



HOUSE BILL No. 5959

November 29 1994, Introduced by Rep Llewellyn and referred to the Committee on Labor

A bill to amend section 28 of Act No 1 of the Public Acts of the Extra Session of 1936, entitled as amended Michigan employment security act, as amended by Act No 162 of the Public Acts of 1994, being section 421 28 of the Michigan Compiled Laws and to add section 28b

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 28 of Act No 1 of the Public Acts of
2 the Extra Session of 1936 as amended by Act No 162 of the
3 Public Acts of 1994, being section 421 28 of the Michigan
4 Compiled Laws is amended and section 28b is added to read as
5 follows

6 Sec 28 (1) ~~An~~ SUBJECT TO SECTION 28B, AN unemployed
7 individual shall be eligible to receive benefits with respect to
8 any week only if the commission finds that

1 (a) For benefit years established before the conversion date
2 prescribed in section 75 the individual has registered for work
3 at and thereafter has continued to report at an employment office
4 in accordance with such rules as the commission may prescribe and
5 is seeking work The requirements that the individual must
6 report at an employment office must register for work must be
7 available to perform suitable full-time work and must seek work
8 may be waived by the commission if the individual is laid off and
9 the employer who laid the individual off notifies the commission
10 in writing or by computerized data exchange that the layoff is
11 temporary and that work is expected to be available for the indi-
12 vidual within a declared number of days not to exceed 45 calen-
13 dar days following the last day the individual worked This
14 waiver shall not be effective unless the notification from the
15 employer has been received by the commission before the individ-
16 ual has completed his or her first compensable week following
17 layoff If the individual is not recalled within the specified
18 period the waiver shall cease to be operative with respect to
19 that layoff Except for a period of disqualification the
20 requirement that the individual shall seek work may be waived by
21 the commission where it finds that suitable work is unavailable
22 both in the locality where the individual resides and in those
23 localities in which the individual has earned base period credit
24 weeks This waiver shall not apply for weeks of unemployment
25 beginning on or after March 1, 1981 to a claimant enrolled and
26 attending classes as a full-time student An individual shall
27 have satisfied the requirement of personal reporting at an

1 employment office as applied to a week in a period during which
2 the requirements of registration and seeking work have been
3 waived by the commission pursuant to this subdivision if the
4 individual has satisfied the personal reporting requirement with
5 respect to a preceding week in that period and the individual has
6 reported with respect to the week by mail in accordance with the
7 rules promulgated by the commission For benefit years estab-
8 lished after the conversion date prescribed in section 75 the
9 individual has registered for work and has continued to report in
10 accordance with such rules as the commission may prescribe and is
11 seeking work The requirements that the individual must report,
12 must register for work, must be available to perform suitable
13 full-time work and must seek work may be waived by the commis-
14 sion if the individual is laid off and the employer who laid the
15 individual off notifies the commission in writing or by computer-
16 ized data exchange that the layoff is temporary and that work is
17 expected to be available for the individual within a declared
18 number of days, not to exceed 45 calendar days following the last
19 day the individual worked This waiver shall not be effective
20 unless the notification from the employer has been received by
21 the commission before the individual has completed his or her
22 first compensable week following layoff If the individual is
23 not recalled within the specified period, the waiver shall cease
24 to be operative with respect to that layoff Except for a period
25 of disqualification, the requirement that the individual shall
26 seek work may be waived by the commission where it finds that
27 suitable work is unavailable both in the locality where the

1 individual resides and in those localities in which the
2 individual has earned wages during or after the base period
3 This waiver shall not apply to a claimant enrolled and attending
4 classes as a full-time student An individual shall be consid-
5 ered to have satisfied the requirement of personal reporting at
6 an employment office, as applied to a week in a period during
7 which the requirements of registration and seeking work have been
8 waived by the commission pursuant to this subdivision if the
9 individual has satisfied the personal reporting requirement with
10 respect to a preceding week in that period and the individual has
11 reported with respect to the week by mail in accordance with the
12 rules promulgated by the commission

13 (b) The individual has made a claim for benefits in accord-
14 ance with section 32 and has provided the commission with his or
15 her social security number

16 (c) The individual is able and available to perform suitable
17 full-time work of a character which the individual is qualified
18 to perform by past experience or training, which is of a charac-
19 ter generally similar to work for which the individual has previ-
20 ously received wages and for which the individual is available,
21 full time, either at a locality at which the individual earned
22 wages for insured work during his or her base period or at a
23 locality where it is found by the commission that such work is
24 available

25 (d) In the event of the death of an individual's immediate
26 family member, the eligibility requirements of availability and
27 reporting shall be waived for the day of the death and for 4

1 consecutive calendar days thereafter As used in this
2 subdivision immediate family member means a spouse child
3 stepchild, adopted child grandchild, parent, grandparent, broth-
4 er, or sister of the individual or his or her spouse It shall
5 also include the spouse of any of the persons specified in the
6 previous sentence

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

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

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

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

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

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

26 (3) Notwithstanding any other provision of this act an
27 otherwise eligible individual shall not be ineligible for

1 benefits because he or she is participating in training with the
2 approval of the commission For each week that the commission
3 finds that an individual who is claiming benefits under this act
4 and who is participating in training with the approval of the
5 commission, is satisfactorily pursuing an approved course of
6 vocational training, it shall waive the requirements that he or
7 she be available for work and be seeking work as prescribed in
8 subsection (1)(a) and (c) and it shall find good cause for his
9 or her failure to apply for suitable work report to a former
10 employer for an interview concerning suitable work, or accept
11 suitable work as required in section 29(1)(c), (d), and (e)

12 (4) The waiver of the requirement that a claimant seek work,
13 as provided in subsection (1)(a) shall not be applicable to
14 weeks of unemployment for which the claimant is claiming extended
15 benefits if section 64(8)(a)(11) is in effect unless the indi-
16 vidual is participating in training approved by the commission

17 (5) Notwithstanding any other provisions of this act, an
18 otherwise eligible individual shall not be denied benefits for
19 any week beginning after October 30 1982 solely because the
20 individual is in training approved under section 236(a)(1) of the
21 trade act of 1974 as amended 19 U S C 2296, nor shall the
22 individual be denied benefits by reason of leaving work to enter
23 such training if the work left is not suitable employment
24 Furthermore an otherwise eligible individual shall not be denied
25 benefits because of the application to any such week in training
26 of provisions of this act or any applicable federal unemployment
27 compensation law relating to availability for work active

1 search for work or refusal to accept work For purposes of this
2 subsection suitable employment means with respect to an indi-
3 vidual, work of a substantially equal or higher skill level than
4 the individual's past adversely affected employment, as defined
5 for purposes of the trade act of 1974 19 U S C 2101 to 2495,
6 and wages for that work at not less than 80% of the individual s
7 average weekly wage as determined for the purposes of the trade
8 act of 1974

9 SEC 28B (1) AN UNEMPLOYED INDIVIDUAL WHO IS ALL OF THE
10 FOLLOWING IS INELIGIBLE TO RECEIVE BENEFITS UNLESS HE OR SHE PAR-
11 TICIPATES IN THE EDUCATIONAL PROGRAM DESCRIBED IN SUBSECTION
12 (2)

13 (A) UNEMPLOYED FOR REASONS OTHER THAN A TEMPORARY LAYOFF
14 DESCRIBED IN SECTION 28(1)(A)

15 (B) UNABLE TO PROVIDE PROOF SATISFACTORY TO THE COMMISSION
16 THAT HE OR SHE HAS COMPLETED HIGH SCHOOL OR THE EQUIVALENT OF
17 HIGH SCHOOL

18 (C) RESIDING WITHIN A SCHOOL DISTRICT OR COUNTY THAT PRO-
19 VIDES ADULT EDUCATION

20 (2) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) SHALL PARTICI-
21 PATE IN ALL OF THE FOLLOWING AS A CONDITION OF BENEFIT
22 ELEGIBILITY

23 (A) ADULT EDUCATION

24 (B) A JOB SEARCH WORKSHOP DEVELOPED OR APPROVED BY THE
25 COMMISSION

26 (C) IF THE COMMISSION DETERMINES APPROPRIATE EMPLOYMENT
27 COUNSELING

1 (3) THE COMMISSION SHALL DEVELOP A JOB SEARCH WORKSHOP
2 PROGRAM FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1), OR APPROVE A
3 JOB SEARCH WORKSHOP PROGRAM THAT THE COMMISSION DETERMINES ADE-
4 QUATE FOR PROVIDING JOB SEARCH TRAINING AND COUNSELING TO INDIV-
5 VIDUALS DESCRIBED IN SUBSECTION (1) AT A MINIMUM, A JOB SEARCH
6 WORKSHOP PROGRAM SHALL REQUIRE AN INDIVIDUAL TO DO BOTH OF THE
7 FOLLOWING

8 (A) PARTICIPATE IN THE PROGRAM A MINIMUM OF 20 HOURS PER
9 WEEK

10 (B) APPLY FOR EMPLOYMENT BY MAKING AT LEAST 6 DIRECT CON-
11 TACTS WITH PROSPECTIVE EMPLOYERS PER WEEK

12 (4) IN ADDITION TO PAYMENT OF BENEFITS UNDER THIS ACT, THE
13 COMMISSION MAY PAY AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) UP
14 TO \$15 00 PER WEEK FOR TRAVEL EXPENSES TO AND FROM AN ADULT EDU-
15 CATION SITE

16 (5) AN UNEMPLOYED INDIVIDUAL WHO IS COMPLETING AN
17 ASSOCIATE S DEGREE AND IS ENROLLED IN AND ACTIVELY ATTENDING AT
18 LEAST 20 HOURS PER WEEK OF CLASSES TOWARDS THAT DEGREE AT AN
19 INSTITUTION OF HIGHER EDUCATION IS ELIGIBLE FOR BENEFITS UNDER
20 THIS ACT COMPLIANCE WITH THIS SUBSECTION IS GOOD CAUSE FOR
21 FAILURE TO APPLY FOR OR ACCEPT AVAILABLE SUITABLE WORK UNDER SEC-
22 TION 29

23 (6) AN INDIVIDUAL IS ELIGIBLE TO RECEIVE BENEFITS WHILE
24 WORKING AS A PROBATIONARY EMPLOYEE PURSUANT TO AN AGREEMENT
25 BETWEEN THE COMMISSION AND THE EMPLOYER DESCRIBED IN SUBSECTION
26 (7)

1 (7) THE COMMISSION MAY ENTER AGREEMENTS WITH EMPLOYERS THAT
2 DO ALL OF THE FOLLOWING

3 (A) AUTHORIZE AN INDIVIDUAL RECEIVING BENEFITS UNDER THIS
4 ACT TO CONTINUE RECEIVING THOSE BENEFITS FOR A PERIOD OF UP TO 4
5 WEEKS WHILE THE INDIVIDUAL WORKS AS A PROBATIONARY EMPLOYEE OF
6 THE EMPLOYER

7 (B) ENSURE THAT WORKER S COMPENSATION INSURANCE COVERAGE IS
8 PROVIDED BY THE COMMISSION OR A SOURCE OTHER THAN THE EMPLOYER
9 FOR THE INDIVIDUAL RECEIVING BENEFITS UNDER THIS ACT DURING THE
10 PERIOD THE INDIVIDUAL IS A PROBATIONARY EMPLOYEE OF THE
11 EMPLOYER

12 (C) REQUIRE THE EMPLOYER TO HIRE THE INDIVIDUAL AS A
13 FULL-TIME EMPLOYEE AT THE END OF THE PROBATIONARY PERIOD, UNLESS
14 THE EMPLOYER VERIFIES TO THE COMMISSION'S SATISFACTION THAT THE
15 INDIVIDUAL REQUIRES ADDITIONAL EDUCATION OR TRAINING TO ADE-
16 QUATELY PERFORM THE WORK REQUIRED BY THE EMPLOYER

17 (8) THE COMMISSION MAY WAIVE THE REQUIREMENTS OF THIS SEC-
18 TION FOR GOOD CAUSE IF AN INDIVIDUAL DESCRIBED IN SUBSECTION
19 (1) DOES NOT RESIDE WITHIN 30 MILES OF THE SITE OF AN ADULT EDU-
20 CATION PROGRAM THE COMMISSION SHALL WAIVE THE REQUIREMENTS OF
21 SUBSECTION (2)(A) FOR THAT INDIVIDUAL

22 (9) THE COMMISSION SHALL PROMULGATE RULES TO IMPLEMENT THIS
23 SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
24 ACT NO 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24 201 TO
25 24 328 OF THE MICHIGAN COMPILED LAWS

26 (10) AS USED IN THIS SECTION

1 (A) ADULT EDUCATION MEANS ADULT EDUCATION COURSES
 2 AUTHORIZED UNDER SECTION 1293 OF THE SCHOOL CODE OF 1976 ACT
 3 NO 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380 1293 OF THE
 4 MICHIGAN COMPILED LAWS, OR A PROGRAM OF ADULT EDUCATION ESTAB-
 5 LISHED UNDER EITHER OF THE FOLLOWING

6 (1) SECTION 1 OF ACT NO 18 OF THE PUBLIC ACTS OF THE FIRST
 7 EXTRA SESSION OF 1946, BEING SECTION 388 531 OF THE MICHIGAN
 8 COMPILED LAWS

9 (2) THE STATE SCHOOL AID ACT OF 1979, ACT NO 94 OF THE
 10 PUBLIC ACTS OF 1979 BEING SECTIONS 388 1601 TO 388 1772 OF THE
 11 MICHIGAN COMPILED LAWS

12 (B) INSTITUTION OF HIGHER EDUCATION" MEANS A COLLEGE OR
 13 UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
 14 STATE CONSTITUTION OF 1963 OR A JUNIOR COLLEGE OR COMMUNITY COL-
 15 LEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE
 16 CONSTITUTION OF 1963

17 Section 2 This amendatory act shall not take effect unless
 18 Senate Bill No _____ or House Bill No 5960 (request
 19 no 06762'94 a) of the 87th Legislature is enacted into law