



HOUSE BILL No. 4050

January 11, 1995, Introduced by Reps. Crissman, Hammerstrom, Bullard, Geiger and Voorhees and referred to the Committee on Human Resources and Labor.

A bill to amend sections 29 and 46 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 162 of the Public Acts of 1994, being sections 421.29 and 421.46 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 29 and 46 of Act No. 1 of the Public
2 Acts of the Extra Session of 1936, as amended by Act No. 162 of
3 the Public Acts of 1994, being sections 421.29 and 421.46 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 29. (1) An individual is disqualified ~~for~~ FROM
6 RECEIVING benefits if he or she:

7 (a) Left work voluntarily without good cause attributable to
8 the employer or employing unit. However, if the individual has
9 an established benefit year in effect and ~~—~~ during that benefit

1 year ~~, has left~~ LEAVES unsuitable work within 60 days after the
2 beginning of that work, the leaving is not disqualifying.

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

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

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

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

21 (f) Lost his or her job ~~by reason of being absent~~ DUE TO
22 ABSENCE from work ~~as a result of~~ RESULTING FROM a violation of
23 law for which the individual was convicted and sentenced to jail
24 or prison. This subdivision does not apply if conviction of a
25 person results in a sentence to county jail under conditions of
26 day parole as provided in Act No. 60 of the Public Acts of 1962,
27 being sections 801.251 to 801.258 of the Michigan Compiled Laws,

1 or ~~when~~ IF the conviction was for a traffic violation that
2 resulted in an absence of less than 10 consecutive work days from
3 the individual's place of employment.

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

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

12 (ii) A wildcat strike or other concerted action not autho-
13 rized by the individual's recognized bargaining representative.

14 (h) Was discharged for an act of assault and battery con-
15 nected with the individual's work.

16 (i) Was discharged for theft connected with the individual's
17 work resulting in a loss or damage of \$25.00 or less.

18 (j) Was discharged for theft connected with the individual's
19 work resulting in a loss or damage of more than \$25.00.

20 (k) Was discharged for willful destruction of property con-
21 nected with the individual's work resulting in loss or damage of
22 \$25.00 or less.

23 (l) Was discharged for willful destruction of property con-
24 nected with the individual's work resulting in loss or damage of
25 more than \$25.00.

26 (m) Committed a theft ~~that occurred~~ after ~~a~~ RECEIVING
27 notice of A layoff or discharge, but before the effective date of

1 THE layoff or discharge, resulting in loss or damage of more than
2 \$25.00 to the employer who would otherwise be chargeable for the
3 benefits, ~~notwithstanding that the original layoff or discharge~~
4 ~~was under nondisqualifying circumstances~~ REGARDLESS OF WHETHER
5 THE INDIVIDUAL QUALIFIED FOR THE BENEFITS BEFORE THE THEFT.

6 (N) WAS EMPLOYED BY A TEMPORARY HELP FIRM, WHICH AS USED IN
7 THIS SECTION MEANS AN EMPLOYER WHOSE PRIMARY BUSINESS IS TO PRO-
8 VIDE A CLIENT WITH THE TEMPORARY SERVICES OF 1 OR MORE INDIVIDU-
9 ALS UNDER CONTRACT WITH THE EMPLOYER, TO PERFORM SERVICES FOR A
10 CLIENT OF THAT FIRM IF EACH OF THE FOLLOWING CONDITIONS IS MET:

11 (i) THE TEMPORARY HELP FIRM PROVIDED THE EMPLOYEE WITH A
12 WRITTEN NOTICE BEFORE THE EMPLOYEE BEGAN PERFORMING SERVICES FOR
13 THE CLIENT STATING IN SUBSTANCE BOTH OF THE FOLLOWING:

14 (A) THAT WITHIN 7 DAYS AFTER COMPLETING SERVICES FOR A
15 CLIENT OF THE TEMPORARY HELP FIRM, THE EMPLOYEE IS UNDER A DUTY
16 TO NOTIFY THE TEMPORARY HELP FIRM OF THE COMPLETION OF THOSE
17 SERVICES.

18 (B) THAT A FAILURE TO PROVIDE THE TEMPORARY HELP FIRM WITH
19 NOTICE OF THE EMPLOYEE'S COMPLETION OF SERVICES PURSUANT TO
20 SUB-SUBPARAGRAPH (A) CONSTITUTES A VOLUNTARY QUIT THAT WILL
21 AFFECT THE EMPLOYEE'S ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION
22 SHOULD THE EMPLOYEE SEEK UNEMPLOYMENT COMPENSATION FOLLOWING COM-
23 PLETION OF THOSE SERVICES.

24 (ii) THE EMPLOYEE DID NOT PROVIDE THE TEMPORARY HELP FIRM
25 WITH NOTICE THAT THE EMPLOYEE HAD COMPLETED HIS OR HER SERVICES
26 FOR THE CLIENT WITHIN 7 DAYS AFTER COMPLETION OF HIS OR HER
27 SERVICES FOR THE CLIENT.

1 (2) A disqualification ~~provided in~~ UNDER subsection (1)
 2 begins ~~with~~ the week in which the act or discharge ~~occurred~~
 3 that caused the disqualification OCCURS and continues until the
 4 disqualified individual requalifies under subsection (3), except
 5 that for benefit years beginning before the conversion date pre-
 6 scribed in section 75, ~~with respect to multiemployer credit~~
 7 ~~weeks,~~ the disqualification does not prevent the payment of ben-
 8 efits if there are credit weeks, OTHER THAN MULTIEMPLOYER CREDIT
 9 WEEKS, after the most recent disqualifying act or discharge.

10 (3) ~~For benefit years established before the conversion~~
 11 ~~date prescribed in section 75, after~~ AFTER the week in which the
 12 disqualifying act or discharge ~~occurred~~ DESCRIBED IN
 13 SUBSECTION (1) OCCURS, an individual WHO SEEKS TO REQUALIFY FOR
 14 BENEFITS IS SUBJECT TO ALL OF THE FOLLOWING:

15 (A) FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE
 16 DESCRIBED IN SECTION 75, THE INDIVIDUAL shall complete 6 requali-
 17 fying weeks if HE OR SHE WAS disqualified under
 18 subsection (1)(c), (d), (e), (f), ~~or~~ (g), or ~~shall complete~~
 19 (N), OR 13 requalifying weeks if HE OR SHE WAS disqualified under
 20 subsection (1)(h), (j), (l), or (m). ~~for~~ A REQUALIFYING WEEK
 21 REQUIRED UNDER THIS SUBSECTION SHALL BE each week in which the
 22 individual ~~earns~~ DOES ANY OF THE FOLLOWING:

23 (i) EARNS or receives remuneration in an amount at least
 24 equal to an amount needed to earn a credit week, as THAT TERM IS
 25 defined in section 50. ~~or would otherwise meet~~

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

4 (iii) RECEIVES a benefit payment based on credit weeks sub-
 5 sequent to the disqualifying act or discharge. ~~An~~

6 (B) FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE
 7 PRESCRIBED IN SECTION 75, IF THE individual ~~who~~ is disqualified
 8 under subsection (l)(a), (b), (i), or (k), HE OR SHE shall
 9 REQUALIFY, after the week in which the disqualifying discharge
 10 occurred ~~, requalify~~ by earning in employment for an employer
 11 liable under this act or the unemployment compensation act of
 12 another state ~~an amount equal to, or in excess of, 7~~ AT LEAST
 13 THE LESSER OF THE FOLLOWING:

14 (i) SEVEN times the individual's potential weekly benefit
 15 rate, calculated on the basis of employment with the employer
 16 involved in the disqualification. ~~, or by earning in employment~~
 17 ~~for an employer liable under this act or the unemployment compen-~~
 18 ~~sation act of another state an amount equal to, or in excess of,~~
 19 ~~40-~~

20 (ii) FORTY times the state minimum hourly wage times 7. ~~7~~
 21 ~~whichever is the lesser amount. Any benefits that become~~

22 (C) FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE
 23 PRESCRIBED IN SECTION 75, A BENEFIT payable to an individual dis-
 24 qualified under subsection (l)(a), (b), (i), or (k) shall ~~not~~
 25 be charged to the NONCHARGEABLE BENEFITS ACCOUNT, AND NOT TO THE
 26 account of the employer with whom the individual was involved in

1 the disqualification. ~~The benefits paid shall be charged to the~~
 2 ~~nonchargeable benefits account.~~

3 (D) For benefit years beginning after the conversion date
 4 prescribed in section 75, ~~subsequent to the week in which the~~
 5 ~~disqualifying act or discharge occurred, an~~ THE individual shall
 6 complete 6 requalifying weeks if HE OR SHE WAS disqualified under
 7 subsection (1)(c), (d), (e), (f), ~~or~~ (g), or ~~shall complete~~
 8 (N), OR 13 requalifying weeks if HE OR SHE WAS disqualified under
 9 subsection (1)(h), (j), (l), or (m). ~~for~~ A REQUALIFYING WEEK
 10 REQUIRED UNDER THIS SUBSECTION SHALL BE each week in which the
 11 individual ~~earns~~ DOES ANY OF THE FOLLOWING:

12 (i) EARNS or receives remuneration in an amount equal to at
 13 least 1/13 of the minimum amount needed in a calendar quarter of
 14 the base period for an individual to qualify for benefits,
 15 rounded down to the nearest whole dollar. ~~or would otherwise~~
 16 ~~meet~~

17 (ii) OTHERWISE MEETS all of the requirements of this act to
 18 receive a benefit payment if the individual were not disqualified
 19 under subsection (1). ~~An~~

20 (E) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
 21 PRESCRIBED IN SECTION 75, IF THE individual ~~who~~ is disqualified
 22 under subsection (1)(a), (b), (i), or (k), ~~shall, subsequent to~~
 23 HE OR SHE SHALL REQUALIFY, AFTER the week in which the disquali-
 24 fying act or discharge occurred ~~requalify~~ 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,~~ 7 AT LEAST THE LESSER OF THE FOLLOWING:

1 (i) SEVEN times the individual's weekly benefit rate. ~~or~~
 2 ~~by earning in employment for an employer liable under this act or~~
 3 ~~the unemployment compensation law of another state an amount~~
 4 ~~equal to, or in excess of, 40~~

5 (ii) FORTY times the state minimum hourly wage times 7. ~~or~~
 6 ~~whichever is the lesser amount. Any benefits which may become~~

7 (F) A BENEFIT payable to ~~an~~ THE individual disqualified or
 8 separated under disqualifying circumstances under
 9 subsection (1)(a), (b), (i), or (k) shall ~~not~~ be charged to THE
 10 NONCHARGEABLE BENEFITS ACCOUNT, AND NOT TO the account of the
 11 employer with whom the individual was involved in the
 12 separation. ~~Those benefits paid shall be charged to the non-~~
 13 ~~chargeable benefits account.~~ Benefits payable to an individual
 14 determined by the commission to be separated under disqualifying
 15 circumstances shall not be charged to the account of the employer
 16 involved in the disqualification for any period after the
 17 employer notifies the commission of the claimant's possible inel-
 18 igibility or disqualification. If a disqualifying act or dis-
 19 charge occurs during the individual's benefit year, any benefits
 20 that may become payable to the individual in a later benefit year
 21 based on employment with the employer involved in the disqualifi-
 22 cation shall be charged to the nonchargeable benefits account.

23 (4) ~~For benefit years established before the conversion~~
 24 ~~date prescribed in section 75, and subject to the conditions pro-~~
 25 ~~vided in this subsection, an individual's~~ THE maximum amount of
 26 benefits otherwise available UNDER SECTION 27(D) to ~~the~~ AN

1 individual ~~under section 27(d),~~ DISQUALIFIED UNDER
2 SUBSECTION (1) IS SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

3 (A) FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION DATE
4 PRESCRIBED IN SECTION 75, IF THE INDIVIDUAL IS DISQUALIFIED UNDER
5 SUBSECTION (1)(C), (D), (E), (F), (G), OR (N) AND THE MAXIMUM
6 AMOUNT OF BENEFITS IS based on wages and credit weeks earned FROM
7 AN EMPLOYER before an act or discharge ~~with the~~ INVOLVING THAT
8 employer, ~~involved as the result of which the individual was~~
9 ~~disqualified under subsection (1)(c), (d), (e), (f), or (g),~~ THE
10 AMOUNT shall be reduced by an amount equal to the individual's
11 weekly benefit rate as to that employer multiplied by the LESSER
12 OF EITHER OF THE FOLLOWING:

13 (i) THE number of requalifying weeks required of the indi-
14 vidual under this ~~subsection or multiplied by the~~ SECTION.

15 (ii) THE number of weeks of benefit entitlement remaining
16 with that employer. ~~, whichever is less. The reductions of ben-~~
17 ~~efits provided for in this subsection are subject, however, to~~
18 ~~the following conditions: if~~

19 (B) IF the individual has insufficient or no potential bene-
20 fit entitlement remaining with ~~that~~ THE employer INVOLVED IN
21 THE DISQUALIFICATION in the benefit year in existence on the date
22 of the disqualifying determination, ~~the~~ A reduction OF BENEFITS
23 DESCRIBED IN THIS SUBSECTION shall apply in a succeeding benefit
24 year with respect to any benefit entitlement based upon credit
25 weeks earned with the employer ~~involved in the disqualification~~
26 before the disqualifying act or discharge.

1 (C) ~~An~~ FOR BENEFIT YEARS ESTABLISHED BEFORE THE CONVERSION
 2 DATE PRESCRIBED IN SECTION 75, AN individual disqualified under
 3 subsection (l)(h), (j), (l), or (m) is not entitled to benefits
 4 based on wages and credit weeks earned before the disqualifying
 5 act or discharge with the employer involved in the
 6 disqualification.

7 (D) The benefit entitlement of an individual disqualified
 8 under subsection (l)(a), (b), (i), or (k) is not subject to
 9 reduction as a result of that disqualification.

10 (E) ~~For purposes of this subsection, the~~ A denial or
 11 reduction of benefits UNDER THIS SUBSECTION does not apply to
 12 benefits based upon multiemployer credit weeks.

13 (F) For benefit years established after the conversion date
 14 prescribed in section 75, ~~and subject to the conditions provided~~
 15 ~~in this subsection,~~ if ~~an~~ THE individual is disqualified under
 16 subsection (l)(c), (d), (e), (f), ~~or~~ (g), OR (N), the
 17 ~~individual's~~ maximum number of weeks otherwise ~~payable to~~
 18 APPLICABLE IN CALCULATING BENEFITS FOR the individual under
 19 section 27(d) ~~—~~ shall be reduced by the LESSER OF THE
 20 FOLLOWING:

21 (i) THE number of requalifying weeks required of the indi-
 22 vidual under this subsection. ~~, or by the~~

23 (ii) THE number of weeks of benefit entitlement remaining on
 24 the claim. ~~, whichever is less. The~~

25 (G) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
 26 PRESCRIBED IN SECTION 75, THE benefits of an individual
 27 disqualified under subsection (l)(h), (j), (l), or (m) shall be

1 reduced by 13 weeks and any weekly benefit payments made to the
2 claimant thereafter shall be reduced by the portion of the pay-
3 ment attributable to base period wages paid by the base period
4 employer involved in a disqualification under subsection (1)(h),
5 (j), (l), or (m).

6 (5) If an individual leaves work to accept permanent
7 full-time work with another employer and performs services for
8 that employer, or IF AN INDIVIDUAL leaves work to accept a recall
9 from a former employer: ~~the disqualification provisions of~~
10 ~~subsection (1) do not apply to that leaving. However, the wages~~

11 (A) SUBSECTION (1) DOES NOT APPLY.

12 (B) WAGES earned with the employer whom the individual last
13 left, including wages previously transferred under this subsec-
14 tion to the last employer, for the purpose of computing and
15 charging benefits, are ~~considered~~ wages earned from the
16 employer with whom the individual accepted work or recall, and
17 benefits paid based upon those wages shall be charged to that
18 employer.

19 (C) When issuing a determination covering ~~that~~ THE period
20 of employment WITH A NEW OR FORMER EMPLOYER DESCRIBED IN THIS
21 SUBSECTION, the commission shall advise the chargeable employer
22 of the name and address of the other employer, the period covered
23 by the employment, and the extent of the benefits that may be
24 charged to the account of the chargeable employer.

25 (6) In determining whether ~~or not~~ work is suitable for an
26 individual, the commission shall consider the degree of risk
27 involved to the individual's health, safety, and morals, the

1 individual's physical fitness and prior training, the
 2 individual's experience and prior earnings, the individual's
 3 length of unemployment and prospects for securing local work in
 4 the individual's customary occupation, and the distance of the
 5 available work from the individual's residence.

6 (7) Work is not ~~considered~~ suitable and benefits shall not
 7 be denied under this act to an otherwise eligible individual for
 8 refusing to accept new work under any of the following
 9 conditions:

10 (a) ~~The~~ IF THE position offered is vacant due directly to
 11 a strike, lockout, or other labor dispute.

12 (b) ~~The~~ IF THE remuneration, hours, or other conditions of
 13 the work offered are substantially less favorable to the individ-
 14 ual than those prevailing for similar work in the locality.

15 (c) ~~As~~ IF AS a condition of being employed, the individual
 16 would be required to join a company union or to resign from or
 17 refrain from joining a bona fide labor organization.

18 (8) ~~An~~ ALL OF THE FOLLOWING APPLY TO AN individual WHO
 19 SEEKS BENEFITS UNDER THIS ACT:

20 (A) AN INDIVIDUAL is disqualified ~~for~~ FROM RECEIVING bene-
 21 fits for a week in which the individual's total or partial unem-
 22 ployment is due to ~~a~~ EITHER OF THE FOLLOWING:

23 (i) A labor dispute in active progress AT THE PLACE AT WHICH
 24 THE INDIVIDUAL IS OR WAS LAST EMPLOYED, or ~~to~~ A shutdown or
 25 start-up ~~operations~~ OPERATION caused by that labor dispute. ~~,~~
 26 ~~in the establishment in which the individual is or was last~~
 27 ~~employed, or to a~~

1 (ii) A labor dispute, other than a lockout, in active
 2 progress or ~~to~~ A shutdown or start-up ~~operations~~ OPERATION
 3 caused by that labor dispute in any other establishment within
 4 the United States ~~which~~ THAT is BOTH functionally integrated
 5 with the establishment DESCRIBED IN SUBPARAGRAPH (i) and ~~is~~
 6 operated by the same employing unit.

7 (B) An individual's disqualification imposed or imposable
 8 under this subsection is terminated ~~by~~ IF the ~~individual's~~
 9 ~~performing~~ INDIVIDUAL PERFORMS services in employment with an
 10 employer in at least 2 consecutive weeks falling wholly within
 11 the period of the individual's total or partial unemployment due
 12 to the labor dispute, and in addition ~~by earning~~ EARNS wages in
 13 each of those weeks in an amount equal to or ~~in excess of~~
 14 GREATER THAN the individual's actual or potential weekly benefit
 15 rate with respect to those weeks based on the individual's
 16 employment with the employer involved in the labor dispute.

17 (C) An individual is not disqualified under this subsection
 18 if the individual is not directly involved in the LABOR dispute.
 19 ~~(a) For purposes of this subsection, an~~ AN individual is not
 20 ~~considered to be~~ directly involved in a labor dispute unless
 21 ~~it is established that~~ any of the following ~~occurred~~ ARE
 22 ESTABLISHED:

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

1 (ii) The individual is participating in, financing, or
2 directly interested in the labor dispute 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~~ IS not ~~be construed~~
6 ~~as~~ financing a labor dispute within the meaning of this
7 subparagraph.

8 (iii) At any time ~~when there was not~~ a labor dispute in
9 the establishment or department in which the individual was
10 employed DOES NOT EXIST, AND the individual voluntarily ~~stopped~~
11 STOPS working, other than at the direction of the individual's
12 employing unit, in sympathy with employees in some other estab-
13 lishment or department in which a labor dispute ~~was then~~ IS in
14 progress.

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

18 (D) ~~(b)~~ As used in this subsection, "directly interested"
19 shall be construed and applied so as not to disqualify individu-
20 als unemployed as a result of a labor dispute the resolution of
21 which may not reasonably be expected to affect their wages,
22 hours, or other conditions of employment, and to disqualify indi-
23 viduals whose wages, hours, or conditions of employment may rea-
24 sonably be expected to be affected by the resolution of the labor
25 dispute. A "reasonable expectation" of an effect on an
26 individual's wages, hours, or other conditions of employment ~~is~~
27 ~~considered to exist~~ EXISTS, in the absence of a substantial

1 preponderance of evidence to the contrary, in any of the
2 following situations:

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

13 (ii) 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 (iii) If ~~the labor dispute exists at a time when the~~ A
19 collective bargaining agreement ~~which~~ covers BOTH the
20 individual's grade or class of workers in the establishment in
21 which the individual is or was last employed and the workers in
22 another establishment of the same employing unit who are actively
23 participating in the labor dispute, ~~has expired, has been opened~~
24 ~~by mutual consent, or may by its terms be modified, supplemented,~~
25 ~~or replaced~~ AND THAT COLLECTIVE BARGAINING AGREEMENT IS SUBJECT
26 BY ITS TERMS TO MODIFICATION, SUPPLEMENTATION, OR REPLACEMENT, OR

1 HAS EXPIRED OR BEEN OPENED BY MUTUAL CONSENT AT THE TIME OF THE
2 LABOR DISPUTE.

3 (E) ~~(c)~~ In determining the scope of the grade or class of
4 workers, evidence ~~submitted to show any~~ of the following is
5 relevant:

6 (i) Representation of the workers by the same national or
7 international organization or by local affiliates of that
8 national or international organization.

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

11 (iii) Whether the workers are ~~or~~ or ~~have~~ within the past
12 6 months HAVE been ~~or~~ covered by a common master collective bar-
13 gaining agreement that sets forth all or any part of ~~their~~ THE
14 terms and conditions of THE WORKERS' employment, or by separate
15 agreements that are or have been bargained as a part of the same
16 negotiations.

17 (iv) Any functional integration of the work performed by
18 those workers.

19 (v) Whether the resolution of THOSE issues ~~of the type~~
20 involved in the labor dispute ~~or~~ as to some of the workers ~~or~~
21 could directly or indirectly affect the advancement, negotiation,
22 or settlement of the same or similar issues in respect to the
23 remaining workers.

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

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

5 (9) ~~An~~ EXCEPT FOR AN INDIVIDUAL DISQUALIFIED UNDER SUBSEC-
 6 TION (1)(G), OR AN INDIVIDUAL WHOSE DISQUALIFYING DISCHARGE UNDER
 7 SUBSECTION (1)(B) IS DETERMINED OR REDETERMINED TO BE A DISCI-
 8 PLINARY LAYOFF OR SUSPENSION, AN individual is disqualified ~~for~~
 9 FROM RECEIVING benefits for the duration of the individual's dis-
 10 ciplinary layoff or suspension ~~in all cases in which~~ IF the
 11 individual becomes unemployed because of a disciplinary layoff or
 12 suspension based upon ~~misconduct~~ ANY OF THE FOLLOWING:

13 (A) MISCONDUCT directly or indirectly connected with work.

14 ~~, for participation~~

15 (B) PARTICIPATION in a strike or other concerted activity
 16 resulting in a curtailment of work or restriction of or interfer-
 17 ence with production contrary to an applicable collective bar-
 18 gaining agreement. ~~, or for participation~~

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

25 (10) If a disqualifying discharge under subsection (1)(b) is
 26 determined or redetermined to be a suspension, the

1 disqualification provided under ~~this~~ subsection (9) applies
2 from the date of the discharge.

3 (11) ~~(+0)~~ Notwithstanding subsections (1) to ~~(9)~~ (10),
4 if the employing unit submits notice to the commission of possi-
5 ble ineligibility or disqualification beyond the time limits pre-
6 scribed by commission rule, the notice shall not form the basis
7 of a determination of ineligibility or disqualification for a
8 claim period compensated before the receipt of the notice by the
9 commission.

10 (12) ~~(++)~~ An individual is disqualified ~~for~~ FROM
11 RECEIVING benefits for any week ~~with respect to which~~ or ~~a~~
12 part of A WEEK IN which the individual has received, is receiv-
13 ing, or is seeking unemployment benefits under an unemployment
14 compensation law of another state or of the United States. If
15 the appropriate agency of the other state or of the United States
16 finally determines that the individual is not entitled to unem-
17 ployment benefits, ~~this~~ THE disqualification DESCRIBED IN THIS
18 SUBSECTION does not apply.

19 Sec. 46. (a) ~~For~~ SUBJECT TO SUBSECTIONS (D) THROUGH (H),
20 FOR benefit years beginning before the conversion date prescribed
21 in section 75, "benefit year" ~~with respect to any individual~~
22 means the period of 52 consecutive calendar weeks beginning
23 ~~with~~ the first calendar week ~~with respect to which the indi-~~
24 ~~vidual, who does not already have a benefit year in effect, files~~
25 ~~an application~~ IN WHICH AN INDIVIDUAL FILES A CLAIM in accord-
26 ance with section 32 ~~. However, a benefit year shall not be~~

1 ~~established unless the individual~~ AND meets all of the following
2 conditions:

3 (1) THE INDIVIDUAL has earned 20 credit weeks in the 52 con-
4 secutive calendar weeks ~~preceding~~ BEFORE the week ~~with respect~~
5 ~~to which the individual filed an application~~ HE OR SHE FILES THE
6 CLAIM for benefits. ~~→~~

7 (2) ~~with respect to the week for which the~~ THE individual
8 is ~~filing an application for benefits, is~~ unemployed ~~→~~ and
9 meets all ~~of the other~~ requirements of section 28 ~~→~~ FOR THE
10 WEEK FOR WHICH HE OR SHE FILES A CLAIM FOR BENEFITS.

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

20 (4) THE INDIVIDUAL DOES NOT HAVE A BENEFIT YEAR ALREADY IN
21 EFFECT AT THE TIME OF THE CLAIM.

22 (B) For benefit years beginning after the conversion date
23 prescribed in section 75, "benefit year" ~~with respect to any~~
24 ~~individual~~ means the period of 52 consecutive calendar weeks
25 beginning ~~with~~ the first calendar week ~~with respect to which~~
26 ~~the individual, who does not already have a benefit year in~~
27 ~~effect, files an application for benefits~~ IN WHICH AN INDIVIDUAL

1 FILES A CLAIM in accordance with section 32 ~~. However, a~~
2 ~~benefit year shall not be established unless the individual~~ AND
3 meets either of the following conditions:

4 (1) ~~the~~ THE total wages paid to the individual in the base
5 period of the claim equals not less than 1.5 times the wages paid
6 to the individual in the calendar quarter of the base period in
7 which the individual was paid the highest wages. ~~, or~~

8 (2) ~~the~~ THE individual was paid wages in 2 or more calen-
9 dar quarters of the base period totaling at least 20 times the
10 state average weekly wage as determined by the commission. ~~The~~

11 (C) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
12 PRESCRIBED IN SECTION 75, THE state average weekly wage for a
13 calendar year shall be computed on the basis of the 12 months
14 ending the June 30 preceding that calendar year. A benefit year
15 shall not be established if the individual was not paid wages of
16 at least the state minimum hourly wage multiplied by 268.66
17 rounded down to the nearest dollar in at least 1 calendar quarter
18 of the base period. A benefit year shall not be established
19 based on base period wages previously used to establish a benefit
20 year that resulted in the payment of benefits. However, if a
21 calendar quarter of the base period contains wages ~~which~~ THAT
22 were previously used to establish a benefit year that resulted in
23 the payment of benefits, a claimant may establish a benefit year
24 using the wages in the remaining calendar quarters from among the
25 first 4 of the last 5 completed calendar quarters, or if a bene-
26 fit year cannot be established using those quarters, then by
27 using wages from among the last 4 completed calendar quarters. A

1 benefit year shall not be established unless, after the beginning
2 of the immediately preceding benefit year during which the indi-
3 vidual received benefits, the individual worked and received
4 remuneration in an amount equal to at least 5 times the
5 individual's most recent state weekly benefit rate in effect
6 during the individual's immediately preceding benefit year. If a
7 quarterly wage report has not been submitted in a timely manner
8 by the employer as provided in section 13 for any of the quarters
9 of the base period, or IF wage information is not available for
10 use by the commission for the most recent completed calendar
11 quarter, the commission may obtain and use the claimant's state-
12 ment of wages paid during the calendar quarters for which the
13 wage reports are missing to establish a benefit year. A determi-
14 nation based on the claimant's statement of wages paid during any
15 of these calendar quarters shall be redetermined if the quarterly
16 wage report from the employer is later received and would result
17 in a change in the claimant's weekly benefit amount or duration,
18 or both, or if the quarterly wage report from the employer later
19 becomes available for use by the commission and would result in a
20 change in the claimant's benefit amount or duration, or both. If
21 the redetermination results from the employer's failure to submit
22 the quarterly wage report in a timely manner, the redetermination
23 shall be effective as to benefits payable for weeks beginning
24 after the receipt of information not previously submitted by the
25 employer.

26 (D) ~~IF~~ SUBJECT TO SUBSECTION (G), IF an individual files
27 ~~an application~~ A CLAIM for a 7-day period ~~as provided in~~

1 UNDER section 27(c), ~~the~~ HIS OR HER benefit year ~~with respect~~
2 ~~to the individual shall begin with~~ BEGINS the calendar week
3 ~~which contains~~ CONTAINING the first day of that 7-day period.

4 (E) ~~(b)~~ If all ~~,~~ or ~~the then remaining~~ part ~~,~~ of a
5 claimant's ~~rights~~ RIGHT to benefits during his or her benefit
6 year ~~are~~ IS canceled under ~~the provisions of~~ section 62(b),
7 the ~~remaining portion of that~~ benefit year ~~shall be~~ IS termi-
8 nated ~~as of~~ ON the effective date of the cancellation.

9 (F) ~~(c)~~ An individual may request a redetermination of his
10 or her benefit rights and cancellation of a previously estab-
11 lished benefit year if he or she has not completed a compensable
12 period. ~~, in such case~~ UNDER CIRCUMSTANCES DESCRIBED IN THIS
13 SUBSECTION, the benefit year ~~shall begin with~~ BEGINS the first
14 day of the first week ~~with respect to~~ IN which the request for
15 redetermination of benefit rights is duly filed.

16 (G) ~~(d)~~ Notwithstanding subsection (a), ~~for services per-~~
17 ~~formed on or after January 2, 1983, and with respect to~~ FOR ben-
18 efit years established before OR AFTER the conversion date pre-
19 scribed in section 75, an individual ~~shall~~ IS not ~~be~~ entitled
20 to establish a benefit year based in whole or in part on credit
21 weeks for ~~service~~ THE FOLLOWING SERVICES:

22 (i) SERVICE in the employ of an employing unit, not other-
23 wise excluded under section 43(g), ~~in which~~ IF more than 50% of
24 the proprietary interest IN THAT EMPLOYING UNIT is owned by ~~the~~
25 ANY OF THE FOLLOWING, UNLESS BOTH THE INDIVIDUAL AND THE EMPLOYER
26 NOTIFY THE COMMISSION, IN RESPONSE TO THE COMMISSION'S REQUEST

1 FOR INFORMATION, OF THE INDIVIDUAL'S RELATIONSHIP TO THE OWNERS
2 OF THE PROPRIETARY INTEREST IN THE EMPLOYING UNIT:

3 (A) THE individual or his or her son, daughter, or spouse.

4 ~~, or any~~

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

8 (C) IF THE INDIVIDUAL IS a child under the age of 18, THE
9 INDIVIDUAL'S MOTHER, FATHER, OR BOTH PARENTS JOINTLY. ~~or mother~~
10 ~~and father combined, unless both the individual and the employer~~
11 ~~notify the commission, in response to the commission's request~~
12 ~~for information, of the individual's relationship to the owners~~
13 ~~of the proprietary interest in the employing unit. Upon timely~~
14 ~~notification to the commission, a benefit year may be established~~
15 ~~for the individual, if the individual meets all of the following~~
16 ~~conditions: (1) has earned 20 credit weeks in the 52 consecutive~~
17 ~~calendar weeks preceding the week with respect to which the indi-~~
18 ~~vidual filed an application for benefits; (2) with respect to the~~
19 ~~week for which the individual is filing an application for bene-~~
20 ~~fits is unemployed, and meets all of the other requirements of~~
21 ~~section 28; (3) with respect to the week for which the individual~~
22 ~~is filing an application for benefits the individual is not dis-~~
23 ~~qualified nor subject to disqualification, except in case of a~~
24 ~~labor dispute under section 29(8), with respect to the most~~
25 ~~recent period of employment with the most recent employer with~~
26 ~~whom the individual earned a credit week. If an individual files~~
27 ~~an application for a 7 day period as provided in section 27(c),~~

~~1 the benefit year with respect to the individual shall begin with
2 the calendar week which contains the first day of that 7 day
3 period. However, for~~

4 (H) FOR benefit years established on or after July 1, 1983,
5 not more than 10 credit weeks based on ~~such~~ services shall be
6 used to pay benefits. For the purpose of calculating the
7 individual's average weekly wage, all base period wages and
8 credit weeks shall be used. ~~With respect to benefit years
9 beginning after the conversion date prescribed in section 75, and
10 notwithstanding subsection (a), an individual shall not be enti-
11 tled to establish a benefit year based in whole or in part on
12 wages earned in service, not otherwise excluded under
13 section 43(g), in the employ of an employing unit in which more
14 than 50% of the proprietary interest is owned by the individual
15 or his or her son, daughter, spouse, or any combination of these
16 individuals, or in which more than 50% of the proprietary inter-
17 est is owned by the mother or father of a child under the age of
18 18, or mother and father combined, unless both the individual and
19 the employer notify the commission, in response to the
20 commission's request for information, of the individual's rela-
21 tionship to the owners of the proprietary interest in the employ-
22 ing unit. Upon timely notification to the commission, a benefit
23 year may be established for the individual if the individual
24 meets the requirements of subsection (a). If wages in an
25 individual's base period were earned in ~~service in~~ the employ
26 of ~~such~~ an employing unit DESCRIBED IN SUBSECTION (G), the
27 individual's weekly benefit rate shall be calculated in~~

1 accordance with section 27(b)(1) but, FOR BENEFIT YEARS BEGINNING
2 AFTER THE CONVERSION DATE PRESCRIBED IN SECTION 75, the portion
3 of the benefit rate attributable to this service shall be payable
4 for not more than 7 weeks. The weekly benefit payment shall be
5 reduced thereafter by the percentage of charge attributable to
6 service with this employer, in accordance with section 20.