

SENATE BILL NO. 616

May 26, 1999, Introduced by Senators MILLER, CHERRY, DINGELL, DE BEAUSSAERT, BYRUM, HART, YOUNG, EMERSON, LELAND and A. SMITH and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28a (MCL 421.28a), as amended by 1994 PA 162.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28a. (1) For benefit years beginning before the con-
2 version date prescribed in section 75, and notwithstanding any
3 other provision of this act, an unemployed individual who has a
4 benefit year in effect and who has not exhausted benefit entitle-
5 ment may have unused credit weeks preserved during a period of
6 continuous involuntary disability OR AUTHORIZED LEAVE OF ABSENCE
7 if a written request from the individual to preserve the unused
8 credit weeks is received by the commission within 90 days after
9 the commencement of the period of disability OR AUTHORIZED LEAVE
10 OF ABSENCE, within 90 days after being advised of his or her

1 rights by the commission, or if the individual is unable to
2 submit the written request due to a medical inability, within 90
3 days after the end of that medical inability. For benefit years
4 beginning after the conversion date prescribed in section 75, and
5 notwithstanding any other provision of this act, an unemployed
6 individual who has a benefit year in effect and who has not
7 exhausted benefit entitlement may have unused benefit entitlement
8 preserved during a period of continuous involuntary disability OR
9 AUTHORIZED LEAVE OF ABSENCE if a written request from the indi-
10 vidual to preserve the unused benefit entitlement is received by
11 the commission within 90 days after the commencement of the
12 period of disability OR AUTHORIZED LEAVE OF ABSENCE, within 90
13 days after being advised of his or her rights by the commission,
14 or if the individual is unable to submit the written request due
15 to a medical inability, within 90 days after the end of that med-
16 ical inability.

17 (2) For benefit years beginning before the conversion date
18 prescribed in section 75, unused credit weeks shall not be pre-
19 served FOR A PERIOD OF CONTINUOUS DISABILITY pursuant to this
20 section unless the commission receives a written statement from
21 the individual's physician within 90 days after the commencement
22 of the disability, within 90 days after the individual is advised
23 of his or her rights by the commission, or if the individual is
24 unable to submit the written statement due to a medical inabili-
25 ty, within 90 days after the end of that medical inability the
26 commission receives the written statement from the individual's

1 physician. The written statement from the individual's physician
2 shall certify all of the following:

3 (a) The nature of the injury, illness, or hospitalization.

4 (b) That based upon the examination of the physician, the
5 individual is not able and available to perform full-time work as
6 described in section 28(1)(c).

7 (c) The probable duration of the injury, illness, or
8 hospitalization.

9 For benefit years beginning after the conversion date prescribed
10 in section 75, unused benefit entitlement shall not be preserved
11 FOR A PERIOD OF CONTINUOUS DISABILITY pursuant to this section
12 unless the commission receives a written statement from the
13 individual's physician within 90 days after the commencement of
14 the disability, within 90 days after the individual is advised of
15 his or her rights by the commission, or if the individual is
16 unable to submit the written statement due to a medical inabili-
17 ty, within 90 days after the end of that medical inability the
18 commission receives the written statement from the individual's
19 physician. The written statement from the individual's physician
20 shall certify all of the following:

21 (a) The nature of the injury, illness, or hospitalization.

22 (b) That based upon the examination of the physician, the
23 individual is not able and available to perform full-time work as
24 described in section 28(1)(c).

25 (c) The probable duration of the injury, illness, or
26 hospitalization.

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

4 (4) For benefit years beginning before the conversion date
5 as prescribed in section 75, an individual who has unused credit
6 weeks preserved pursuant to this section shall receive an exten-
7 sion of his or her benefit year equal in weeks to the number of
8 weeks the period of disability OR AUTHORIZED LEAVE OF ABSENCE
9 continued during the benefit year. The extension shall begin
10 with the week after the week in which the disability OR AUTHO-
11 RIZED LEAVE OF ABSENCE terminated. Benefits may be paid for
12 weeks of unemployment after the period of disability OR AUTHO-
13 RIZED LEAVE OF ABSENCE if the individual is eligible and quali-
14 fied but benefits shall not be payable under this section for any
15 week that commences more than 156 weeks after the first week of
16 the benefit year. For benefit years beginning after the conver-
17 sion date prescribed in section 75, an individual who has unused
18 benefit entitlement preserved pursuant to this section shall
19 receive an extension of his or her benefit year equal in weeks to
20 the number of weeks the period of disability OR AUTHORIZED LEAVE
21 OF ABSENCE continued during the benefit year. The extension
22 shall begin with the week after the week in which the disability
23 OR AUTHORIZED LEAVE OF ABSENCE terminated. Benefits may be paid
24 for weeks of unemployment after the period of disability OR
25 AUTHORIZED LEAVE OF ABSENCE if the individual is eligible and
26 qualified but benefits shall not be payable under this section

1 for any week that commences more than 156 weeks after the first
2 week of the benefit year.

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

8 "AUTHORIZED LEAVE OF ABSENCE" MEANS AN ABSENCE FROM EMPLOYMENT
9 THAT IS APPROVED BY THE INDIVIDUAL'S EMPLOYER AND EXTENDS FOR
10 MORE THAN 14 CONSECUTIVE DAYS.

11 (6) For benefit years beginning before the conversion date
12 prescribed in section 75, an unemployed individual who has been
13 unable to establish a benefit year solely due to a period of con-
14 tinuous disability OR AN AUTHORIZED LEAVE OF ABSENCE may preserve
15 all credit weeks earned by the individual in the 52 week period
16 preceding the individual's first week of unemployment, as defined
17 in section 48, caused by the disability OR AUTHORIZED LEAVE OF
18 ABSENCE. However, credit weeks may be preserved FOR A PERIOD OF
19 CONTINUOUS DISABILITY if the commission receives a written
20 request and a physician's statement, as described in subsections
21 (1) and (2) within 90 days after the commencement of the unem-
22 ployment, within 90 days after being advised of his or her rights
23 by the commission, or if the individual is unable to submit the
24 written statement and request due to a medical inability, within
25 90 days after the end of that medical inability. The
26 individual's benefit year shall begin the first week the
27 individual was both unemployed and disabled OR ON AN AUTHORIZED

1 LEAVE OF ABSENCE, and the benefit year shall be extended pursuant
2 to subsection (4). For benefit years beginning after the conver-
3 sion date prescribed in section 75, an unemployed individual who
4 has been unable to establish a benefit year solely due to an
5 inability to file a claim because of a period of continuous dis-
6 ability OR AN AUTHORIZED LEAVE OF ABSENCE may preserve all unused
7 benefit entitlement in the base period preceding the individual's
8 first week of unemployment, as defined in section 48, caused by
9 the disability OR AUTHORIZED LEAVE OF ABSENCE. However, benefit
10 entitlement FOR A PERIOD OF CONTINUOUS DISABILITY may be pre-
11 served if the commission receives a written request and a
12 physician's statement, as described in subsections (1) and (2)
13 within 90 days after the commencement of the unemployment, within
14 90 days after being advised of his or her rights by the commis-
15 sion, or if the individual is unable to submit the written state-
16 ment and request due to a medical inability, within 90 days after
17 the end of that medical inability. The individual's benefit year
18 shall begin the first week the individual was both unemployed and
19 disabled OR ON AN AUTHORIZED LEAVE OF ABSENCE, and the benefit
20 year shall be extended pursuant to subsection (4).

21 (7) For benefit years beginning before the conversion date
22 prescribed in section 75, if an individual has sufficient credit
23 weeks to establish a new benefit year under section 46 after the
24 termination of the period of continuous disability OR AUTHORIZED
25 LEAVE OF ABSENCE, and is otherwise eligible and qualified for
26 benefits, the individual shall cease to be entitled to benefits
27 under this section. For benefit years beginning after the

1 conversion date prescribed in section 75, if an individual has
2 sufficient base period wages to establish a new benefit year
3 under section 46 after the termination of the period of continu-
4 ous disability OR AN AUTHORIZED LEAVE OF ABSENCE, and is other-
5 wise eligible and qualified for benefits, the individual shall
6 cease to be entitled to benefits under this section.

7 (8) This section ~~shall apply~~ APPLIES to all benefit years
8 that commence after ~~the effective date of this section~~ JUNE 14,
9 1979.

10 (9) The commission shall disseminate information on this
11 section to potential interested parties including the legal pro-
12 fession, employers, and unions.

13 (10) For benefit years beginning before the conversion date
14 prescribed in section 75, and notwithstanding any other provision
15 of this section, a request for preservation of credit weeks must
16 be made within 3 years after the date the disability OR AUTHO-
17 RIZED LEAVE OF ABSENCE began. For benefit years beginning after
18 the conversion date prescribed in section 75, and notwithstanding
19 any other provision of this section, a request for preservation
20 of benefit entitlement must be made within 3 years after the date
21 the disability OR AUTHORIZED LEAVE OF ABSENCE began.