIT YEARS BEGINNING BEFORE
7 THE CONVERSION DATE PRESCRIBED IN SECTION 75 AND NOTWITHSTANDING
8 any other provision of this section a request for preservation
9 of credit weeks must be made within 3 years after the date the
10 disability began FOR BENEFIT YEARS BEGINNING AFTER THE CONVER-
11 SION DATE PRESCRIBED IN SECTION 75 AND NOTWITHSTANDING ANY OTHER
12 PROVISION OF THIS SECTION A REQUEST FOR PRESERVATION OF BENEFIT
13 ENTITLEMENT MUST BE MADE WITHIN 3 YEARS AFTER THE DATE THE DIS-
14 ABILITY BEGAN

15 Sec 29 (1) An individual ~~shall be~~ IS disqualified for
16 benefits ~~in the following cases in which the individual~~ IF HE
17 OR SHE

18 (a) Left work voluntarily without good cause attributable to
19 the employer or employing unit However if the individual has
20 an established benefit year in effect and during that benefit
21 year has left unsuitable work within 60 days after the beginning
22 of that work ~~such leaving shall not be~~ THE LEAVING IS NOT
23 disqualifying

24 (b) Was discharged for misconduct connected with the
25 individual's work ~~—~~ or for intoxication while at work unless
26 the discharge was subsequently reduced to a disciplinary layoff
27 or suspension

1 (c) Failed without good cause to apply for available
2 suitable work of which the individual was notified by the employ-
3 ment office or the commission

4 (d) Being unemployed failed without good cause to report to
5 the individual's former employer or employing unit within a rea-
6 sonable time after notice from that employer or employing unit
7 for an interview concerning available suitable work with the
8 former employer or employing unit

9 (e) Failed without good cause to accept suitable work when
10 offered the individual — or to return to the individual s cus-
11 tomary self-employment if any when directed by the employment
12 office or the commission

13 (f) Lost his or her job by reason of being absent from work
14 as a result of a violation of law for which the individual was
15 convicted ~~—~~ and sentenced to jail or prison This subdivision
16 ~~shall~~ DOES not apply if conviction of a person results in a
17 sentence to county jail under conditions of day parole as pro-
18 vided in Act No 60 of the Public Acts of 1962 being sections
19 801 251 to 801 258 of the Michigan Compiled Laws or when the
20 conviction was for a traffic violation that resulted in an
21 absence of less than 10 consecutive work days from the
22 individual s place of employment

23 (g) Is discharged whether or not the discharge is subse-
24 quently reduced to a disciplinary layoff or suspension for par-
25 ticipation in a strike or other concerted action resulting in
26 curtailment of work or restriction of or interference with
27 production ~~—~~ contrary to ~~the provisions of~~ an applicable

1 collective bargaining agreement, — or FOR participation in a
 2 wildcat strike or other concerted action not authorized by the
 3 individual s recognized bargaining representative

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

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

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

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

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

16 (m) Committed a theft ~~which~~ THAT occurred ~~subsequent to~~
 17 AFTER a notice of layoff or discharge, but ~~prior to~~ BEFORE the
 18 effective date of layoff or discharge resulting in loss or
 19 damage of more than \$25 00 to the employer who would otherwise be
 20 chargeable for the benefits notwithstanding that the original
 21 layoff or discharge was under nondisqualifying circumstances

22 (2) A disqualification provided in subsection (1) ~~shall~~
 23 ~~begin~~ BEGINS with the week in which the act or discharge
 24 occurred ~~which~~ THAT caused the disqualification and ~~shall~~
 25 ~~continue~~ CONTINUES until the disqualified individual requalifies
 26 under subsection (3) ~~— Except~~ EXCEPT THAT FOR BENEFIT YEARS
 27 BEGINNING BEFORE THE CONVERSION DATE PRESCRIBED IN SECTION 75

1 with respect to multiemployer credit weeks the disqualification
 2 ~~shall~~ DOES not prevent the payment of benefits if there are
 3 credit weeks ~~subsequent to~~ AFTER the most recent disqualifying
 4 act or discharge

5 (3) ~~Subsequent to~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE
 6 CONVERSION DATE PRESCRIBED IN SECTION 75, AFTER the week in which
 7 the disqualifying act or discharge occurred an individual shall
 8 complete 6 requalifying weeks if disqualified under subsection
 9 (1)(c) (d) (e) (f) or (g) or shall complete 13 requalifying
 10 weeks if disqualified under subsection (1)(h), (j), (l), or (m),
 11 for each week in which the individual earns or receives remunera-
 12 tion in an amount at least equal to an amount needed to earn a
 13 credit week as defined in section 50, or would otherwise meet
 14 all of the requirements of this act to receive a benefit payment
 15 if the individual were not disqualified under subsection (1), or
 16 receives a benefit payment based on credit weeks subsequent to
 17 the disqualifying act or discharge An individual who is dis-
 18 qualified under subsection (1)(a) (b) (1) or (k) ~~shall, sub-~~
 19 ~~sequent to~~ AFTER the week in which the disqualifying discharge
 20 occurred SHALL requalify by earning in employment for an
 21 employer liable under this act or the unemployment compensation
 22 act of another state an amount equal to or in excess of, 7 times
 23 the individual's potential weekly benefit rate, calculated on the
 24 basis of employment with the employer involved in the disqualifi-
 25 cation or by earning in employment for an employer liable under
 26 this act or the unemployment compensation act of another state an
 27 amount equal to, or in excess of 40 times the state minimum

1 hourly wage times 7, whichever is the lesser amount Any
 2 benefits ~~which may~~ THAT become payable to an individual dis-
 3 qualified under subsection (1)(a) (b) (i) or (k) shall not be
 4 charged to the account of the employer with whom the individual
 5 was involved in the disqualification The benefits paid shall be
 6 charged to the nonchargeable benefits account FOR BENEFIT YEARS
 7 BEGINNING AFTER THE CONVERSION DATE PRESCRIBED IN SECTION 75
 8 SUBSEQUENT TO THE WEEK IN WHICH THE DISQUALIFYING ACT OR DIS-
 9 CHARGE OCCURRED AN INDIVIDUAL SHALL COMPLETE 6 REQUALIFYING
 10 WEEKS IF DISQUALIFIED UNDER SUBSECTION (1)(C), (D) (E), (F), OR
 11 (G) OR SHALL COMPLETE 13 REQUALIFYING WEEKS IF DISQUALIFIED
 12 UNDER SUBSECTION (1)(H) (J) (L) OR (M) FOR EACH WEEK IN WHICH
 13 THE INDIVIDUAL EARNS OR RECEIVES REMUNERATION IN AN AMOUNT EQUAL
 14 TO AT LEAST 1/13 OF THE MINIMUM AMOUNT NEEDED IN A CALENDAR QUAR-
 15 TER OF THE BASE PERIOD FOR AN INDIVIDUAL TO QUALIFY FOR BENEFITS
 16 ROUNDED DOWN TO THE NEAREST WHOLE DOLLAR OR WOULD OTHERWISE MEET
 17 ALL OF THE REQUIREMENTS OF THIS ACT TO RECEIVE A BENEFIT PAYMENT
 18 IF THE INDIVIDUAL WERE NOT DISQUALIFIED UNDER SUBSECTION (1) AN
 19 INDIVIDUAL WHO IS DISQUALIFIED UNDER SUBSECTION (1)(A) (B) (I)
 20 OR (K) SHALL SUBSEQUENT TO THE WEEK IN WHICH THE DISQUALIFYING
 21 ACT OR DISCHARGE OCCURRED REQUALIFY BY EARNING IN EMPLOYMENT FOR
 22 AN EMPLOYER LIABLE UNDER THIS ACT OR THE UNEMPLOYMENT COMPENSA-
 23 TION LAW OF ANOTHER STATE AN AMOUNT EQUAL TO OR IN EXCESS OF 7
 24 TIMES THE INDIVIDUAL S WEEKLY BENEFIT RATE OR BY EARNING IN
 25 EMPLOYMENT FOR AN EMPLOYER LIABLE UNDER THIS ACT OR THE UNEMPLOY-
 26 MENT COMPENSATION LAW OF ANOTHER STATE AN AMOUNT EQUAL TO OR IN
 27 EXCESS OF 40 TIMES THE STATE MINIMUM HOURLY WAGE TIMES 7

1 WHICHEVER IS THE LESSER AMOUNT ANY BENEFITS WHICH MAY BECOME
 2 PAYABLE TO AN INDIVIDUAL DISQUALIFIED OR SEPARATED UNDER DISQUAL-
 3 IFYING CIRCUMSTANCES UNDER SUBSECTION (1)(A), (B), (I), OR (K)
 4 SHALL NOT BE CHARGED TO THE ACCOUNT OF THE EMPLOYER WITH WHOM THE
 5 INDIVIDUAL WAS INVOLVED IN THE SEPARATION THOSE BENEFITS PAID
 6 SHALL BE CHARGED TO THE NONCHARGEABLE BENEFITS ACCOUNT BENEFITS
 7 PAYABLE TO AN INDIVIDUAL DETERMINED BY THE COMMISSION TO BE SEPA-
 8 RATED UNDER DISQUALIFYING CIRCUMSTANCES SHALL NOT BE CHARGED TO
 9 THE ACCOUNT OF THE EMPLOYER INVOLVED IN THE DISQUALIFICATION FOR
 10 ANY PERIOD AFTER THE EMPLOYER NOTIFIES THE COMMISSION OF THE
 11 CLAIMANT S POSSIBLE INELIGIBILITY OR DISQUALIFICATION IF A DIS-
 12 QUALIFYING ACT OR DISCHARGE OCCURS DURING THE INDIVIDUAL S BENE-
 13 FIT YEAR ANY BENEFITS THAT MAY BECOME PAYABLE TO THE INDIVIDUAL
 14 IN A LATER BENEFIT YEAR BASED ON EMPLOYMENT WITH THE EMPLOYER
 15 INVOLVED IN THE DISQUALIFICATION SHALL BE CHARGED TO THE NON-
 16 CHARGEABLE BENEFITS ACCOUNT

17 (4) ~~Subject~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CON-
 18 VERSION DATE PRESCRIBED IN SECTION 75, AND SUBJECT to the condi-
 19 tions provided in this subsection an individual s maximum amount
 20 of benefits otherwise available to the individual ~~under~~ under sec-
 21 tion 27(d) based on wages and credit weeks earned before an act
 22 or discharge with the employer involved ~~therein~~ as the result
 23 of which the individual was disqualified under subsection (1)(c),
 24 (d) (e) (f) or (g), shall be reduced by an amount equal to the
 25 individual s weekly benefit rate as to that employer multiplied
 26 by the number of requalifying weeks required of the individual
 27 under this subsection or multiplied by the number of weeks of

1 benefit entitlement remaining with that employer, whichever is
 2 less The reductions of benefits provided for in this subsection
 3 are subject however to the following conditions if the indi-
 4 vidual has insufficient or no potential benefit entitlement
 5 remaining with that employer in the benefit year in existence on
 6 the date of the disqualifying determination, the reduction shall
 7 ~~be applicable~~ APPLY in a succeeding benefit year with respect
 8 to any benefit entitlement based upon credit weeks earned with
 9 the employer involved in the disqualification before the disqual-
 10 ifying act or discharge

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

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

18 For purposes of this subsection the denial or reduction of
 19 benefits ~~shall~~ DOES not apply to benefits based upon multiem-
 20 ployer credit weeks

21 FOR BENEFIT YEARS ESTABLISHED AFTER THE CONVERSION DATE PRE-
 22 SCRIBED IN SECTION 75 AND SUBJECT TO THE CONDITIONS PROVIDED IN
 23 THIS SUBSECTION, IF AN INDIVIDUAL IS DISQUALIFIED UNDER
 24 SUBSECTION (1)(C), (D) (E), (F), OR (G), THE INDIVIDUAL S MAXI-
 25 MUM NUMBER OF WEEKS OTHERWISE AVAILABLE TO THE INDIVIDUAL UNDER
 26 SECTION 27(D) SHALL BE REDUCED BY THE NUMBER OF REQUALIFYING
 27 WEEKS REQUIRED OF THE INDIVIDUAL UNDER THIS SUBSECTION, OR BY THE

1 NUMBER OF WEEKS OF BENEFIT ENTITLEMENT REMAINING ON THE CLAIM
 2 WHICHEVER IS LESS, AND IF THE INVOLVED EMPLOYER WAS A BASE PERIOD
 3 EMPLOYER THEN THE CLAIMANT S WEEKLY BENEFIT PAYMENT SHALL BE
 4 REDUCED BY THE PORTION OF THE PAYMENT ATTRIBUTABLE TO BASE PERIOD
 5 WAGES PAID BY THAT BASE PERIOD EMPLOYER THE BENEFITS OF AN
 6 INDIVIDUAL DISQUALIFIED UNDER SUBSECTION (1)(H) (J), (L), OR (M)
 7 SHALL BE REDUCED BY 13 WEEKS AND ANY WEEKLY BENEFIT PAYMENTS MADE
 8 TO THE CLAIMANT THEREAFTER SHALL BE REDUCED BY THE PORTION OF THE
 9 PAYMENT ATTRIBUTABLE TO BASE PERIOD WAGES PAID BY THE BASE PERIOD
 10 EMPLOYER INVOLVED IN A DISQUALIFICATION UNDER SUBSECTION (1)(H),
 11 (J), (L), OR (M)

12 (5) If an individual leaves work to accept permanent
 13 full-time work with another employer ~~and~~ and performs services
 14 for that employer, or LEAVES WORK to accept a recall from a
 15 former employer, the disqualification provisions of subsection
 16 (1) ~~shall~~ DO not apply to that leaving ~~but~~ HOWEVER, the
 17 wages earned with the employer ~~that~~ WHOM the individual last
 18 left including wages previously transferred under this
 19 ~~provision~~ SUBSECTION to the last employer, ~~shall~~ for the
 20 purpose of computing and charging benefits ~~be~~ ARE considered
 21 wages earned from the employer with whom the individual accepted
 22 work or recall and benefits paid based upon those wages shall be
 23 charged to that employer When issuing a determination covering
 24 that period of employment the commission shall advise the
 25 chargeable employer of the name and address of the other employ-
 26 er, the period covered by the employment, and the extent of the

1 benefits ~~which~~ THAT may be charged to the account of the
2 chargeable employer

3 (6) In determining whether or not work is suitable for an
4 individual the commission shall consider the degree of risk
5 involved to the individual's health, safety, and morals, the
6 individual's physical fitness and prior training the
7 individual's experience and prior earnings the individual's
8 length of unemployment and prospects for securing local work in
9 the individual's customary occupation, and the distance of the
10 available work from the individual's residence

11 (7) Work ~~shall not be~~ IS NOT considered suitable and bene-
12 fits shall not be denied under this act to an otherwise eligible
13 individual for refusing to accept new work under any of the fol-
14 lowing conditions

15 (a) ~~if the~~ THE position offered is vacant due directly to
16 a strike, lockout, or other labor dispute —

17 (b) ~~if the~~ THE remuneration, hours or other conditions of
18 the work offered are substantially less favorable to the individ-
19 ual than those prevailing for similar work in the locality —

20 (c) ~~if as~~ AS a condition of being employed the individual
21 would be required to join a ~~company union~~ LABOR ORGANIZATION or
22 to resign from or refrain from joining a bona fide labor
23 organization

24 (8) An individual ~~shall be~~ IS disqualified for benefits
25 for a week in which the individual's total or partial unemploy-
26 ment is due to a labor dispute in active progress, or to shutdown
27 or start-up operations caused by that labor dispute — in the

1 establishment in which the individual is or was last employed or
2 to a labor dispute other than a lockout in active progress ~~—~~
3 or to shutdown or start-up operations caused by that labor dis-
4 pute ~~—~~ in any other establishment within the United States
5 which is functionally integrated with the establishment and is
6 operated by the same employing unit An individual s disqualifi-
7 cation imposed or imposable under this subsection ~~shall be~~ IS
8 terminated by the individual's performing services in employment
9 with an employer in at least 2 consecutive weeks falling wholly
10 within the period of the individual s total or partial unemploy-
11 ment due to the labor dispute and in addition by earning wages
12 in each of those weeks in an amount equal to or in excess of the
13 individual s actual or potential weekly benefit rate with respect
14 to those weeks based on the individual's employment with the
15 employer involved in the labor dispute An individual ~~shall not~~
16 ~~be~~ IS NOT disqualified under this subsection if the individual
17 is not directly involved in the dispute

18 (a) For ~~the~~ purposes of this subsection an individual
19 ~~shall not be~~ IS NOT considered to be directly involved in a
20 labor dispute unless it is established that any of the following
21 occurred

22 (1) At the time or in the course of a labor dispute in the
23 establishment in which the individual was then employed, the
24 individual in concert with 1 or more other employees voluntarily
25 stopped working other than at the direction of the individual's
26 employing unit

1 (ii) The individual is participating in, ~~or~~ financing, or
 2 directly interested in the labor dispute ~~which~~ THAT causes the
 3 individual's total or partial unemployment. The payment of regu-
 4 lar union dues, in amounts and for purposes established before
 5 the inception of the labor dispute, shall not be construed as
 6 financing a labor dispute within the meaning of this
 7 subparagraph

8 (iii) At any time when there ~~is~~ WAS not a labor dispute in
 9 the establishment or department in which the individual was
 10 employed, the individual voluntarily stopped working, other than
 11 at the direction of the individual's employing unit, in sympathy
 12 with employees in some other establishment or department in which
 13 a labor dispute was then in progress

14 (iv) The individual's total or partial unemployment is due
 15 to a labor dispute ~~which~~ THAT was or is in progress in a
 16 department ~~or~~ unit or group of workers in the same
 17 establishment

18 (b) ~~"Directly interested", as~~ AS used in this subsection
 19 DIRECTLY INTERESTED shall be construed and applied so as not to
 20 disqualify individuals unemployed as a result of a labor dispute
 21 the resolution of which may not reasonably be expected to affect
 22 their wages, hours, or other conditions of employment, and to
 23 disqualify individuals whose wages, hours, or conditions of
 24 employment may reasonably be expected to be affected by the reso-
 25 lution of the labor dispute. A "reasonable expectation" of an
 26 effect on an individual's wages, hours, or other conditions of
 27 employment ~~shall be~~ IS considered to exist, in the absence of A

1 substantial ~~preponderating~~ PREPONDERANCE OF evidence to the
2 contrary, in any of the following situations

3 (1) If it is established that there is in the particular
4 establishment or employing unit a practice, ~~or~~ custom, or con-
5 tractual obligation to extend within a reasonable period to mem-
6 bers of the individual s grade or class of workers in the estab-
7 lishment in which the individual is or was last employed changes
8 in terms and conditions of employment ~~which~~ THAT are substan-
9 tially similar or related to some or all of the changes in terms
10 and conditions of employment ~~which~~ THAT are made for the work-
11 ers among whom there exists the labor dispute ~~which~~ THAT has
12 caused the individual s total or partial unemployment

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

18 (111) If the labor dispute exists at a time when the collec-
19 tive bargaining agreement — which covers the individual s grade
20 or class of workers in the establishment in which the individual
21 is or was last employed and the workers in another establishment
22 of the same employing unit who are actively participating in the
23 labor dispute ~~—~~ has expired, has been opened by mutual consent,
24 or may by its terms be modified, supplemented, or replaced

25 (c) In determining the scope of the grade or class of work-
26 ers evidence submitted to show ANY OF the following ~~shall be~~ IS
27 relevant

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

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

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

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

14 (v) Whether the resolution of issues of the type involved in
 15 the 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 ~~—~~
 19 covered by the same or similar demands by their recognized or
 20 certified bargaining agent or agents for changes in their wages
 21 hours, or 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
 24 or demands made upon the employing unit ~~which~~ THAT would by
 25 their terms have applied to those workers

26 (9) An individual ~~shall be~~ IS disqualified for benefits
 27 for the duration of the individual s disciplinary layoff or

1 suspension in all cases in which the individual becomes
 2 unemployed because of a disciplinary layoff or suspension based
 3 upon misconduct directly or indirectly connected with work ~~or~~
 4 for participation in a strike or other concerted ~~action~~
 5 ACTIVITY resulting in a curtailment of work or restriction of or
 6 interference with production contrary to ~~the provisions of~~ an
 7 applicable collective bargaining agreement, ~~—~~ or FOR participa-
 8 tion in a wildcat strike or other concerted ~~action~~ ACTIVITY not
 9 authorized by the individual s recognized bargaining
 10 representative This subsection applies only if the individual
 11 is not subject to disqualification under subsection (1)(g) or if
 12 a disqualifying discharge under subsection (1)(b) is determined
 13 or redetermined to be a disciplinary layoff or suspension If a
 14 disqualifying discharge under subsection (1)(b) is determined or
 15 redetermined to be a suspension the disqualification provided
 16 under this subsection ~~shall apply~~ APPLIES from the date of the
 17 discharge

18 (10) Notwithstanding subsections (1) to (9), if the employ-
 19 ing unit submits notice to the commission of possible ineligibil-
 20 ity or disqualification beyond the time limits prescribed by com-
 21 mission rule, the notice shall not form the basis of a determina-
 22 tion of ineligibility or disqualification for a claim period com-
 23 pensated before the receipt of the notice by the commission

24 (11) An individual ~~shall be~~ IS disqualified for benefits
 25 for any week with respect to which or a part of which the indi-
 26 vidual has received, ~~or~~ is receiving or is seeking
 27 unemployment benefits under an unemployment compensation law of

1 another state or of the United States If the appropriate agency
2 of the other state or of the United States finally determines
3 that the individual is not entitled to unemployment benefits,
4 this disqualification ~~shall~~ DOES not apply

5 Sec 32 (a) Claims for benefits shall be made pursuant to
6 regulations prescribed by the commission The commission shall
7 designate representatives who promptly shall examine claims and
8 make a determination on the facts The commission may establish
9 rules providing for the examination of claims, the determination
10 of the validity of the claims, and the amount and duration of
11 benefits to be paid The claimant and other interested parties
12 promptly shall be notified of the determination and the reasons
13 for the determination

14 (b) ~~The~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVER-
15 SION DATE PRESCRIBED IN SECTION 75, THE commission may prescribe
16 regulations for notifying and shall notify the employer whose
17 ~~rating~~ EXPERIENCE account may be charged and the employing
18 unit where the claimant last worked that the claimant has filed
19 an application for benefits The notice shall require the
20 employer and employing unit to furnish information to the commis-
21 sion necessary to determine the claimant's benefit rights

22 Upon receipt of the employer's reports, the commission
23 promptly shall make a determination based upon the available
24 information The claimant and the employer, whose ~~rating~~
25 EXPERIENCE account may be charged pursuant to the determination,
26 promptly shall be notified of the determination The notice
27 shall show the name and account number of the employer whose

1 ~~rating~~ EXPERIENCE account may be charged pursuant to the
2 determination the weekly benefit amount and the maximum number
3 of credit weeks against which the claimant may draw benefits, and
4 whether or not the claimant is eligible and qualified to draw
5 benefits An employer may designate in writing to the commission
6 an individual or another employer or an employing unit to receive
7 any notice required to be given by the commission to that
8 employer or to represent that employer in any proceeding before
9 the commission as provided in section 31

10 If an employer or employing unit fails to respond within 10
11 days after mailing of the request for information the commission
12 shall make a determination upon the available information In
13 the absence of a showing by the employer satisfying the commis-
14 sion that the employer reasonably could not submit the requested
15 information the determination shall be final as to the noncom-
16 plying employer as to benefits paid before the week following
17 the receipt of the employer s reply and chargeable against the
18 employer s ~~rating~~ EXPERIENCE account as a result of the
19 employer s late reply AND THE PAYMENTS SHALL BE CONSIDERED TO
20 HAVE BEEN PROPER PAYMENTS The commission may require an
21 employer who consistently fails to meet the commission s require-
22 ments as to submission of reports covering employment of indi-
23 viduals to provide the reports automatically upon the separation
24 of individuals from employment in the manner and within the time
25 limits the commission prescribes by regulation necessary to carry
26 out this section An employer may be permitted to provide the
27 reports automatically upon separation of individuals from

1 employment in the manner and within the time limits prescribed
2 by the commission

3 After an application for benefits is filed, the commission s
4 determination shall include only the most recent employer
5 Subsequently as necessary the commission shall issue determina-
6 tions covering other base period employers individually in
7 inverse order to that in which the claimant earned his or her
8 last credit week with the employers

9 FOR BENEFIT YEARS ESTABLISHED AFTER THE CONVERSION DATE PRE-
10 SCRIBED IN SECTION 75, THE COMMISSION SHALL MAIL TO THE CLAIMANT
11 TO EACH BASE PERIOD EMPLOYER OR EMPLOYING UNIT, AND TO THE SEPA-
12 RATING EMPLOYER OR EMPLOYING UNIT A MONETARY DETERMINATION THE
13 MONETARY DETERMINATION SHALL NOTIFY EACH OF THESE EMPLOYERS OR
14 EMPLOYING UNITS THAT THE CLAIMANT HAS FILED AN APPLICATION FOR
15 BENEFITS AND THE AMOUNT THE CLAIMANT REPORTED AS EARNED WITH THE
16 SEPARATING EMPLOYER OR EMPLOYING UNIT AND SHALL STATE THE NAME
17 OF EACH EMPLOYER OR EMPLOYING UNIT IN THE BASE PERIOD AND THE
18 NAME OF THE SEPARATING EMPLOYER OR EMPLOYING UNIT THE MONETARY
19 DETERMINATION SHALL ALSO STATE THE CLAIMANT S WEEKLY BENEFIT
20 RATE THE AMOUNT OF BASE PERIOD WAGES PAID BY EACH BASE PERIOD
21 EMPLOYER THE TOTAL BENEFIT AMOUNT CHARGEABLE TO EACH EMPLOYER S
22 ACCOUNT OR EXPERIENCE ACCOUNT AND THE REASON FOR SEPARATION
23 REPORTED BY THE CLAIMANT THE MONETARY DETERMINATION SHALL ALSO
24 STATE WHETHER THE CLAIMANT IS MONETARILY ELIGIBLE TO RECEIVE
25 UNEMPLOYMENT BENEFITS NO FURTHER RECONSIDERATION OF A SEPARA-
26 TION FROM ANY BASE PERIOD EMPLOYER WILL BE MADE UNLESS THE BASE
27 PERIOD EMPLOYER NOTIFIES THE COMMISSION OF A POSSIBLE

1 DISQUALIFYING SEPARATION IN ACCORDANCE WITH THIS SUBSECTION
2 BENEFITS PAID IN ACCORDANCE WITH THE MONETARY DETERMINATION SHALL
3 BE CONSIDERED PROPER PAYMENTS AND SHALL NOT BE CHANGED UNLESS THE
4 COMMISSION RECEIVES NEW, CORRECTED OR ADDITIONAL INFORMATION
5 FROM THE EMPLOYER, WITHIN 10 CALENDAR DAYS AFTER THE MAILING OF
6 THE MONETARY DETERMINATION AND THE INFORMATION RESULTS IN A
7 CHANGE IN THE MONETARY DETERMINATION NEW ADDITIONAL OR COR-
8 RECTED INFORMATION RECEIVED BY THE COMMISSION AFTER THE 10-DAY
9 PERIOD SHALL BE CONSIDERED A REQUEST FOR RECONSIDERATION BY THE
10 EMPLOYER OF THE MONETARY DETERMINATION AND SHALL BE REVIEWED AS
11 PROVIDED IN SECTION 32A

12 FOR THE PURPOSE OF DETERMINING A CLAIMANT S NONMONETARY ELI-
13 GIBILITY AND QUALIFICATION FOR BENEFITS IF THE CLAIMANT S MOST
14 RECENT BASE PERIOD OR BENEFIT YEAR SEPARATION WAS FOR A REASON
15 OTHER THAN THE LACK OF WORK THEN A DETERMINATION SHALL BE ISSUED
16 CONCERNING THAT SEPARATION TO THE CLAIMANT AND TO THE SEPARATING
17 EMPLOYER EXCEPT FOR BASE PERIOD SEPARATIONS INVOLVING DISQUALI-
18 FICATIONS UNDER SECTION 29(1) (H) (J) (L) OR (M) IF INFORMA-
19 TION IS PROVIDED BY AN EMPLOYER REGARDING A SEPARATION OF THE
20 CLAIMANT DURING THE BASE PERIOD THE COMMISSION SHALL CONSIDER
21 THAT INFORMATION ONLY FOR THE DETERMINATION OF CHARGING OF BENE-
22 FITS AND NOT WITH REGARD TO THE CLAIMANT S ENTITLEMENT TO
23 BENEFITS AN EMPLOYER MAY DESIGNATE IN WRITING TO THE COMMISSION
24 AN INDIVIDUAL OR ANOTHER EMPLOYER OR AN EMPLOYING UNIT TO RECEIVE
25 ANY NOTICE REQUIRED TO BE GIVEN BY THE COMMISSION TO THAT
26 EMPLOYER OR TO REPRESENT THAT EMPLOYER IN ANY PROCEEDING BEFORE
27 THE COMMISSION AS PROVIDED IN SECTION 31

1 IF THE COMMISSION REQUESTS ADDITIONAL MONETARY OR
2 NONMONETARY INFORMATION FROM AN EMPLOYER OR EMPLOYING UNIT AND
3 THE COMMISSION FAILS TO RECEIVE A WRITTEN RESPONSE FROM THE
4 EMPLOYER OR EMPLOYING UNIT WITHIN 10 CALENDAR DAYS AFTER THE DATE
5 OF MAILING THE REQUEST FOR INFORMATION, THE COMMISSION SHALL MAKE
6 A DETERMINATION BASED UPON THE AVAILABLE INFORMATION AT THE TIME
7 THE DETERMINATION IS MADE THE DETERMINATION SHALL BE FINAL AND
8 ANY PAYMENT MADE SHALL BE CONSIDERED A PROPER PAYMENT WITH
9 RESPECT TO BENEFITS PAID BEFORE THE WEEK FOLLOWING THE RECEIPT OF
10 THE EMPLOYER S REPLY AND CHARGEABLE AGAINST THE EMPLOYER S
11 ACCOUNT OR EXPERIENCE ACCOUNT AS A RESULT OF THE EMPLOYER S LATE
12 REPLY

13 (c) The claimant or interested party may file an application
14 with an office of the commission for a redetermination in accord-
15 ance with section 32a

16 (d) The issuance of each benefit check shall be considered a
17 determination by the commission that the claimant receiving the
18 ~~checking~~ CHECK was covered during the compensable period and
19 eligible and qualified for benefits ~~An~~ A CHARGEABLE employer
20 upon receipt of a ~~copy or~~ listing of the check as provided in
21 section 21(a), may protest by requesting a redetermination as to
22 the eligibility or qualification as to that period and a determi-
23 nation as to later weeks and benefits still unpaid as are
24 affected by the protest Upon receipt of the protest or request,
25 the commission shall investigate and redetermine whether the
26 claimant is eligible and qualified as to that period If, upon
27 the redetermination the claimant is found ineligible or not

1 qualified the commission shall investigate and determine whether
2 the claimant obtained benefits for 1 or more preceding weeks
3 within the series of consecutive weeks which includes the week
4 covered by the redetermination improperly as the result of
5 administrative error, false statement, misrepresentation or non-
6 disclosure of a material fact If the commission finds that the
7 claimant has obtained benefits through administrative error,
8 false statement, misrepresentation or nondisclosure of a mate-
9 rial fact the commission shall proceed under the appropriate
10 provisions of section 62

11 (e) Notwithstanding any other provision of this act if both
12 parties or their authorized agents or attorneys agree the claim-
13 ant and the employer may bypass redetermination and the board of
14 review to request circuit court review of a decision by the
15 referee

16 (f) When a claimant commences to file continued claims
17 through a different state claim office in this state or else-
18 where the commission promptly shall issue written notice of that
19 fact to the chargeable employer

20 (g) If a claimant refuses an offer of work, or fails to
21 apply for work of which the claimant has been notified as pro-
22 vided in section 29(1)(c) or (e) the commission promptly shall
23 make a written determination as to whether or not the refusal or
24 failure requires disqualification under section 29 Notice of
25 the determination specifying the name and address of the employ-
26 ing unit offering or giving notice of the work and of the
27 chargeable employer shall be sent to the claimant the employing

1 unit offering or giving notice of the work and the chargeable
2 employer

3 Sec 44 (1) Remuneration means all compensation paid for
4 personal services including commissions and bonuses and except
5 for agricultural and domestic services the cash value of all
6 compensation payable in a medium other than cash Any remunera-
7 tion payable to an individual which has not been actually
8 received by that individual within 21 days after the end of the
9 pay period in which the remuneration was earned shall for the
10 purposes of subsections (2) to (5) AND SECTION 46, be considered
11 to have been paid on the twenty-first day after the end of that
12 pay period FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION
13 DATE PRESCRIBED IN SECTION 75 IF BACK PAY IS AWARDED TO AN INDI-
14 VIDUAL AND IS ALLOCATED BY AN EMPLOYER OR LEGAL AUTHORITY TO A
15 PERIOD OF WEEKS WITHIN 1 OR MORE CALENDAR QUARTERS THE BACK PAY
16 SHALL BE CONSIDERED PAID IN THAT CALENDAR QUARTER OR THOSE CALEN-
17 DAR QUARTERS FOR PURPOSES OF SECTION 46 The reasonable cash
18 value of compensation payable in a medium other than cash shall
19 be estimated and determined in accordance with rules promulgated
20 by the commission Beginning January 1 1986 ~~"Remuneration"~~
21 REMUNERATION shall include tips actually reported to an employer
22 under section 6053(a) of the internal revenue code 26
23 U S C 6053(a) by an employee who receives tip income
24 Remuneration shall not include money paid an individual by a unit
25 of government for services rendered as a member of the national
26 guard of this state or for similar services to any state or the
27 United States

1 (2) Wages subject to subsections (3) to (5) means
2 remuneration paid by employers for employment and, beginning
3 January 1, 1986 includes tips actually reported to an employer
4 under section 6053(a) of the internal revenue code 26 U S C
5 6053(a) by an employee who receives tip income Notwithstanding
6 the preceding sentence, for the period January 1 1986 through
7 December 31, 1986 for purposes of sections 50 and 51, wages shall
8 include tips only to the extent that they are taken in account by
9 the employer in determining the employee s compensation under the
10 state minimum wage law or where the employer adds a certain per-
11 cent to the customer s bill as a tip for disbursement to the
12 employees the dollar amount of the percentage so added If any
13 provision of this subsection prevents the state from qualifying
14 for any federal interest relief provisions provided under section
15 1202 of the social security act 42 U S C 1322 or prevents
16 employers in this state from qualifying for the limitation on the
17 reduction of federal unemployment tax act credits as provided
18 under section 3302(f) of the federal unemployment tax act 26
19 U S C 3302(f) such provision shall be invalid to the extent
20 necessary to maintain qualification for such interest relief pro-
21 visions and federal unemployment tax credits

22 (3) For the purpose of determining the amount of contribu-
23 tions due from an employer under this act wages shall be limited
24 by the taxable wage limit applicable under subsection (4) For
25 this purpose wages shall exclude all remuneration paid within a
26 calendar year to an individual by an employing unit after the
27 individual was paid within that year by that employing unit

1 remuneration equal to the taxable wage limit on which
2 unemployment taxes were paid or were payable in this and any
3 other states If an employing unit hereinafter referred to as
4 successor, during any calendar year becomes a transferee in a
5 transfer of business as defined in section 22 of another herein-
6 after referred to as a predecessor, and immediately after the
7 transfer employs in his or her trade or business an individual
8 who immediately before the transfer was employed in the trade or
9 business of the predecessor, then for the purpose of determining
10 whether the successor has paid remuneration with respect to
11 employment equal to the taxable wage limit to that individual
12 during the calendar year any remuneration with respect to
13 employment paid to that individual by the predecessor during the
14 calendar year and before the transfer shall be considered as
15 having been paid by the successor

16 (4) The taxable wage limit for each calendar year shall be
17 \$8 000 00 in the 1983 calendar year, \$8,500 00 in the 1984 calen-
18 dar year, \$9 000 00 in the 1985 calendar year, \$9,500 00 in the
19 1986 calendar year and \$9,500 00 for calendar years after 1986
20 or the maximum amount of remuneration paid within a calendar year
21 by an employer subject to the federal unemployment tax act 26
22 U S C 3301 to 3311, to an individual with respect to employment
23 as defined in that act which is subject to tax under that act
24 during that year for each calendar year whichever is greater

25 (5) For the purposes of this act, the term 'wages" shall not
26 include

1 (a) The amount of a payment, including an amount paid by an
2 employer for insurance or annuities or into a fund to provide
3 for such a payment made to, or on behalf of an employee or any
4 of the employee's dependents under a plan or system established
5 by an employer which makes provision for the employer's employees
6 generally, or for the employer's employees generally and their
7 dependents, or for a class or classes of the employer's employ-
8 ees or for a class or classes of the employer's employees and
9 their dependents, on account of retirement, sickness or accident
10 disability, medical or hospitalization expenses in connection
11 with sickness or accident disability, or death

12 (b) A payment made to an employee, including an amount paid
13 by an employer for insurance or annuities or into a fund to
14 provide for such a payment on account of retirement

15 (c) A payment on account of sickness or accident disability,
16 or medical or hospitalization expenses in connection with sick-
17 ness or accident disability made by an employer to, or on behalf
18 of an employee after the expiration of 6 calendar months follow-
19 ing the last calendar month in which the employee worked for the
20 employer

21 (d) A payment made to or on behalf of an employee or the
22 employee's beneficiary from or to a trust described in section
23 401(a) of the internal revenue code which is exempt from tax
24 under section 501(a) of the internal revenue code at the time of
25 the payment unless the payment is made to an employee of the
26 trust as remuneration for services rendered as an employee and
27 not as a beneficiary of the trust or under or to an annuity plan

1 which at the time of the payment is a plan described in section
2 403(a) of the internal revenue code or under or to a bond pur-
3 chase plan which at the time of the payment, is a qualified bond
4 purchase plan described in section 405(a) of the internal revenue
5 code

6 (e) The payment by an employer, without deduction from the
7 remuneration of the employee, of the tax imposed upon an employee
8 under section 3101 of the internal revenue code

9 (f) Remuneration paid in any medium other than cash to an
10 employee for service not in the course of the employer's trade or
11 business

12 (g) A payment, other than vacation or sick pay, made to an
13 employee after the month in which the employee attains the age of
14 65, if the employee did not work for the employer in the period
15 for which the payment is made

16 (h) Remuneration paid to or on behalf of an employee as
17 moving expenses if and to the extent that at the time of pay-
18 ment of the remuneration it is reasonable to believe that a cor-
19 responding deduction is allowable under section 217 of the inter-
20 nal revenue code

21 (6) The amendments made to this section by Act No 155 of
22 the Public Acts of 1977 shall apply to all remuneration paid
23 after December 31, 1977

24 (7) The amendments made in subsection (1) by the amendatory
25 act which added this subsection shall first apply to remuneration
26 paid after December 31 1977

1 Sec 45 ~~The term~~ FOR BENEFIT YEARS BEGINNING BEFORE THE
 2 CONVERSION DATE PRESCRIBED IN SECTION 75 "base period" means the
 3 period of 52 consecutive calendar weeks ending with the day imme-
 4 diately preceding the first day of an individual s benefit year
 5 FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE PRESCRIBED
 6 IN SECTION 75 BASE PERIOD MEANS THE FIRST 4 OF THE LAST 5 COM-
 7 PLETED CALENDAR QUARTERS BEFORE THE FIRST DAY OF THE INDIVIDUAL'S
 8 BENEFIT YEAR HOWEVER, IF AN INDIVIDUAL HAS NOT BEEN PAID SUFFI-
 9 CIENT WAGES IN THE FIRST 4 OF THE LAST 5 COMPLETED CALENDAR QUAR-
 10 TERS TO ENTITLE THE INDIVIDUAL TO ESTABLISH A BENEFIT YEAR THEN
 11 BASE PERIOD MEANS THE 4 MOST RECENT COMPLETED CALENDAR QUARTERS
 12 BEFORE THE FIRST DAY OF THE INDIVIDUAL S BENEFIT YEAR

13 Sec 46 (a) ~~"Benefit"~~ FOR BENEFIT YEARS BEGINNING BEFORE
 14 THE CONVERSION DATE PRESCRIBED IN SECTION 75 'BENEFIT year with
 15 respect to any individual means the period of 52 consecutive cal-
 16 endar weeks beginning with the first calendar week with respect
 17 to which the individual, who does not already have a benefit year
 18 in effect files an application in accordance with section 32
 19 However a benefit year shall not be established unless the indi-
 20 vidual meets all of the following conditions (1) has earned 20
 21 credit weeks in the 52 consecutive calendar weeks preceding the
 22 week with respect to which the individual filed an application
 23 for benefits (2) with respect to the week for which the individ-
 24 ual is filing an application for benefits, is unemployed, and
 25 meets all of the other requirements of section 28 (3) with
 26 respect to the week for which the individual is filing an
 27 application for benefits the individual is not disqualified nor

1 subject to disqualification, except in case of a labor dispute
2 under section 29(8), with respect to the most recent period of
3 employment with the most recent employer with whom the individual
4 earned a credit week FOR BENEFIT YEARS BEGINNING AFTER THE CON-
5 VERSION DATE PRESCRIBED IN SECTION 75 BENEFIT YEAR WITH RESPECT
6 TO ANY INDIVIDUAL MEANS THE PERIOD OF 52 CONSECUTIVE CALENDAR
7 WEEKS BEGINNING WITH THE FIRST CALENDAR WEEK WITH RESPECT TO
8 WHICH THE INDIVIDUAL, WHO DOES NOT ALREADY HAVE A BENEFIT YEAR IN
9 EFFECT, FILES AN APPLICATION FOR BENEFITS IN ACCORDANCE WITH
10 SECTION 32 HOWEVER, A BENEFIT YEAR SHALL NOT BE ESTABLISHED
11 UNLESS THE INDIVIDUAL MEETS EITHER OF THE FOLLOWING CONDITIONS
12 (1) THE TOTAL WAGES PAID TO THE INDIVIDUAL IN THE BASE PERIOD OF
13 THE CLAIM EQUALS NOT LESS THAN 1 5 TIMES THE WAGES PAID TO THE
14 INDIVIDUAL IN THE CALENDAR QUARTER OF THE BASE PERIOD IN WHICH
15 THE INDIVIDUAL WAS PAID THE HIGHEST WAGES, OR (2) THE INDIVIDUAL
16 WAS PAID WAGES IN 2 OR MORE CALENDAR QUARTERS OF THE BASE PERIOD
17 EQUAL TO AT LEAST 20 TIMES THE STATE AVERAGE WEEKLY WAGE AS
18 DETERMINED BY THE COMMISSION THE STATE AVERAGE WEEKLY WAGE FOR
19 A CALENDAR YEAR SHALL BE COMPUTED ON THE BASIS OF THE 12 MONTHS
20 ENDING THE JUNE 30 PRECEDING THAT CALENDAR YEAR A BENEFIT YEAR
21 SHALL NOT BE ESTABLISHED IF THE INDIVIDUAL WAS NOT PAID WAGES OF
22 AT LEAST \$900 00 IN AT LEAST 1 CALENDAR QUARTER OF THE BASE
23 PERIOD A BENEFIT YEAR SHALL NOT BE ESTABLISHED BASED ON BASE
24 PERIOD WAGES PREVIOUSLY USED TO ESTABLISH A BENEFIT YEAR THAT
25 RESULTED IN THE PAYMENT OF BENEFITS HOWEVER, IF A CALENDAR
26 QUARTER OF THE BASE PERIOD CONTAINS WAGES WHICH WERE PREVIOUSLY
27 USED TO ESTABLISH A BENEFIT YEAR THAT RESULTED IN THE PAYMENT OF

1 BENEFITS A CLAIMANT MAY ESTABLISH A BENEFIT YEAR USING THE WAGES
2 IN THE REMAINING CALENDAR QUARTERS FROM AMONG THE FIRST 4 OF THE
3 LAST 5 COMPLETED CALENDAR QUARTERS, OR IF A BENEFIT YEAR CANNOT
4 BE ESTABLISHED USING THOSE QUARTERS, THEN BY USING WAGES FROM
5 AMONG THE LAST 4 COMPLETED CALENDAR QUARTERS A BENEFIT YEAR
6 SHALL NOT BE ESTABLISHED UNLESS AFTER THE BEGINNING OF THE IMME-
7 DIATELY PRECEDING BENEFIT YEAR DURING WHICH THE INDIVIDUAL
8 RECEIVED BENEFITS, THE INDIVIDUAL WORKED AND RECEIVED REMUNERA-
9 TION IN AN AMOUNT EQUAL TO AT LEAST 5 TIMES THE INDIVIDUAL S MOST
10 RECENT STATE WEEKLY BENEFIT RATE IN EFFECT DURING THE
11 INDIVIDUAL'S IMMEDIATELY PRECEDING BENEFIT YEAR

12 IF A QUARTERLY WAGE REPORT HAS NOT BEEN SUBMITTED IN A
13 TIMELY MANNER BY THE EMPLOYER AS PROVIDED IN SECTION 13 FOR ANY
14 OF THE QUARTERS OF THE BASE PERIOD, OR WAGE INFORMATION IS NOT
15 AVAILABLE FOR USE BY THE COMMISSION FOR THE MOST RECENT COMPLETED
16 CALENDAR QUARTER, THE COMMISSION MAY OBTAIN AND USE THE
17 CLAIMANT S STATEMENT OF WAGES PAID DURING THE CALENDAR QUARTERS
18 FOR WHICH THE WAGE REPORTS ARE MISSING TO ESTABLISH A BENEFIT
19 YEAR A DETERMINATION BASED ON THE CLAIMANT'S STATEMENT OF WAGES
20 PAID DURING ANY OF THESE CALENDAR QUARTERS SHALL BE REDETERMINED
21 IF THE QUARTERLY WAGE REPORT FROM THE EMPLOYER IS LATER RECEIVED
22 AND WOULD RESULT IN A CHANGE IN THE CLAIMANT S WEEKLY BENEFIT
23 AMOUNT OR DURATION, OR BOTH, OR IF THE QUARTERLY WAGE REPORT FROM
24 THE EMPLOYER LATER BECOMES AVAILABLE FOR USE BY THE COMMISSION
25 AND WOULD RESULT IN A CHANGE IN THE CLAIMANT'S BENEFIT AMOUNT OR
26 DURATION, OR BOTH IF THE REDETERMINATION RESULTS FROM THE
27 EMPLOYER'S FAILURE TO SUBMIT THE QUARTERLY WAGE REPORT IN A

1 TIMELY MANNER THE REDETERMINATION SHALL BE EFFECTIVE AS TO
2 BENEFITS PAYABLE FOR WEEKS BEGINNING AFTER THE RECEIPT OF INFOR-
3 MATION NOT PREVIOUSLY SUBMITTED BY THE EMPLOYER

4 If an individual files an application for a 7-day period as
5 provided in section 27(c), the benefit year with respect to the
6 individual shall begin with the calendar week which contains the
7 first day of that 7-day period

8 (b) If all, or the then remaining part, of a claimant's
9 rights to benefits during his or her benefit year are canceled
10 under the provisions of section 62(b), the remaining portion of
11 that benefit year shall be terminated as of the effective date of
12 the cancellation

13 (c) An individual may request a redetermination of his or
14 her benefit rights and cancellation of a previously established
15 benefit year if he or she has not completed a compensable period
16 in such case the benefit year shall begin with the first day of
17 the first week with respect to which the request for redetermina-
18 tion of benefit rights is duly filed

19 (d) Notwithstanding ~~section 43(g) and~~ subsection (a) for
20 services performed on or after January 2 1983 AND WITH RESPECT
21 TO BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE PRE-
22 SCRIBED IN SECTION 75, an individual shall not be entitled to
23 establish a benefit year based in whole or in part on credit
24 weeks for service in the employ of an employing unit, NOT OTHER-
25 WISE EXCLUDED UNDER SECTION 43(G), in which more than 50% of the
26 proprietary interest is owned by the individual or his or her
27 son daughter or spouse or any combination of these

1 individuals or in which more than 50% of the proprietary
2 interest is owned by the mother or father of a child under the
3 age of 18, or mother and father combined, unless both the indi-
4 vidual and the employer notify the commission, in response to the
5 commission's request for information, of the individual's rela-
6 tionship to the owners of the proprietary interest in the employ-
7 ing unit. Upon timely notification to the commission, a benefit
8 year may be established for the individual if the individual
9 meets all of the following conditions: (1) has earned 20
10 ~~credits~~ CREDIT weeks in the 52 consecutive calendar weeks pre-
11 ceding the week with respect to which the individual filed an
12 application for benefits; (2) with respect to the week for which
13 the individual is filing an application for benefits is unem-
14 ployed and meets all of the other requirements of section 28
15 (3) with respect to the week for which the individual is filing
16 an application for benefits the individual is not disqualified
17 nor subject to disqualification except in case of a labor dis-
18 pute under section 29(8) with respect to the most recent period
19 of employment with the most recent employer with whom the indi-
20 vidual earned a credit week. If an individual files an applica-
21 tion for a 7-day period as provided in section 27(c), the benefit
22 year with respect to the individual shall begin with the calendar
23 week which contains the first day of that 7-day period. However
24 for benefit years established on or after July 1, 1983, not more
25 than 10 credit weeks based on such services shall be used to pay
26 benefits. For the purpose of calculating the individual's
27 average weekly wage, all base period wages and credit weeks shall

1 be used WITH RESPECT TO BENEFIT YEARS BEGINNING AFTER THE
2 CONVERSION DATE PRESCRIBED IN SECTION 75, AND NOTWITHSTANDING
3 SUBSECTION (A), AN INDIVIDUAL SHALL NOT BE ENTITLED TO ESTABLISH
4 A BENEFIT YEAR BASED IN WHOLE OR IN PART ON WAGES EARNED IN SERV-
5 ICE, NOT OTHERWISE EXCLUDED UNDER SECTION 43(G), IN THE EMPLOY OF
6 AN EMPLOYING UNIT IN WHICH MORE THAN 50% OF THE PROPRIETARY
7 INTEREST IS OWNED BY THE INDIVIDUAL OR HIS OR HER SON DAUGHTER
8 SPOUSE, OR ANY COMBINATION OF THESE INDIVIDUALS, OR IN WHICH MORE
9 THAN 50% OF THE PROPRIETARY INTEREST IS OWNED BY THE MOTHER OR
10 FATHER OF A CHILD UNDER THE AGE OF 18, OR MOTHER AND FATHER COM-
11 BINED, UNLESS BOTH THE INDIVIDUAL AND THE EMPLOYER NOTIFY THE
12 COMMISSION, IN RESPONSE TO THE COMMISSION'S REQUEST FOR INFORMA-
13 TION OF THE INDIVIDUAL'S RELATIONSHIP TO THE OWNERS OF THE PRO-
14 PRIETARY INTEREST IN THE EMPLOYING UNIT UPON TIMELY NOTIFICA-
15 TION TO THE COMMISSION A BENEFIT YEAR MAY BE ESTABLISHED FOR THE
16 INDIVIDUAL IF THE INDIVIDUAL MEETS THE REQUIREMENTS OF
17 SUBSECTION (A) IF WAGES IN AN INDIVIDUAL'S BASE PERIOD WERE
18 EARNED IN SERVICE IN THE EMPLOY OF SUCH AN EMPLOYING UNIT THE
19 INDIVIDUAL'S WEEKLY BENEFIT RATE SHALL BE CALCULATED IN ACCORD-
20 ANCE WITH SECTION 27(B)(1) BUT THE PORTION OF THE BENEFIT RATE
21 ATTRIBUTABLE TO THIS SERVICE SHALL BE PAYABLE FOR NOT MORE THAN 7
22 WEEKS THE WEEKLY BENEFIT PAYMENT SHALL BE REDUCED THEREAFTER BY
23 THE PERCENTAGE OF CHARGE ATTRIBUTABLE TO SERVICE WITH THIS
24 EMPLOYER, IN ACCORDANCE WITH SECTION 20

25 Sec 50 (a) Week means calendar week, ending at midnight
26 Saturday but all work performed and wages earned during a

1 working shift which starts before midnight Saturday shall be
2 included in the week in which that shift begins

3 (b) ~~Except as provided in subsection (c)~~ WITH RESPECT TO
4 BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE PRESCRIBED
5 IN SECTION 75 credit week means a calendar week of an
6 individual s base period during which the individual earned wages
7 equal to or greater than 20 times the state minimum hourly wage
8 in effect on the first day of the calendar week in which the
9 individual filed an application for benefits subject to the
10 following

11 (1) If an individual earns wages from more than 1 employer
12 in a credit week that week shall be counted as 1 multiemployer
13 credit week and shall be governed by the provisions of section
14 ~~20(d)~~ 20(E), unless the individual has earned sufficient wages
15 in the base period with only 1 of the employers for whom the
16 individual performed services in the week of concurrent employ-
17 ment to entitle the individual to a maximum weekly benefit rate
18 in which case the week shall be a credit week with respect to
19 that employer only and not a multiemployer 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~~
6 SUBPARAGRAPH (a) total less than 35, all credit weeks which are
7 not multiemployer credit weeks and which were earned with each
8 employer before a disqualifying act or discharge shall be count-
9 ed in inverse order to that in which the most recent disqualify-
10 ing act or discharge with each employer occurred to the extent
11 necessary to use all available credit weeks with respect to the
12 employers or a total of 35 credit weeks whichever is less

13 (c) Third if the credit weeks counted under ~~paragraphs~~
14 SUBPARAGRAPHS (a) and (b) total less than 35 all multiemployer
15 credit weeks shall be counted in inverse chronological order of
16 their occurrence, to the extent necessary to count all available
17 credit weeks or a 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~~ OR 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 ~~(c) Notwithstanding subsection (b), for weeks of unemploy-~~
6 ~~ment beginning January 2, 1983, "credit week" means a calendar~~
7 ~~week of an individual's base period during which the individual~~
8 ~~earned wages equal to or greater than 30 times the state minimum~~
9 ~~hourly wage in effect on the first day of the calendar week in~~
10 ~~which the individual filed an application for benefits subject to~~
11 ~~the following-~~

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

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

26 ~~(a) First, all credit weeks which are not multiemployer~~
27 ~~credit weeks and which were earned with employers not involved in~~

~~1 a disqualifying act or discharge under section 29(1), and all
2 credit weeks earned with an employer involved in such a disquali-
3 fying act or discharge which were earned subsequent to the last
4 act or discharge in which the employer was involved, shall be
5 counted in inverse order of most recent employment with each
6 employer~~

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

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

~~20 (3) As used in this subsection~~

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

~~25 (b) "Uncanceled credit week" means a credit week which is
26 not canceled in accordance with section 62(b)~~

1 ~~(4) There shall not be counted toward the wages required to~~
 2 ~~establish a credit week under this subsection payments in the~~
 3 ~~form of termination separation, severance, or dismissal allow~~
 4 ~~ances nor shall there be counted any payments for a vacation or~~
 5 ~~a holiday unless the payment has been made, or the right to~~
 6 ~~receive it has irrevocably vested, within 14 days following the~~
 7 ~~vacation or holiday~~

8 ~~(5) This subsection shall not apply to benefit years begin~~
 9 ~~ning after January 3, 1987~~

10 Sec 51 'Benefits means the money payments payable to an
 11 eligible and qualified individual as provided in this act with
 12 respect to unemployment

13 ~~An~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION
 14 DATE PRESCRIBED IN SECTION 75, AN individual s average weekly
 15 wage with respect to a base period employer shall be the
 16 amount determined by dividing his OR HER total wages for credit
 17 weeks earned from ~~such~~ THAT employer by the number of such
 18 credit weeks

19 Sec 54 (a) A person who ~~shall~~ willfully ~~violate~~
 20 VIOLATES or intentionally ~~fail~~ FAILS to comply with any of the
 21 provisions of this act or a regulation of the commission promul-
 22 gated under the authority of this act for which a penalty is not
 23 otherwise provided by this act is punishable as provided in sub-
 24 division (i) (ii), (iii) or (iv), notwithstanding any other
 25 statute of this state or of the United States

26 (i) If the commission determines that an amount has been
 27 obtained or withheld as a result of the intentional failure to

1 comply with this act the commission may recover the amount
2 obtained as a result of the intentional failure to comply ~~and~~
3 ~~may also recover~~ PLUS damages equal to 3 times that amount

4 (11) The commission may refer the matter to the prosecuting
5 attorney of the county in which the alleged violation occurred
6 for prosecution If the commission has not made its own determi-
7 nation under subdivision (1), the penalty sought by the prosecu-
8 tor shall include the amount described in subdivision (1) and
9 shall also include 1 or more of the following penalties

10 (A) If the amount obtained or withheld from payment as a
11 result of the intentional failure to comply is less than
12 \$25,000 00 then 1 of the following

13 (I) Imprisonment for not more than 1 year

14 (II) The performance of community service of not more than 1
15 year but not to exceed 2 080 hours

16 (III) A combination of (I) and (II) that does not exceed 1
17 year

18 (B) If the amount obtained or withheld from payment as a
19 result of the intentional failure to comply is \$25 000 00 or more
20 but less than \$100 000 00 then 1 of the following

21 (I) Imprisonment for not more than 2 years

22 (II) The performance of community service of not more than 2
23 years but not to exceed 4 160 hours

24 (III) A combination of (I) and (II) that does not exceed 2
25 years

1 (C) If the amount obtained or withheld from payment as a
2 result of the intentional failure to comply is more than
3 \$100 000 00 then 1 of the following

4 (I) Imprisonment for not more than 5 years

5 (II) The performance of community service of not more than 5
6 years but not to exceed 10 400 hours

7 (III) A combination of (I) and (II) that does not exceed 5
8 years

9 (iii) If the commission determines that an amount has been
10 obtained or withheld as a result of a knowing violation of this
11 act the commission may recover the amount obtained as a result
12 of the knowing violation and may also recover damages equal to 3
13 times that amount

14 (iv) The commission may refer a matter under subdivision
15 (iii) to the prosecuting attorney of the county in which the
16 alleged violation occurred for prosecution If the commission
17 has not made its own determination under subdivision (iii) the
18 penalty sought by the prosecutor shall include the amount
19 described in subdivision (iii) and shall also include 1 or more
20 of the following penalties

21 (A) If the amount obtained or withheld from payment as a
22 result of the knowing violation is \$100,000 00 or less, then 1 of
23 the following

24 (I) Imprisonment for not more than 1 year

25 (II) The performance of community service of not more than 1
26 year but not to exceed 2,080 hours

1 (III) A combination of (I) and (II) that does not exceed 1
2 year

3 (B) If the amount obtained or withheld from payment as a
4 result of the knowing violation is more than \$100 000 00 then 1
5 of the following

6 (I) Imprisonment for not more than 2 years

7 (II) The performance of community service of not more than 2
8 years but not to exceed 4 160 hours

9 (III) A combination of (I) and (II) that does not exceed 2
10 years

11 (b) Any employing unit or an officer or agent of an employ-
12 ing unit a claimant an employee of the commission, or any other
13 person who makes a false statement or representation knowing it
14 to be false or knowingly and willfully with intent to defraud
15 fails to disclose a material fact to obtain or increase a bene-
16 fit or other payment under this act or under the unemployment
17 compensation law of any state or of the federal government,
18 either for himself or herself or any other person to prevent or
19 reduce the payment of benefits to an individual entitled thereto
20 or to avoid becoming or remaining a subject employer or to avoid
21 or reduce a contribution or other payment required from an
22 employing unit under this act or under the unemployment compensa-
23 tion law of any state or of the federal government as applica-
24 ble is punishable as follows notwithstanding any other penal-
25 ties imposed under any other statute of this state or of the
26 United States

1 (1) If the amount obtained as a result of the knowing false
2 statement or representation or the knowing and willful failure to
3 disclose a material fact is less than \$1 000 00 the commission
4 may recover the amount obtained as a result of the knowing false
5 statement or representation or the knowing and willful failure to
6 disclose a material fact and may also recover damages equal to 2
7 times that amount

8 (11) If the amount obtained as a result of the knowing false
9 statement or representation or the knowing and willful failure to
10 disclose a material fact is \$1 000 00 or more, the commission may
11 recover the amount obtained as a result of the knowing false
12 statement or representation or the knowing and willful failure to
13 disclose a material fact and may also recover damages equal to 3
14 times that amount The commission may refer the matter to the
15 prosecuting attorney of the county in which the alleged violation
16 occurred for prosecution If the commission has not made its own
17 determination under this subdivision the penalty sought by the
18 prosecutor shall include the amount described in this subdivision
19 and shall also include 1 or more of the following penalties

20 (A) If the amount obtained or withheld from payment as a
21 result of the knowing false statement or representation or the
22 knowing and willful failure to disclose a material fact is
23 \$1 000 00 or more but less than \$25 000 00 then 1 of the
24 following

25 (I) Imprisonment for not more than 1 year

26 (II) The performance of community service of not more than 1
27 year but not to exceed 2 080 hours

1 (III) A combination of (I) and (II) that does not exceed 1
2 year

3 (B) If the amount obtained or withheld from payment as a
4 result of the knowing false statement or representation or the
5 knowing and willful failure to disclose a material fact is
6 \$25 000 00 or more then 1 of the following

7 (I) Imprisonment for not more than 2 years

8 (II) The performance of community service of not more than 2
9 years but not to exceed 4,160 hours

10 (III) A combination of (I) and (II) that does not exceed 2
11 years

12 (C) If the knowing false statement or representation or the
13 knowing and willful failure to disclose a material fact made to
14 obtain or withhold an amount from payment does not result in a
15 loss to the commission then a penalty shall be sought equal to 3
16 times the amount that would have been obtained by the knowing
17 false statement or representation or the knowing and willful
18 failure to disclose a material fact but not less than \$1 000 00
19 and 1 of the following

20 (I) Imprisonment for not more than 2 years

21 (II) The performance of community service of not more than 2
22 years but not to exceed 4 160 hours

23 (III) A combination of (I) and (II) that does not exceed 2
24 years

25 (c) (1) Any employing unit or an officer or agent of an
26 employing unit or any other person failing to submit, when due
27 any contribution report, wage and employment report or other

1 reports lawfully prescribed and required by the commission shall
2 be subject to the assessment of a penalty for each report not
3 submitted within the time prescribed by the commission as
4 follows In the case of contribution reports not received within
5 10 days after the end of the reporting month the penalty shall be
6 10% of the contributions due on the reports but not less than
7 \$5 00 or more than \$25 00 for a report However, if the tenth
8 day falls on a Saturday, Sunday, legal holiday, or other commis-
9 sion nonwork day, such 10-day period shall run until the end of
10 the next day which is not a Saturday Sunday legal holiday or
11 other commission nonwork day In the case of all other reports
12 referred to in this subsection the penalty shall be \$10 00 for a
13 report

14 (2) Notwithstanding subdivision (1), ~~if the commission con-~~
15 ~~cludes after completion of the first 4 quarters of wage reporting~~
16 ~~under section 13(2) that the average number of employers not~~
17 ~~timely reporting the wage information as required is 5% or more,~~
18 ~~an employer shall be liable for a penalty in the following amount~~
19 ~~for each employee with respect to whom the employer is required~~
20 ~~to file a report but who is not included in the report or for~~
21 ~~whom the required information is not accurately reported or for~~
22 ~~whom the report is not filed within 10 days after the time pre-~~
23 ~~scribed by the commission for the first failure for 1 quarter~~
24 ~~in any 8 consecutive quarters, \$5 00 for each employee for the~~
25 ~~second failure for any quarter in 8 consecutive quarters, \$10 00~~
26 ~~for each employee and for the third failure for any quarter in 8~~
27 ~~consecutive quarters, and for any subsequent quarters, \$25 00 for~~

~~1 each employee, but the total amount imposed on the delinquent~~
~~2 employer for all such failures during any calendar year shall not~~
~~3 exceed \$1 000 00. The assessment of the penalty shall begin with~~
~~4 the report for the first quarter of 1987 and the 4 quarters of~~
~~5 1986 shall be included in determining the 8 consecutive quarters~~
6 ANY EMPLOYER OR AN OFFICER OR AGENT OF AN EMPLOYER OR ANY OTHER
7 PERSON FAILING TO SUBMIT WHEN DUE ANY QUARTERLY WAGE REPORT
8 REQUIRED BY SECTION 13(2) SHALL BE SUBJECT TO A PENALTY OF
9 \$100 00 FOR EACH UNTIMELY REPORT

10 (3) When a report is filed after the prescribed time and it
11 is shown to the satisfaction of the commission that the failure
12 to submit the report was due to reasonable cause, a penalty shall
13 not be imposed. The assessment of a penalty as provided in this
14 subsection shall constitute a determination which shall be final
15 unless the employer files with the commission an application for
16 a redetermination of the assessment in accordance with
17 section 32a

18 (d) If any commissioner, employee or agent of the commis-
19 sion or member of the appeal board willfully makes a disclosure
20 of confidential information obtained from any employing unit or
21 individual in the administration of this act for any purpose
22 inconsistent with or contrary to the purposes of this act, or a
23 person who having obtained a list of applicants for work or of
24 claimants or recipients of benefits, under this act shall use or
25 permit the use of that list for a political purpose or for a pur-
26 pose inconsistent with or contrary to the purposes of this act,
27 he or she is guilty of a misdemeanor and upon conviction shall be

1 punished by imprisonment for not more than 90 days, or by a fine
2 of not more than \$1 000 00 or both Notwithstanding the preced-
3 ing sentence if any commissioner, commission employee, agent of
4 the commission or member of the board of review knowingly
5 intentionally, and for financial gain, makes an illegal disclo-
6 sure of confidential information obtained under section 13(2) he
7 or she is guilty of a felony punishable by imprisonment for not
8 more than 1 year and 1 day

9 (e) A person who, without proper authority from the commis-
10 sion, represents himself or herself to be an employee of the com-
11 mission to an employing unit or person for the purpose of secur-
12 ing information regarding the unemployment or employment record
13 of an individual is guilty of a misdemeanor and upon conviction
14 shall be punished by imprisonment for not more than 90 days or
15 by a fine of not more than \$1 000 00 or both

16 (f) A person associated with a college university or
17 public agency of this state who makes use of any information
18 obtained from the commission in connection with a research
19 project of a public service nature in such a manner as to reveal
20 the identity of any individual or employing unit from or concern-
21 ing whom the information was obtained by the commission or for
22 any purpose other than use in connection with such a research
23 project is guilty of a misdemeanor and upon conviction shall be
24 punished by imprisonment for not more than 90 days or by a fine
25 of not more than \$1 000 00, or both

1 (g) As used in this section, "person" includes an
2 individual copartnership joint venture, corporation, receiver,
3 or trustee in bankruptcy

4 (h) This section shall apply even if the amount obtained or
5 withheld from payment has been reported or reported and paid by
6 an individual involved in a violation of subsection (a) or (b)

7 (i) If a determination is made that an individual has vio-
8 lated this section, the individual is subject to the penalty pro-
9 visions of this section and, where applicable the requirements
10 of section 62

11 (j) Amounts recovered by the commission pursuant to
12 subsection (a) or (b) shall be credited first to the unemployment
13 compensation fund and thereafter amounts recovered that are in
14 excess of the amounts obtained or withheld as a result of the
15 violation of subsection (a) and (b) shall be credited to the pen-
16 alty and interest account of the contingent fund Fines and pen-
17 alties recovered by the commission pursuant to subsections (c)
18 (d) (e), and (f) shall be credited to the penalty and interest
19 account of the contingent fund in accordance with section 10(6)

20 (k) The revisions in the penalties in subsections (a) and
21 (b) provided by the 1991 amendatory act that added this subsec-
22 tion shall apply to conduct that began before April 1, 1992, but
23 that continued on or after April 1, 1992, and to conduct that
24 began on or after April 1 1992

25 Sec 62 (a) If the commission determines that a person has
26 obtained benefits to which the person is not entitled the
27 commission may recover a sum equal to the amount so received by 1

1 or both of the following methods (1) deduction from benefits
2 that may be or may become payable to the individual, or (2) pay-
3 ment by the individual to the commission in cash Deduction from
4 benefits that may be or may become payable to the individual
5 shall be limited to not more than 20% of each weekly benefit
6 check otherwise due the claimant The commission shall not
7 recover improperly paid benefits from an individual more than 3
8 years or 6 years in the case of a violation of section 54(a) or
9 (b) or sections 54a to 54c, after the date of receipt of the
10 improperly paid benefits unless (1) a civil action is filed in
11 a court by the commission within the 3-year or 6-year period (2)
12 the individual has made an intentional false statement, misrepre-
13 sentation, or concealment of material information to obtain the
14 benefits or (3) a determination requiring restitution has been
15 issued by the commission within the 3-year or 6-year period
16 Furthermore, except in a case of an intentional false statement,
17 misrepresentation or concealment of material information the
18 commission may waive recovery of an improperly paid benefit if
19 the payment was not the fault of the individual and if repayment
20 would be contrary to equity and good conscience

21 (b) ~~if~~ FOR BENEFIT YEARS BEGINNING BEFORE THE CONVERSION
22 DATE PRESCRIBED IN SECTION 75 IF the commission determines that
23 a person has intentionally made a false statement or misrepresen-
24 tation or has concealed material information to obtain benefits
25 whether or not the person obtains benefits by or because of the
26 intentional false statement misrepresentation, or concealment of
27 material information the person shall in addition to any other

1 applicable penalties have all of his or her uncharged credit
2 weeks with respect to the benefit year in which the act occurred
3 canceled as of the date the commission receives notice of or
4 initiates investigation of THE possible false statement or mis-
5 representation or concealment of material information, whichever
6 date is earlier Before receiving benefits in a benefit year
7 established within 2 years after cancellation of uncharged credit
8 weeks under this subsection the individual in addition to
9 making the restitution of benefits established pursuant to sub-
10 section (a) may be liable to the commission by cash or deduc-
11 tion from benefits for an additional amount as otherwise deter-
12 mined by the commission pursuant to this act Restitution
13 resulting from the intentional false statement misrepresenta-
14 tion or concealment of material information shall not be subject
15 to the 20- limitation provided in subsection (a) FOR BENEFIT
16 YEARS BEGINNING AFTER THE CONVERSION DATE PRESCRIBED IN
17 SECTION 75 IF THE COMMISSION DETERMINES THAT A PERSON HAS INTEN-
18 TIONALLY MADE A FALSE STATEMENT OR MISREPRESENTATION OR HAS CON-
19 CEALD MATERIAL INFORMATION TO OBTAIN BENEFITS, WHETHER OR NOT
20 THE PERSON OBTAINS BENEFITS BY OR BECAUSE OF THE INTENTIONAL
21 FALSE STATEMENT MISREPRESENTATION, OR CONCEALMENT OF MATERIAL
22 INFORMATION, THE PERSON SHALL, IN ADDITION TO ANY OTHER APPLICA-
23 BLE PENALTIES, HAVE HIS OR HER RIGHTS TO BENEFITS WITH RESPECT TO
24 THE BENEFIT YEAR IN WHICH THE ACT OCCURRED CANCELLED AS OF THE
25 DATE THE COMMISSION RECEIVES NOTICE OF OR INITIATES INVESTIGA-
26 TION OF, A POSSIBLE FALSE STATEMENT, OR MISREPRESENTATION OR
27 CONCEALMENT OF MATERIAL INFORMATION WHICHEVER DATE IS EARLIER,

1 AND WAGES USED TO ESTABLISH THAT BENEFIT YEAR SHALL NOT BE USED
2 TO ESTABLISH ANOTHER BENEFIT YEAR BEFORE RECEIVING BENEFITS IN
3 A BENEFIT YEAR ESTABLISHED WITHIN 2 YEARS AFTER CANCELLATION OF
4 RIGHTS TO BENEFITS UNDER THIS SUBSECTION, THE INDIVIDUAL, IN
5 ADDITION TO MAKING THE RESTITUTION OF BENEFITS ESTABLISHED PURSU-
6 ANT TO SUBSECTION (A), MAY BE LIABLE TO THE COMMISSION BY CASH
7 OR DEDUCTION FROM BENEFITS, FOR AN ADDITIONAL AMOUNT AS OTHERWISE
8 DETERMINED BY THE COMMISSION PURSUANT TO THIS ACT RESTITUTION
9 RESULTING FROM THE INTENTIONAL FALSE STATEMENT, MISREPRESENTA-
10 TION, OR CONCEALMENT OF MATERIAL INFORMATION SHALL NOT BE SUBJECT
11 TO THE 20% LIMITATION PROVIDED IN SUBSECTION (A)

12 (c) Any determination made by the commission under this sec-
13 tion shall be final unless an application for a redetermination
14 is filed with the commission in accordance with section 32a

15 (d) The commission shall take the action which is necessary
16 to recover all benefits improperly obtained or paid under this
17 act, and to enforce all ~~forfeitures~~ PENALTIES under
18 subsection (b)

19 SEC 75 (1) THE 1994 AMENDATORY ACT WHICH ADDED THIS SEC-
20 TION SHALL TAKE EFFECT ON THE DATE OF ITS ENACTMENT

21 (2) THE CONVERSION DATE TO A WAGE RECORD SYSTEM PRESCRIBED
22 BY THE 1994 AMENDATORY ACT THAT ADDED THIS SECTION IS JANUARY 1
23 1997