

**SUBSTITUTE FOR
HOUSE BILL NO. 5763**

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending sections 19, 20, 27, 29, 32, and 48 (MCL 421.19,
421.20, 421.27, 421.29, 421.32, and 421.48), section 19 as
amended by 1996 PA 535, section 20 as amended by 1994 PA 162,
section 27 as amended by 1995 PA 181, section 29 as amended by
1995 PA 25, section 32 as amended by 1996 PA 503, and section 48
as amended by 1983 PA 164, and by adding sections 13/ and 32b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 13/. (1) AN INDIAN TRIBE OR TRIBAL UNIT LIABLE AS AN
2 EMPLOYER UNDER SECTION 41 SHALL PAY REIMBURSEMENTS IN LIEU OF
3 CONTRIBUTIONS UNDER THE SAME TERMS AND CONDITIONS AS ALL OTHER
4 REIMBURSING EMPLOYERS LIABLE UNDER SECTION 41, UNLESS THE INDIAN
5 TRIBE OR TRIBAL UNIT ELECTS TO PAY CONTRIBUTIONS.

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1 (2) AN INDIAN TRIBE OR TRIBAL UNIT THAT ELECTS TO MAKE
2 CONTRIBUTIONS SHALL FILE WITH THE UNEMPLOYMENT AGENCY A WRITTEN
3 REQUEST FOR THAT ELECTION BEFORE JANUARY 1 OF THE CALENDAR YEAR
4 IN WHICH THE ELECTION WILL BE EFFECTIVE OR WITHIN 30 DAYS OF THE
5 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.
6 THE INDIAN TRIBE OR TRIBAL UNIT SHALL DETERMINE IF THE ELECTION
7 TO PAY CONTRIBUTIONS WILL APPLY TO THE TRIBE AS A WHOLE, WILL
8 APPLY ONLY TO INDIVIDUAL TRIBAL UNITS, OR WILL APPLY TO STATED
9 COMBINATIONS OF INDIVIDUAL TRIBAL UNITS.

10 (3) AN INDIAN TRIBE OR TRIBAL UNIT PAYING REIMBURSEMENTS IN
11 LIEU OF CONTRIBUTIONS SHALL BE BILLED FOR THE FULL AMOUNT OF BEN-
12 EFITS ATTRIBUTABLE TO SERVICE IN THE EMPLOY OF THE INDIAN TRIBE
13 OR TRIBAL UNIT. AN INDIAN TRIBE OR TRIBAL UNIT SHALL REIMBURSE
14 THE FUND ANNUALLY WITHIN 30 CALENDAR DAYS AFTER THE MAILING OF
15 THE FINAL BILLING FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.

16 (4) IF AN INDIAN TRIBE OR TRIBAL UNIT FAILS TO MAKE PAYMENTS
17 IN LIEU OF CONTRIBUTIONS, INCLUDING ASSESSMENTS OF INTEREST AND
18 PENALTIES, WITHIN 90 CALENDAR DAYS AFTER THE MAILING OF THE
19 NOTICE OF DELINQUENCY, THE INDIAN TRIBE WILL LOSE THE ABILITY TO
20 MAKE PAYMENTS IN LIEU OF CONTRIBUTIONS IMMEDIATELY UNLESS THE
21 PAYMENT IN FULL OR COLLECTION ON THE SECURITY IS RECEIVED BY THE
22 UNEMPLOYMENT AGENCY BY DECEMBER 1 OF THAT CALENDAR YEAR. AN
23 INDIAN TRIBE THAT LOSES THE ABILITY TO MAKE PAYMENTS IN LIEU OF
24 CONTRIBUTIONS SHALL BE MADE A CONTRIBUTING EMPLOYER AND SHALL NOT
25 HAVE THE ABILITY TO MAKE PAYMENTS IN LIEU OF CONTRIBUTIONS UNTIL
26 ALL CONTRIBUTIONS, PAYMENTS IN LIEU OF CONTRIBUTIONS, INTEREST,
27 OR PENALTIES HAVE BEEN PAID. THE ABILITY TO MAKE PAYMENTS IN

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1 LIEU OF CONTRIBUTIONS SHALL BE REINSTATED EFFECTIVE THE JANUARY 1
2 IMMEDIATELY SUCCEEDING THE YEAR IN WHICH THE INDIAN TRIBE HAS
3 PAID IN FULL ALL CONTRIBUTIONS, PAYMENTS IN LIEU OF CONTRIBU-
4 TIONS, INTEREST, AND PENALTIES. IF AN INDIAN TRIBE FAILS TO PAY
5 IN FULL ALL CONTRIBUTIONS, PAYMENTS IN LIEU OF CONTRIBUTIONS,
6 INTEREST, AND PENALTIES WITHIN 90 CALENDAR DAYS OF A NOTICE OF
7 DELINQUENCY, THE UNEMPLOYMENT AGENCY SHALL IMMEDIATELY NOTIFY THE
8 UNITED STATES DEPARTMENT OF LABOR AND THE INTERNAL REVENUE SERV-
9 ICE OF THE UNITED STATES DEPARTMENT OF TREASURY OF THAT
10 DELINQUENCY. IF THAT DELINQUENCY IS SATISFIED, THE UNEMPLOYMENT
11 AGENCY SHALL IMMEDIATELY NOTIFY THE UNITED STATES DEPARTMENT OF
12 LABOR AND THE INTERNAL REVENUE SERVICE OF THE UNITED STATES
13 DEPARTMENT OF TREASURY THAT ALL CONTRIBUTIONS, PAYMENTS IN LIEU
14 OF CONTRIBUTIONS, INTEREST, AND PENALTIES HAVE BEEN PAID.

15 (5) A NOTICE OF DELINQUENCY TO AN INDIAN TRIBE OR TRIBAL
16 UNIT SHALL INCLUDE INFORMATION THAT FAILURE TO MAKE FULL PAYMENT
17 WITHIN 90 DAYS OF THE DATE OF MAILING OF THE NOTICE OF DELIN-
18 QUENCY WILL RESULT IN THE INDIAN TRIBE LOSING THE ABILITY TO MAKE
19 PAYMENTS IN LIEU OF CONTRIBUTIONS UNTIL THE DELINQUENCY AND ALL
20 CONTRIBUTIONS, PAYMENTS IN LIEU OF CONTRIBUTIONS, INTEREST, AND
21 PENALTIES HAVE BEEN PAID IN FULL.

22 (6) ANY INDIAN TRIBE OR TRIBAL UNIT THAT MAKES REIMBURSEMENT
23 PAYMENTS IN LIEU OF CONTRIBUTIONS SHALL BE REQUIRED TO POST A
24 SECURITY, SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

25 (A) A REIMBURSING TRIBE OR TRIBAL UNIT MUST EITHER POST THE
26 SECURITY WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY

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1 ACT THAT ADDED THIS SECTION OR BY NOVEMBER 30 OF THE YEAR BEFORE
2 THE YEAR FOR WHICH THE SECURITY IS REQUIRED.

3 (B) THE SECURITY SHALL BE IN THE FORM OF A SURETY BOND,
4 IRREVOCABLE LETTER OF CREDIT, OR OTHER BANKING DEVICE THAT IS
5 ACCEPTABLE TO THE UNEMPLOYMENT AGENCY AND THAT PROVIDES FOR PAY-
6 MENT TO THE UNEMPLOYMENT AGENCY, ON DEMAND, OF AN AMOUNT EQUAL TO
7 THE SECURITY THAT IS REQUIRED TO BE POSTED. THE REQUIRED SECUR-
8 ITY MAY BE POSTED BY A THIRD-PARTY GUARANTOR.

9 (C) THE REQUIREMENT FOR A SECURITY DOES NOT APPLY TO AN
10 INDIAN TRIBE OR TRIBAL UNIT THAT IS EXPECTED TO HAVE LESS THAN
11 \$100,000.00 PER CALENDAR YEAR IN TOTAL WAGE PAYMENTS, AS DETER-
12 MINED BY THE UNEMPLOYMENT AGENCY. AN INDIAN TRIBE OR TRIBAL UNIT
13 IS REQUIRED TO PROVIDE SECURITY IF THE PAYMENT OF GROSS WAGES IN
14 A CALENDAR YEAR IS EQUAL TO OR GREATER THAN \$100,000.00. THE
15 EMPLOYER SHALL NOTIFY THE UNEMPLOYMENT AGENCY WITHIN 60 DAYS FROM
16 THE DATE ITS PAYROLL EQUALS OR EXCEEDS \$100,000.00. THE SECURITY
17 SHALL BE POSTED WITHIN 30 DAYS OF NOTICE BY THE UNEMPLOYMENT
18 AGENCY OF A REQUIREMENT TO POST A SECURITY.

19 (D) THE AMOUNT OF THE SECURITY REQUIRED IS 4.0% OF THE
20 EMPLOYER'S ESTIMATED TOTAL ANNUAL WAGE PAYMENTS, AS DETERMINED BY
21 THE UNEMPLOYMENT AGENCY. INDIAN TRIBES OR TRIBAL UNITS THAT HAVE
22 A PREVIOUS WAGE PAYMENT HISTORY SHALL BE REQUIRED TO FILE A
23 SECURITY THAT IS EQUAL TO 4.0% OF THE GROSS WAGES PAID FOR THE
24 12-MONTH PERIOD ENDING JUNE 30 OF THE YEAR IMMEDIATELY PRECEDING
25 THE YEAR FOR WHICH THE SECURITY IS REQUIRED OR 4.0% OF THE
26 EMPLOYER'S ESTIMATED TOTAL ANNUAL WAGES, WHICHEVER IS GREATER.

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1 (7) ANY INDIAN TRIBE OR TRIBAL UNIT THAT IS LIABLE FOR
2 REIMBURSEMENTS IN LIEU OF CONTRIBUTIONS MAY FORM A GROUP ACCOUNT
3 WITH ANOTHER TRIBE OR TRIBAL UNIT, IN THE SAME MANNER AND WITH
4 THE SAME RESTRICTIONS PROVIDED IN SECTION 13E(3).

5 (8) NOTWITHSTANDING SECTION 41(1), AFTER DECEMBER 20, 2000,
6 "EMPLOYER" INCLUDES AN INDIAN TRIBE OR TRIBAL UNIT FOR WHICH
7 SERVICES ARE PERFORMED IN EMPLOYMENT AS DEFINED IN SUBSECTION
8 (9).

9 (9) AFTER DECEMBER 20, 2000, "EMPLOYMENT" INCLUDES SERVICE
10 PERFORMED IN THE EMPLOY OF AN INDIAN TRIBE OR TRIBAL UNIT, IF THE
11 SERVICE IS EXCLUDED FROM EMPLOYMENT AS THAT TERM IS DEFINED IN
12 THE FEDERAL UNEMPLOYMENT TAX ACT, CHAPTER 23 OF SUBTITLE C OF THE
13 INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3301 TO 3311, SOLELY BY
14 REASON OF SECTION 3306(c)(7) OF THE FEDERAL UNEMPLOYMENT TAX ACT,
15 CHAPTER 23 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986,
16 AND IS NOT OTHERWISE EXCLUDED FROM THE DEFINITION OF EMPLOYMENT
17 UNDER SECTION 43.

18 (10) AS USED IN THIS ACT:

19 (A) "INDIAN TRIBE" MEANS THAT TERM AS DEFINED IN SECTION
20 3306(u) OF THE FEDERAL UNEMPLOYMENT TAX ACT, CHAPTER 23 OF SUBTI-
21 TLE C OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3306.

22 (B) "TRIBAL UNIT" INCLUDES ANY SUBDIVISION, SUBSIDIARY, OR
23 BUSINESS ENTERPRISE, WHOLLY OWNED BY AN INDIAN TRIBE.

24 Sec. 19. (a) The commission shall determine the contribution
25 rate of each contributing employer for each calendar year after
26 1977 as follows:

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1 (1) (i) Except as provided in paragraph (ii), an employer's
2 rate shall be calculated as described in table A with respect to
3 wages paid by the employer in each calendar year for employment.
4 If an employer's coverage is terminated under section 24, or at
5 the conclusion of 8 or more consecutive calendar quarters during
6 which the employer has not had workers in covered employment, and
7 if the employer becomes liable for contributions, the employer
8 shall be considered as newly liable for contributions for the
9 purposes of table A or table B of this subsection.

10 (ii) To provide against the high risk of net loss to the
11 fund in such cases, an employing unit ~~which~~ THAT becomes newly
12 liable for contributions under this act in a calendar year begin-
13 ning on or after January 1, 1983 in which it employs in
14 "employment", not necessarily simultaneously but in any 1 week 2
15 or more individuals in the performance of 1 or more contracts or
16 subcontracts for construction in the state of roads, bridges,
17 highways, sewers, water mains, utilities, public buildings, fac-
18 tories, housing developments, or similar construction projects,
19 shall be liable for contributions to that employer's account
20 under this act for the first 4 years of operations in this state
21 at a rate equal to the average rate paid by employers engaged in
22 the construction business as determined by contractor type in the
23 manner provided in table B.

24 (iii) For the calendar years 1983 and 1984, the contribution
25 rate of a construction employer shall not exceed its 1982 contri-
26 bution rate with respect to wages, paid by that employer, related
27 to the execution of a fixed price construction contract ~~which~~

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1 THAT was entered into prior to January 1, 1983. Furthermore,
2 ~~such~~ THAT contribution rate shall be reduced, by the solvency
3 tax rate assessed against the employer under section 19a, for the
4 year in which ~~such~~ THE solvency tax rate is applicable.
5 Furthermore, notwithstanding section 44, the taxable wage limit,
6 for calendar years 1983 and 1984, with respect to wages paid
7 under ~~such~~ A fixed price contract, shall be the maximum amount
8 of remuneration paid within a calendar year by an employer
9 subject to the federal unemployment tax act, CHAPTER 23 OF SUBTI-
10 TLE C OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3301 to
11 3311, to an individual with respect to employment as defined in
12 that act which is subject to tax under that act during that
13 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)

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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)

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

(3) (i) The chargeable benefits component of an employer's contribution rate is the percentage determined by dividing: the total amount of benefits charged to the employer's experience account within the lesser of 60 consecutive months ending on the

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1 computation date or the number of consecutive months ending on
2 the computation date with respect to which the employer has been
3 continuously liable for contributions; by the amount of wages,
4 subject to contributions, paid by the employer within the same
5 period. If the resulting quotient is not an exact multiple of
6 $1/10$ of 1%, it shall be increased to the next higher multiple of
7 $1/10$ of 1%.

8 (ii) For benefit years established before the conversion
9 date prescribed in section 75, the chargeable benefits component
10 shall not exceed 6.0%, unless there is a statutory change in the
11 maximum duration of regular benefit payments or the statutory
12 ratio of regular benefit payments to credit weeks. In the event
13 of a change in the maximum duration of regular benefit payments,
14 the maximum chargeable benefits component shall increase by the
15 same percentage as the statutory percentage change in the dura-
16 tion of regular benefit payments between computation dates. In
17 the event of an increase in the statutory ratio of regular bene-
18 fit payments to credit weeks, as described in section 27(d), the
19 maximum chargeable benefits component determined as of the compu-
20 tation dates occurring after the effective date of the increased
21 ratio shall increase by $1/2$ the same percentage as the increase
22 in the ratio of regular benefit payments to credit weeks. If the
23 resulting increase is not already an exact multiple of $1/10$ of
24 1%, it shall be adjusted to the next higher multiple of $1/10$ of
25 1%. For benefit years established after the conversion date pre-
26 scribed in section 75, the chargeable benefits component shall
27 not exceed 6.0%, unless there is a statutory change in the

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1 maximum duration of regular benefit payments or the percentage
2 factor of base period wages, which defines maximum duration, as
3 provided in section 27(d). If there is a statutory change in the
4 maximum duration of regular benefit payments, the maximum charge-
5 able benefits component shall increase by the same percentage as
6 the statutory percentage change in the duration of regular bene-
7 fit payments between computation dates. If there is an increase
8 in the statutory percentage factor of base period wages, as
9 described in section 27(d), the maximum chargeable benefits com-
10 ponent determined as of the computation dates occurring after the
11 effective date of the increased ratio shall increase by 1/2 the
12 same percentage as the increase in the percentage factor of base
13 period wages. If the resulting increase is not already an exact
14 multiple of 1/10 of 1%, it shall be adjusted to the next higher
15 multiple of 1/10 of 1%.

16 (4) The account building component of an employer's contri-
17 bution rate is the percentage arrived at by the following
18 calculations: (i) Multiply the amount of the employer's total
19 payroll for the 12 months ending on the computation date, by the
20 cost criterion; (ii) Subtract the amount of the balance in the
21 employer's experience account as of the computation date from the
22 product determined under (i); and (iii) if the remainder is zero
23 or a negative quantity, the account building component of the
24 employer's contribution rate shall be zero; but (iv) if the
25 remainder is a positive quantity, the account building component
26 of the employer's contribution rate shall be determined by
27 dividing that remainder by the employer's total payroll paid

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1 within the 12 months ending on the computation date. The account
2 building component shall not exceed the lesser of 1/4 of the per-
3 centage ~~thus~~ calculated or 2%. However, except as otherwise
4 provided in this subdivision, the account building component
5 shall not exceed the lesser of 1/2 of the percentage ~~thus~~ cal-
6 culated or 3%, if on the June 30 of the preceding calendar year
7 the balance in the unemployment compensation fund was less than
8 50% of an amount equal to the aggregate of all contributing
9 employers' annual payrolls, for the 12 months ending March 31,
10 times the cost criterion. For calendar years after 1993 and
11 before 1996, the account building component shall not exceed the
12 lesser of .69 of the percentage calculated, or 3%, if on the
13 June 30 of the preceding calendar year the balance in the unem-
14 ployment compensation fund was less than 50% of an amount equal
15 to the aggregate of all contributing employers' annual payrolls,
16 for the 12 months ending March 31, as defined in section 18(f),
17 times the cost criterion; selected for the computation date under
18 section 18(e). If the account building component determined
19 under this subdivision is not an exact multiple of 1/10 of 1%, it
20 shall be adjusted to the next higher multiple of 1/10 of 1%.

21 (5) The nonchargeable benefits component of employers' con-
22 tribution rates is the percentage arrived at by the following
23 calculations: (i) multiply the aggregate amount of all contrib-
24 uting employers' annual payrolls, for the 12 months ending March
25 31, as defined in section 18(f), by the cost criterion selected
26 for the computation date under section 18(e); (ii) subtract the
27 balance of the unemployment fund on the computation date, net of

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1 federal advances, from the product determined under (i); and
2 (iii) if the remainder is zero or a negative quantity, the non-
3 chargeable benefits component of employers' contribution rates
4 shall be zero; but (iv) if the remainder is a positive quantity,
5 the nonchargeable benefits component of employers' contribution
6 rates shall be determined by dividing that remainder by the total
7 of wages subject to contributions under this act paid by all con-
8 tributing employers within the 12 months ending on March 31 and
9 adjusting the quotient, if not an exact multiple of 1/10 of 1%,
10 to the next higher multiple of 1/10 of 1%. The maximum non-
11 chargeable benefits component shall be 1%. However, for calendar
12 years after 1993, if there are no benefit charges against an
13 employer's account for the 60 months ending as of the computation
14 date, or for calendar years after 1995, if the employer's charge-
15 able benefits component is less than 2/10 of 1%, the maximum non-
16 chargeable benefit component shall not exceed 1/2 of 1%. For
17 calendar years after 1995, if there are no benefit charges
18 against an employer's account for the 72 months ending as of the
19 computation date, the maximum nonchargeable benefits component
20 shall not exceed 4/10 of 1%. For calendar years after 1996, if
21 there are no benefit charges against an employer's account for
22 the 84 months ending as of the computation date, the maximum non-
23 chargeable benefits component shall not exceed 3/10 of 1%. For
24 calendar years after 1997, if there are no benefit charges
25 against an employer's account for the 96 months ending as of the
26 computation date, the maximum nonchargeable benefits component
27 shall not exceed 2/10 of 1%. For calendar years after 1998, if

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1 there are no benefit charges against an employer's account for
2 the 108 months ending as of the computation date, the maximum
3 nonchargeable benefits component shall not exceed 1/10 of 1%.
4 FOR CALENDAR YEARS AFTER 2002, THE MAXIMUM NONCHARGEABLE BENEFITS
5 COMPONENT SHALL NOT EXCEED 1/10 OF 1% IF THERE ARE NO BENEFIT
6 CHARGES AGAINST AN EMPLOYER'S ACCOUNT FOR THE 60 MONTHS ENDING AS
7 OF THE COMPUTATION DATE; 9/100 OF 1% IF THERE ARE NO BENEFIT
8 CHARGES AGAINST AN EMPLOYER'S ACCOUNT FOR THE 72 MONTHS ENDING AS
9 OF THE COMPUTATION DATE; 8/100 OF 1% IF THERE ARE NO BENEFIT
10 CHARGES AGAINST AN EMPLOYER'S ACCOUNT FOR THE 84 MONTHS ENDING AS
11 OF THE COMPUTATION DATE; 7/100 OF 1% IF THERE ARE NO BENEFIT
12 CHARGES AGAINST AN EMPLOYER'S ACCOUNT FOR THE 96 MONTHS ENDING AS
13 OF THE COMPUTATION DATE; OR 6/100 OF 1% IF THERE ARE NO BENEFIT
14 CHARGES AGAINST AN EMPLOYER'S ACCOUNT FOR THE 108 MONTHS ENDING
15 AS OF THE COMPUTATION DATE. An employer with a positive balance
16 in its experience account on the June 30 computation date preced-
17 ing the calendar year shall receive for that calendar year a
18 credit in an amount equal to 1/2 of the extra federal unemploy-
19 ment tax paid in the preceding calendar year under section
20 3302(c)(2) of the federal unemployment tax act, 26 U.S.C.
21 ~~3302(c)(2)~~ 3302, because of an outstanding balance of unrepaid
22 advances from the federal government to the unemployment compen-
23 sation fund under section 1201 of TITLE XII OF the social secur-
24 ity act, 42 U.S.C. 1321. However, the credit for any calendar
25 year shall not exceed an amount determined by multiplying the
26 employer's nonchargeable benefit component for that calendar year
27 times the employer's taxable payroll for that year.

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1 Contributions paid by an employer shall be credited to the
2 employer's experience account, in accordance with the provisions
3 of section 17(5), without regard to any credit given under this
4 subsection. The amount credited to an employer's experience
5 account shall be the amount of the employer's tax before deduc-
6 tion of the credit provided in this subsection.

7 (6) The total of the chargeable benefits and account build-
8 ing components of an employer's contribution rate shall not
9 exceed by more than 1% in the 1983 calendar year, 1.5% in the
10 calendar year 1984, or 2% in the 1985 calendar year the higher of
11 4% or the total of the chargeable benefits and the account build-
12 ing components ~~which~~ THAT applied to the employer during the
13 preceding calendar year. For calendar years after 1985, the
14 total of the chargeable benefits and account building components
15 of the employer's contribution rate shall be computed without
16 regard to the foregoing limitation provided in this subdivision.
17 During a year in which this subdivision limits an employer's con-
18 tribution rate, the resulting reduction shall be considered to be
19 entirely in the experience component of the employer's contribu-
20 tion rate, as defined in section 18(d).

21 (7) Unless an employer's contribution rate is 1/10 of 1% for
22 calendar years beginning after December 31, 1995, the employer's
23 contribution rate shall be reduced by any of the following calcu-
24 lation methods that results in the lowest rate:

25 (i) The chargeable benefits component, the account building
26 component, and the nonchargeable benefits component of the
27 contribution rate calculated under this section shall each be

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1 reduced by 10% and if the resulting quotient is not an exact
2 multiple of 1/10 of 1%, that quotient shall be increased to the
3 next higher multiple of 1/10 of 1%. The 3 components as
4 increased shall then be added together.

5 (ii) One-tenth of 1% shall be deducted from the contribution
6 rate.

7 (iii) The contribution rate shall be reduced by 10% and if
8 the resulting quotient is not an exact multiple of 1/10 of 1%,
9 that quotient shall be increased to the next higher multiple of
10 1/10 of 1%.

11 The contribution rate reduction described in this section
12 applies to employers who have been liable for the payment of con-
13 tributions in accordance with this act for more than 4 consecu-
14 tive years, if the balance of money in the unemployment compensa-
15 tion fund established under section 26, excluding money borrowed
16 from the federal unemployment trust fund, is equal to or greater
17 than 1.2% of the aggregate amount of all contributing employers'
18 payrolls for the 12-month period ending on the computation date.
19 If the employer's contribution rate is reduced by a 1/10 of 1%
20 deduction in accordance with this subdivision, the employer's
21 contributions shall be credited to each of the components of the
22 contribution rate on a pro rata basis. As used in this
23 subdivision:

24 (i) "Federal unemployment trust fund" means the fund created
25 under section 904 of title IX of the social security act, 42
26 U.S.C. 1104.

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1 (ii) "Payroll" means that term as defined in section 18(f).

2 (b) An employer previously liable for contributions under
3 this act which on or after January 1, 1978 filed a petition for
4 arrangement under the bankruptcy act of JULY 1, 1898, chapter
5 541, 30 Stat. 544, or on or after October 1, 1979 filed a peti-
6 tion for reorganization under title 11 of the United States
7 ~~code, entitled bankruptcy,~~ CODE, 11 U.S.C. 101 to 1330, pursu-
8 ant to which a plan of arrangement or reorganization for rehabil-
9 itation purposes has been confirmed by order of the United States
10 bankruptcy court, shall be considered as a reorganized employer
11 and shall have a reserve fund balance of zero as of the first
12 calendar year immediately following court confirmation of the
13 plan of arrangement or reorganization, but not earlier than the
14 calendar year beginning January 1, 1983, if the employer meets
15 each of the following requirements:

16 (1) An employer whose plan of arrangement or reorganization
17 has been confirmed as of January 1, 1983 shall, within 60 days
18 after January 1, 1983, notify the commission of its intention to
19 elect the status of a reorganized employer. An employer ~~which~~
20 THAT has not had a plan of arrangement or reorganization con-
21 firmed as of January 1, 1983 shall, within 60 days after the
22 entry by the bankruptcy court of the order of confirmation of the
23 plan of arrangement or reorganization, notify the commission of
24 its intention to elect the status of a reorganized employer. An
25 employer shall not make an election under this subdivision after
26 December 31, 1985.

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1 (2) The employer has paid to the commission all
2 contributions previously owed by the employer pursuant to this
3 act for all calendar years prior to the calendar year as to which
4 the employer elects to begin its status as a reorganized
5 employer.

6 (3) More than 50% of the employer's total payroll is paid
7 for services rendered in this state during the employer's fiscal
8 year immediately preceding the date the employer notifies the
9 fund administrator of its intention to elect the status of a
10 reorganized employer.

11 (4) The employer, within 180 days after notifying the com-
12 mission of its intention to elect the status of a reorganized
13 employer, makes a cash payment to the commission, for the unem-
14 ployment compensation fund, equal to: .20 times the first
15 \$2,000,000.00 of the employer's negative balance, .35 times the
16 amount of the employer's negative balance above \$2,000,000.00 and
17 up to \$5,000,000.00, and .50 times the amount of the negative
18 balance above \$5,000,000.00. The total amount ~~so~~ determined by
19 the commission shall be based on the employer's negative balance
20 existing as of the end of the calendar month immediately preced-
21 ing the calendar year in which the employer will begin its status
22 as a reorganized employer. If the employer fails to pay the
23 amount determined, within 180 days of electing status as a reor-
24 ganized employer, the commission shall reinstate the employer's
25 negative balance previously reduced and redetermine the
26 employer's rate on the basis of ~~such~~ THE reinstated negative
27 balance. ~~Such~~ THE redetermined rate shall then be used to

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1 redetermine the employer's quarterly contributions for that
2 calendar year. ~~Such~~ THE redetermined contributions shall be
3 subject to the interest provisions of section 15 as of the date
4 the redetermined quarterly contributions were originally due.

5 (5) Except as provided in subdivision (6), the employer con-
6 tribution rates for a reorganized employer beginning with the
7 first calendar year of the employer's status as a reorganized
8 employer shall be as follows:

9

10	Year of Contribution	Contribution Rate
11	Liability	
12		
13		
14	1	2.7% of total taxable wages paid
15	2	2.7%
16	3	2.7%
17	4 and over	(chargeable benefits component based
18		upon 3-year experience) plus
19		(account building component based
20		upon 3-year experience) plus
21		(nonchargeable benefits component)

22 (6) To provide against the high risk of net loss to the fund
23 in such cases, any reorganized employer ~~which~~ THAT employs in
24 "employment", not necessarily simultaneously but in any 1 week 25
25 or more individuals in the performance of 1 or more contracts or
26 subcontracts for construction in the state of roads, bridges,
27 highways, sewers, water mains, utilities, public buildings, fac-
28 tories, housing developments, or similar major construction
29 projects, shall be liable beginning the first calendar year of

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19

1 the employer's status as a reorganized employer for contribution
2 rates as follows:

3

4 Year of Contribution
5 Liability

Contribution Rate

6

7	1	average construction contractor rate
8		as determined by the commission
9	2	average construction contractor rate
10		as determined by the commission
11	3	1/3 (chargeable benefits component)
12		+ 2/3 average construction contrac-
13		tor rate as determined by the com-
14		mission
15	4	2/3 (chargeable benefits component)
16		+ 1/3 average construction contrac-
17		tor rate as determined by the com-
18		mission
19	5 and over	(chargeable benefits component) +
20		(account building component) +
21		(nonchargeable benefits component)
22	(c) Upon application by an employer to the commission for	

23 designation as a distressed employer, the commission, within
24 60 days after receipt of the application, shall make a determina-
25 tion whether the employer meets the conditions set forth in this
26 subsection. Upon finding that the conditions are met, the com-
27 mission shall notify the legislature of the determination and
28 request legislative acquiescence in the determination. If the
29 legislature approves the determination by concurrent resolution,
30 the employer shall be considered to be a "distressed employer" as
31 of January 1 of the year in which the determination is made. The
32 commission shall notify the employer of ~~such~~ THAT determination
33 and notify the employer of its contribution rate as a distressed
34 employer and the contribution rate that would apply if the
35 employer was not a distressed employer. The distressed employer
36 shall determine its tax contribution using the 2 rates furnished

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1 by the commission and shall pay its tax contribution based on the
2 lower of the 2 rates. If the determination of distressed
3 employer status is made during the calendar year, the employer
4 shall be entitled to a credit on future quarterly installments
5 for any excess contributions paid during that initial calendar
6 year. The employer shall notify the commission of the difference
7 between the amount paid and the amount ~~which~~ THAT would have
8 been paid if the employer were not determined to be a distressed
9 employer and the difference will be owed to the unemployment com-
10 pensation fund, payable in accordance with this subsection.
11 Cumulative totals of the difference must be reported to the com-
12 mission with each return required to be filed. The commission
13 may periodically determine continued eligibility of an employer
14 under this subsection. When the commission makes a determination
15 that an employer no longer qualifies as a distressed employer,
16 the commission shall notify the employer of that determination.
17 After notice by the commission that the employer no longer quali-
18 fies as a distressed employer, the employer will be liable for
19 contributions, beginning with the first quarter occurring after
20 receipt of notification of disqualification, on the basis of the
21 rate that would apply if the employer was not a distressed
22 employer. The contribution rate for a distressed employer shall
23 be calculated under the law in effect for the 1982 calendar year
24 except that the rate ~~thus~~ determined shall be reduced by the
25 applicable solvency tax rate assessed against the employer under
26 section 19a. The taxable wage limit of ~~such~~ A distressed
27 employer for the 1983, 1984, and 1985 calendar years shall be the

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1 maximum amount of remuneration paid within a calendar year by
2 ~~such an~~ A DISTRESSED 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. Commencing with the fourth
6 quarter of 1986, the distressed employer will pay in 10 equal
7 annual installments the amount of the unpaid contributions owed
8 to the unemployment compensation fund due to the application of
9 this subsection, without interest. Each installment shall be
10 made with the fourth quarterly return for the respective year.
11 As used in this subsection, "distressed employer" means an
12 employer whose continued presence in this state is considered
13 essential to the state's economic well-being and who meets the
14 following criteria:

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

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

19 (3) The employer's business income as defined in section 3
20 of ~~Act No. 228 of the Public Acts of 1975, being section 208.3~~
21 ~~of the Michigan Compiled Laws~~ THE SINGLE BUSINESS TAX ACT, 1975
22 PA 228, MCL 208.3, has resulted in an aggregate loss of
23 \$1,000,000,000.00 or more during the 5-year period ending in the
24 second year prior to the year for which the application is being
25 made.

26 (4) The employer has received from ~~the state of Michigan~~
27 THIS STATE loans totaling \$50,000,000.00 or more or loan

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1 guarantees from the federal government in excess of
2 \$500,000,000.00, either of which are still outstanding.

3 (5) Failure to give an employer designation as a distressed
4 employer would adversely impair the employer's ability to repay
5 the outstanding loans owed to ~~the state of Michigan or which~~
6 THIS STATE OR THAT are guaranteed by the federal government.

7 (d) An employer may at any time make payments to that
8 employer's experience account in the fund in excess of the
9 requirements of this section, but these payments, when accepted
10 by the commission, shall be irrevocable. A payment made by an
11 employer within 30 days after mailing to the employer by the com-
12 mission of a notice of the adjusted contribution rate of the
13 employer shall be credited to the employer's account as of the
14 computation date for which the adjusted contribution rate was
15 computed, and the employer's contribution rate shall be further
16 adjusted accordingly. However, a payment made more than 120 days
17 after the beginning of a calendar year shall not affect the
18 employer's contribution rate for that year.

19 Sec. 20. (a) Benefits paid shall be charged against the
20 employer's account as of the quarter in which the payments are
21 made. If the ~~commission~~ UNEMPLOYMENT AGENCY determines that
22 any benefits charged against an employer's account were improp-
23 erly paid, an amount equal to the charge based on those benefits
24 shall be credited to the employer's account and a corresponding
25 charge shall be made to the nonchargeable benefits account as of
26 the current period or, in the discretion of the ~~commission~~
27 UNEMPLOYMENT AGENCY as of the date of the charge. Benefits paid

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1 to an individual as a result of an employer's failure to provide
2 the ~~commission~~ UNEMPLOYMENT AGENCY with separation, employment,
3 and wage data as required by section 32 shall be considered as
4 benefits properly paid to the extent that the benefits are
5 chargeable to the noncomplying employer.

6 (b) For benefit years established before the conversion date
7 prescribed in section 75, benefits paid to an individual shall be
8 based upon the credit weeks earned during the individual's base
9 period and shall be charged against the experience accounts of
10 the contributing employers or charged to the accounts of the
11 reimbursing employers from whom the individual earned credit
12 weeks. If the individual earned credit weeks from more than 1
13 employer, a separate determination shall be made of the amount
14 and duration of benefits based upon the total credit weeks and
15 wages earned with each employer. Benefits paid in accordance
16 with the determinations shall be charged against the experience
17 account of a contributing employer or charged to the account of a
18 reimbursing employer beginning with the most recent employer
19 first and thereafter as necessary against other base period
20 employers in inverse order to that in which the claimant earned
21 his or her last credit week with those employers. If there is
22 any disqualifying act or discharge under section 29(1) with an
23 employer, benefits based upon credit weeks earned from that
24 employer before the disqualifying act or discharge shall be
25 charged only after the exhaustion of charges as provided above.
26 Benefits based upon those credit weeks shall be charged first
27 against the experience account of the contributing employer

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1 involved or to the account of the reimbursing employer involved
2 in the most recent disqualifying act or discharge and thereafter
3 as necessary in similar inverse order against other base period
4 employers involved in disqualifying acts or discharges. The
5 order of charges determined as of the beginning date of a benefit
6 year shall remain fixed during the benefit year. For benefit
7 years established after the conversion date prescribed in
8 section 75, the claimant's full weekly benefit rate shall be
9 charged to the account or experience account of the claimant's
10 most recent separating employer for each of the first 2 weeks of
11 benefits payable to the claimant in the benefit year in accord-
12 ance with the monetary determination issued pursuant to
13 section 32. HOWEVER, IF THE TOTAL SUM OF WAGES PAID BY AN
14 EMPLOYER TOTALS \$200.00 OR LESS, THOSE WAGES SHALL BE USED FOR
15 PURPOSES OF BENEFIT PAYMENT, BUT ANY BENEFIT CHARGES ATTRIBUTABLE
16 TO THOSE WAGES SHALL BE CHARGED TO THE NONCHARGEABLE BENEFIT
17 ACCOUNT. Thereafter, remaining weeks of benefits payable in the
18 benefit year shall be paid in accordance with the monetary deter-
19 mination and shall be charged proportionally to all base period
20 employers, with the charge to each base period employer being
21 made on the basis of the ratio that total wages paid by the
22 employer in the base period bears to total wages paid by all
23 employers in the base period. However, if the claimant did not
24 perform services for the most recent separating employer or
25 employing entity and receive earnings for performing the services
26 of at least the amount a claimant must earn, in the manner
27 prescribed in section 29(3), to requalify for benefits following

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1 a disqualification under section 29(1)(a), (b), (i), or (k)
2 during the claimant's most recent period of employment with the
3 employer or employing entity, then all weeks of benefits payable
4 in the benefit year shall be charged proportionally to all base
5 period employers, with the charge to each base period employer
6 being made on the basis of the ratio that total wages paid by the
7 employer in the base period bears to total wages paid by all
8 employers in the base period. If the claimant performed services
9 for the most recent separating employing entity and received
10 earnings for performing the services of at least the amount a
11 claimant must earn, in the manner prescribed in section 29(3), to
12 requalify for benefits following a disqualification under
13 section 29(1)(a), (b), (i), or (k) during the claimant's most
14 recent period of employment for the employing entity but the sep-
15 arating employing entity was not a liable employer, the first 2
16 weeks of benefits payable to the claimant shall be charged pro-
17 portionally to all base period employers, with the charge to each
18 base period employer being made on the basis of the ratio that
19 total wages paid by the employer in the base period bears to
20 total wages paid by all employers in the base period. The
21 "separating employer" is the employer that caused the individual
22 to be unemployed as defined in section 48.

23 (c) For benefit years established before the conversion date
24 prescribed in section 75, and except as otherwise provided in
25 section 11(d) or (g) or section 46a, the charges for regular ben-
26 efits to any reimbursing employer or to any contributing
27 employer's experience account shall not exceed the weekly benefit

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1 rate multiplied by $\frac{3}{4}$ the number of credit weeks earned by the
2 individual during his or her base period from that employer. If
3 the resultant product is not an even multiple of $\frac{1}{2}$ the weekly
4 benefit rate, the amount shall be raised to an amount equal to
5 the next higher multiple of $\frac{1}{2}$ the weekly benefit rate, and in
6 the case of an individual who was employed by only 1 employer in
7 his or her base period and who earned 34 credit weeks with that
8 employer, the product shall be raised to the next higher multiple
9 of the weekly benefit rate.

10 (d) For benefit years beginning after the conversion date
11 prescribed in section 75, and except as otherwise provided in
12 section 11(d) or (g) or section 46, the charges for regular bene-
13 fits to any reimbursing employer's account or to any contributing
14 employer's experience account shall not exceed either the amount
15 derived by multiplying by 2 the weekly benefit rate chargeable to
16 the employer in accordance with subsection (b) if the employer is
17 the separating employer and is chargeable for the first 2 weeks
18 of benefits, or the amount derived from the percentage of the
19 weekly benefit rate chargeable to the employer in accordance with
20 subsection (b), multiplied by the number of weeks of benefits
21 chargeable to base period employers based on base period wages,
22 to which the individual is entitled as provided in section 27(d),
23 if the employer is a base period employer, or both of these
24 amounts if the employer was both the chargeable separating
25 employer and a base period employer.

26 (e) For benefit years beginning before the conversion date
27 prescribed in section 75:

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

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

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1 week earns remuneration with that employer ~~which~~ THAT equals or
2 exceeds the amount of benefits allocated to that employer.

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

21 (f) For benefit years beginning after the conversion date
22 prescribed in section 75, benefits for a week of unemployment
23 charged under this section to a contributing employer shall be
24 charged to the nonchargeable benefits account if the claimant
25 during that week earns remuneration with that employer ~~which~~
26 THAT equals or exceeds the amount of benefits charged to that
27 employer.

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1 (g) For benefit years beginning before the conversion date
2 prescribed in section 75:

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

12 (2) Training benefits and extended benefits, to the extent
13 that they are not reimbursable by the federal government and have
14 been allocated to a reimbursing employer, shall be charged to
15 that 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 that they are not reimbursable by the federal government,
19 shall be charged to the nonchargeable benefits account. Extended
20 benefits paid and based on service with a contributing employer,
21 to the extent that they are not reimbursable by the federal gov-
22 ernment, 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

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1 employers and the nonchargeable benefits account, the benefits
2 shall be charged as of the quarter in which the 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 during the week,
9 the weeks for which the benefits were paid, and the amount of
10 benefits chargeable to that employer paid for each week. The
11 quarterly statement of charges shall list each claimant by name
12 and social security number and shall show total benefit payments
13 chargeable to that employer and made to each claimant during the
14 calendar quarter. The listing shall be considered to satisfy the
15 requirements of sections 21(a) and 32(d) that notification be
16 given each employer of benefits charged against that employer's
17 account by means of a listing of the benefit check. All protest
18 and appeal rights applicable to benefit check listings shall also
19 be applicable to the notice of charges. If an employer receives
20 both a current listing of charges and a quarterly statement of
21 charges under this subsection, all protest and appeal rights
22 shall only be applicable to the first notice given.

23 (h) For benefit years beginning after the conversion date
24 prescribed in section 75:

25 (1) Training benefits as provided in section 27(g), and
26 extended benefits as provided in section 64, shall be charged to
27 each reimbursing employer in the base period of the claim to

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1 which the benefits are related, on the basis of the ratio that
2 the total wages paid by a reimbursing employer during the base
3 period bears to the total wages paid by all reimbursing employers
4 in the base period.

5 (2) Training benefits, and extended benefits to the extent
6 they are not reimbursable by the federal government and have been
7 allocated to a reimbursing employer, shall be charged to that
8 reimbursing employer. A contributing employer's experience
9 account shall not be charged with training benefits. Training
10 benefits based on service with a contributing employer, to the
11 extent they are not reimbursable by the federal government, shall
12 be charged to the nonchargeable benefits account. Extended bene-
13 fits paid and based on service with a contributing employer, to
14 the extent they are not reimbursable by the federal government,
15 shall be charged to that employer's experience account.

16 (3) If the training benefits or extended benefits are
17 chargeable only to a single reimbursing employer, the benefits
18 shall be charged in accordance with subsection (a). If the
19 training benefits or extended benefits are chargeable to more
20 than 1 reimbursing employer, or to 1 or more reimbursing employ-
21 ers and the nonchargeable benefits account, the benefits shall be
22 charged as of the quarter in which the payments are made.

23 (4) Notice of charges made under this subsection shall be
24 given to each employer by means of a current listing of charges,
25 at least weekly, and subsequently by a quarterly summary state-
26 ment of charges. The listing shall specify the name and social
27 security number of each claimant paid benefits in the week, the

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1 weeks for which the benefits were paid, and the amount of
2 benefits chargeable to that employer paid for each week. The
3 quarterly summary statement of charges shall list each claimant
4 by name and social security number and shall show total benefit
5 payments chargeable to that employer and made to each claimant
6 during the calendar quarter. The listing shall be considered to
7 satisfy the requirements of sections 21(a) and 32(d) that notifi-
8 cation be given TO each employer of benefits charged against that
9 employer's account by means of a listing of the benefit check.
10 All protest and appeal rights applicable to benefit check list-
11 ings shall also be applicable to the notice of charges. If an
12 employer receives both a current listing of charges and a quar-
13 terly summary statement of charges under this subsection, all
14 protest and appeal rights shall only be applicable to the first
15 notice given.

16 (i) If a benefit year is established after the conversion
17 date prescribed in section 75, the portion of benefits paid in
18 that benefit year that are based on wages used to establish the
19 immediately preceding benefit year that began before the conver-
20 sion date shall not be charged to the employer or employers who
21 paid those wages but shall be charged instead to the noncharge-
22 able benefits account.

23 Sec. 27. (a)(1) When a determination, redetermination, or
24 decision is made that benefits are due an unemployed individual,
25 the benefits shall immediately become payable from the fund and
26 continue to be payable to the unemployed individual, subject to
27 the limitations imposed by the individual's monetary entitlement,

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1 ~~as long as~~ IF the individual continues to be unemployed and to
2 file claims for benefits, until the determination, redetermina-
3 tion, or decision is reversed, a determination, redetermination,
4 or decision on a new issue holding the individual disqualified or
5 ineligible is made, or, for benefit years beginning before the
6 conversion date prescribed in section 75, a new separation issue
7 arises resulting from subsequent work.

8 (2) Benefits shall be paid in person or by mail through
9 employment offices in accordance with rules promulgated by the
10 commission.

11 (b)(1) Subject to subsection (f), the weekly benefit rate
12 for an individual, with respect to benefit years beginning before
13 the conversion date prescribed in section 75, shall be 67% of the
14 individual's average after tax weekly wage, except that the
15 individual's maximum weekly benefit rate shall not exceed
16 ~~\$300.00~~ \$375.00. However, with respect to benefit years begin-
17 ning after the conversion date as prescribed in section 75, the
18 individual's weekly benefit rate shall be 4.1% of the
19 individual's wages paid in the calendar quarter of the base
20 period in which the individual was paid the highest total wages,
21 plus \$6.00 for each dependent as defined in subdivision (3), up
22 to a maximum of 5 dependents, claimed by the individual at the
23 time the individual files a new claim for benefits, except that
24 the individual's maximum weekly benefit rate shall not exceed
25 ~~\$300.00~~ \$375.00. With respect to benefit years beginning on or
26 after October 2, 1983, the weekly benefit rate shall be adjusted
27 to the next lower multiple of \$1.00.

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1 (2) For benefit years beginning before the conversion date
2 prescribed in section 75, the state average weekly wage for a
3 calendar year shall be computed on the basis of the 12 months
4 ending the June 30 immediately preceding that calendar year. The
5 commission shall prepare a table of weekly benefit rates based on
6 an "average after tax weekly wage" calculated by subtracting,
7 from an individual's average weekly wage as determined in accord-
8 ance with section 51, a reasonable approximation of the weekly
9 amount required to be withheld by the employer from the remunera-
10 tion of the individual based on dependents and exemptions for
11 income taxes under chapter 24 of subtitle C of the internal reve-
12 nue code of 1986, 26 U.S.C. 3401 to 3406, and under section 351
13 of the income tax act of 1967, ~~Act No. 281 of the Public Acts of~~
14 ~~1967, being section 206.351 of the Michigan Compiled Laws 1967~~
15 PA 281, MCL 206.351, and for old age and survivor's disability
16 insurance taxes under the federal insurance contributions act,
17 chapter 21 of subtitle C of the internal revenue code of 1986, 26
18 U.S.C. 3128. For purposes of applying the table to an
19 individual's claim, a dependent shall be as defined in
20 subdivision (3). The table applicable to an individual's claim
21 shall be the table reflecting the number of dependents claimed by
22 the individual under subdivision (3). The commission shall
23 adjust the tables based on changes in withholding schedules pub-
24 lished by the United States department of treasury, internal rev-
25 enue service, and by the department of treasury. The number of
26 dependents allowed shall be determined with respect to each week
27 of unemployment for which an individual is claiming benefits.

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1 (3) For benefit years beginning before the conversion date
2 prescribed in section 75, a dependent means any of the following
3 persons who is receiving and for at least 90 consecutive days
4 immediately preceding the week for which benefits are claimed,
5 or, in the case of a dependent husband, wife, or child, for the
6 duration of the marital or parental relationship, if the rela-
7 tionship has existed less than 90 days, has received more than
8 half the cost of his or her support from the individual claiming
9 benefits:

10 (a) A child, including stepchild, adopted child, or grand-
11 child of the individual who is under 18 years of age, or 18 years
12 of age or over if, because of physical or mental infirmity, the
13 child is unable to engage in a gainful occupation, or is a
14 full-time student as defined by the particular educational insti-
15 tution, at a high school, vocational school, community or junior
16 college, or college or university and has not attained the age of
17 22.

18 (b) The husband or wife of the individual.

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

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

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1 particular educational institution, at a high school, vocational
2 school, community or junior college, or college or university and
3 is less than 22 years of age.

4 (4) For benefit years beginning after the conversion date
5 prescribed in section 75, a dependent means any of the following
6 persons who received for at least 90 consecutive days immediately
7 preceding the first week of the benefit year or, in the case of a
8 dependent husband, wife, or child, for the duration of the mari-
9 tal or parental relationship if the relationship existed less
10 than 90 days before the beginning of the benefit year, has
11 received more than 1/2 the cost of his or her support from the
12 individual claiming the benefits:

13 (a) A child, including stepchild, adopted child, or grand-
14 child of the individual who is under 18 years of age, or 18 years
15 of age and over if, because of physical or mental infirmity, the
16 child is unable to engage in a gainful occupation, or is a
17 full-time student as defined by the particular educational insti-
18 tution, at a high school, vocational school, community or junior
19 college, or college or university and has not attained the age of
20 22.

21 (b) The husband or wife of the individual.

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

25 (d) A brother or sister of the individual if the brother or
26 sister is orphaned or the living parents are dependent parents of
27 an individual, and the brother or sister is under 18 years of

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1 age, or 18 years of age and over if, because of physical or
2 mental infirmity, the brother or sister is unable to engage in a
3 gainful occupation, or is a full-time student as defined by the
4 particular educational institution, at a high school, vocational
5 school, community or junior college, or college or university and
6 is less than 22 years of age.

7 (5) For benefit years beginning before the conversion date
8 prescribed in section 75, dependency status of a dependent, child
9 or otherwise, once established or fixed in favor of an individual
10 continues during the individual's benefit year until terminated.
11 Dependency status of a dependent terminates at the end of the
12 week in which the dependent ceases to be an individual described
13 in subdivision (3)(a), (b), (c), or (d) because of age, death, or
14 divorce. For benefit years beginning after the conversion date
15 prescribed in section 75, the number of dependents established
16 for an individual at the beginning of the benefit year shall
17 remain in effect during the entire benefit year.

18 (6) For benefit years beginning before the conversion date
19 prescribed in section 75, failure on the part of an individual,
20 due to misinformation or lack of information, to furnish all
21 information material for determination of the number of the
22 individual's dependents when the individual files a claim for
23 benefits with respect to a week shall be considered good cause
24 for the issuance of a redetermination as to the amount of bene-
25 fits based on the number of the individual's dependents as of the
26 beginning date of that week. Dependency status of a dependent,
27 child or otherwise, once established or fixed in favor of a

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1 person is not transferable to or usable by another person with
2 respect to the same week.

3 For benefit years beginning after the conversion date as
4 prescribed in section 75, failure on the part of an individual,
5 due to misinformation or lack of information, to furnish all
6 information material for determination of the number of the
7 individual's dependents shall be considered good cause for the
8 issuance of a redetermination as to the amount of benefits based
9 on the number of the individual's dependents as of the beginning
10 of the benefit year.

11 (c) Subject to subsection (f), all of the following apply to
12 eligible individuals:

13 (1) Each eligible individual shall be paid a weekly benefit
14 rate with respect to the week for which the individual earns or
15 receives no remuneration. Notwithstanding the definition of week
16 ~~as contained~~ in section 50, if within 2 consecutive weeks in
17 which an individual was not unemployed within the meaning of sec-
18 tion 48 there was a period of 7 or more consecutive days for
19 which the individual did not earn or receive remuneration, that
20 period shall be considered a week for benefit purposes under this
21 act if a claim for benefits for that period is filed not later
22 than 30 days ~~subsequent to~~ AFTER the end of the period.

23 (2) Each eligible individual shall have his or her weekly
24 benefit rate reduced with respect to each week in which the indi-
25 vidual earns or receives remuneration at the rate of 50 cents for
26 each whole \$1.00 of remuneration earned or received during that
27 week.

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1 (3) An individual who receives or earns partial remuneration
2 may not receive a total of benefits and earnings that exceeds
3 1-1/2 times his or her weekly benefit amount. For each dollar of
4 total benefits and earnings that exceeds 1-1/2 times the
5 individual's weekly benefit amount, benefits shall be reduced by
6 \$1.00.

7 (4) If the reduction in a claimant's benefit rate for a week
8 in accordance with subparagraph (2) or (3) results in a benefit
9 rate greater than zero for that week, the claimant's balance of
10 weeks of benefit payments will be reduced by 1 week.

11 (5) All remuneration for work performed during a shift that
12 terminates on 1 day but that began on the preceding day shall be
13 considered to have been earned by the eligible individual on the
14 preceding day.

15 (d) For benefit years beginning before the conversion date
16 prescribed in section 75, and subject to subsection (f) and this
17 subsection, the amount of benefits to which an individual who is
18 otherwise eligible is entitled during a benefit year from an
19 employer with respect to employment during the base period is the
20 amount obtained by multiplying the weekly benefit rate with
21 respect to that employment by 3/4 of the number of credit weeks
22 earned in the employment. For the purpose of this subsection and
23 section 20(c), if the resultant product is not an even multiple
24 of 1/2 the weekly benefit rate, the product shall be raised to an
25 amount equal to the next higher multiple of 1/2 the weekly bene-
26 fit rate, and, for an individual who was employed by only 1
27 employer in the individual's base period and earned 34 credit

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1 weeks with that employer, the product shall be raised to the next
2 higher multiple of the weekly benefit rate. The maximum amount
3 of benefits payable to an individual within a benefit year, with
4 respect to employment by an employer, shall not exceed 26 times
5 the weekly benefit rate with respect to that employment. The
6 maximum amount of benefits payable to an individual within a ben-
7 efit year shall not exceed the amount to which the individual
8 would be entitled for 26 weeks of unemployment in which remunera-
9 tion was not earned or received. The limitation of total bene-
10 fits set forth in this subsection does not apply to claimants
11 declared eligible for training benefits in accordance with sub-
12 section (g). For benefit years beginning after the conversion
13 date prescribed in section 75, and subject to subsection (f) and
14 this subsection, the maximum benefit amount payable to an indi-
15 vidual in a benefit year for purposes of this section and
16 section 20(c) is the number of weeks of benefits payable to an
17 individual during the benefit year, multiplied by the
18 individual's weekly benefit rate. The number of weeks of bene-
19 fits payable to an individual shall be calculated by taking [~~40%~~ 43%]
20 of the individual's base period wages and dividing the result by
21 the individual's weekly benefit rate. If the quotient is not a
22 whole or half number, the result shall be rounded down to the
23 nearest half number. However, not more than 26 weeks of benefits
24 or less than 14 weeks of benefits shall be payable to an individ-
25 ual in a benefit year. The limitation of total benefits set
26 forth in this subsection shall not apply to claimants declared

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1 eligible for training benefits in accordance with
2 subsection (g).

3 (e) When a claimant dies or is judicially declared insane or
4 mentally incompetent, unemployment compensation benefits accrued
5 and payable to that person for weeks of unemployment before
6 death, insanity, or incompetency, but not paid, shall become due
7 and payable to the person who is the legal heir or guardian of
8 the claimant or to any other person found by the commission to be
9 equitably entitled to the benefits by reason of having incurred
10 expense in behalf of the claimant for the claimant's burial or
11 other necessary expenses.

12 (f)(1) For benefit years beginning before the conversion
13 date prescribed in section 75, and notwithstanding any inconsis-
14 tent provisions of this act, the weekly benefit rate of each
15 individual who is receiving or will receive a "retirement
16 benefit", as defined in subdivision (4), shall be adjusted as
17 provided in subparagraphs (a), (b), and (c). However, an
18 individual's extended benefit account and an individual's weekly
19 extended benefit rate under section 64 shall be established with-
20 out reduction under this subsection unless subdivision (5) is in
21 effect. Except as otherwise provided in this subsection, all
22 other provisions of this act continue to apply in connection with
23 the benefit claims of those retired persons.

24 (a) If and to the extent that unemployment benefits payable
25 under this act would be chargeable to an employer who has con-
26 tributed to the financing of a retirement plan under which the
27 claimant is receiving or will receive a retirement benefit

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1 yielding a pro rata weekly amount equal to or larger than the
2 claimant's weekly benefit rate as otherwise established under
3 this act, the claimant shall not receive unemployment benefits
4 that would be chargeable to the employer under this act.

5 (b) If and to the extent that unemployment benefits payable
6 under this act would be chargeable to an employer who has con-
7 tributed to the financing of a retirement plan under which the
8 claimant is receiving or will receive a retirement benefit yield-
9 ing a pro rata weekly amount less than the claimant's weekly ben-
10 efit rate as otherwise established under this act, then the
11 weekly benefit rate otherwise payable to the claimant and charge-
12 able to the employer under this act shall be reduced by an amount
13 equal to the pro rata weekly amount, adjusted to the next lower
14 multiple of \$1.00, which the claimant is receiving or will
15 receive as a retirement benefit.

16 (c) If the unemployment benefit payable under this act would
17 be chargeable to an employer who has not contributed to the
18 financing of a retirement plan under which the claimant is
19 receiving or will receive a retirement benefit, then the weekly
20 benefit rate of the claimant as otherwise established under this
21 act shall not be reduced due to receipt of a retirement benefit.

22 (d) If the unemployment benefit payable under this act is
23 computed on the basis of multiemployer credit weeks and a portion
24 of the benefit is allocable under section 20(e) to an employer
25 who has contributed to the financing of a retirement plan under
26 which the claimant is receiving or will receive a retirement
27 benefit, the adjustments required by subparagraph (a) or (b)

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1 apply only to that portion of the weekly benefit rate that would
2 otherwise be allocable and chargeable to the employer.

3 (2) If an individual's weekly benefit rate under this act
4 was established before the period for which the individual first
5 receives a retirement benefit, any benefits received after a
6 retirement benefit becomes payable shall be determined in accord-
7 ance with the formula stated in this subsection.

8 (3) When necessary to assure prompt payment of benefits, the
9 commission shall determine the pro rata weekly amount yielded by
10 an individual's retirement benefit based on the best information
11 currently available to it. In the absence of fraud, a determina-
12 tion shall not be reconsidered unless it is established that the
13 individual's actual retirement benefit in fact differs from the
14 amount determined by \$2.00 or more per week. The reconsideration
15 shall apply only to benefits as may be claimed after the informa-
16 tion on which the reconsideration is based was received by the
17 commission.

18 (4)(a) As used in this subdivision, "retirement benefit"
19 means a benefit, annuity, or pension of any type or that part
20 thereof that is described in subparagraph (b) that is:

21 (i) Provided as an incident of employment under an estab-
22 lished retirement plan, policy, or agreement, including federal
23 social security if subdivision (5) is in effect.

24 (ii) Payable to an individual because the individual has
25 qualified on the basis of attained age, length of service, or
26 disability, whether or not the individual retired or was retired
27 from employment. Amounts paid to individuals in the course of

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1 liquidation of a private pension or retirement fund because of
2 termination of the business or of a plant or department of the
3 business of the employer involved shall not be considered to be
4 retirement benefits.

5 (b) If a benefit as described in subparagraph (a) is payable
6 or paid to the individual under a plan to which the individual
7 has contributed:

8 (i) Less than half of the cost of the benefit, then only
9 half of the benefit shall be treated as a retirement benefit.

10 (ii) Half or more of the cost of the benefit, then none of
11 the benefit shall be treated as a retirement benefit.

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

16 (5) Notwithstanding any other provision of this subsection,
17 for any week that begins after March 31, 1980, and with respect
18 to which an individual is receiving a governmental or other pen-
19 sion and claiming unemployment compensation, the weekly benefit
20 amount payable to the individual for those weeks shall be
21 reduced, but not below zero, by the entire prorated weekly amount
22 of any governmental or other pension, retirement or retired pay,
23 annuity, or any other similar payment that is based on any previ-
24 ous work of the individual. This reduction shall be made only if
25 it is required as a condition for full tax credit against the tax
26 imposed by the federal unemployment tax act, chapter 23 of

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1 subtitle C of the internal revenue code of 1986, 26 U.S.C. 3301
2 to 3311.

3 (6) For benefit years beginning after the conversion date
4 prescribed in section 75, notwithstanding any inconsistent provi-
5 sions of this act, the weekly benefit rate of each individual who
6 is receiving or will receive a retirement benefit, as defined in
7 subdivision (4), shall be adjusted as provided in
8 subparagraphs (a), (b), and (c). However, an individual's
9 extended benefit account and an individual's weekly extended ben-
10 efit rate under section 64 shall be established without reduction
11 under this subsection, unless subdivision (5) is in effect.
12 Except as otherwise provided in this subsection, all the other
13 provisions of this act shall continue to be applicable in connec-
14 tion with the benefit claims of those retired persons.

15 (a) If any base period or chargeable employer has contrib-
16 uted to the financing of a retirement plan under which the claim-
17 ant is receiving or will receive a retirement benefit yielding a
18 pro rata weekly amount equal to or larger than the claimant's
19 weekly benefit rate as otherwise established under this act, the
20 claimant shall not receive unemployment benefits.

21 (b) If any base period employer or chargeable employer has
22 contributed to the financing of a retirement plan under which the
23 claimant is receiving or will receive a retirement benefit yield-
24 ing a pro rata weekly amount less than the claimant's weekly ben-
25 efit rate as otherwise established under this act, then the
26 weekly benefit rate otherwise payable to the claimant shall be
27 reduced by an amount equal to the pro rata weekly amount,

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1 adjusted to the next lower multiple of \$1.00, which the claimant
2 is receiving or will receive as a retirement benefit.

3 (c) If no base period or separating employer has contributed
4 to the financing of a retirement plan under which the claimant is
5 receiving or will receive a retirement benefit, then the weekly
6 benefit rate of the claimant as otherwise established under this
7 act shall not be reduced due to receipt of a retirement benefit.

8 (g) Notwithstanding any other provision of this act, an
9 individual pursuing vocational training or retraining pursuant to
10 section 28(2) who has exhausted all benefits available under sub-
11 section (d) may be paid for each week of approved vocational
12 training pursued beyond the date of exhaustion a benefit amount
13 in accordance with subsection (c), but not in excess of the
14 individual's most recent weekly benefit rate. However, an indi-
15 vidual shall not be paid training benefits totaling more than 18
16 times the individual's most recent weekly benefit rate. The
17 expiration or termination of a benefit year shall not stop or
18 interrupt payment of training benefits if the training for which
19 the benefits were granted began before expiration or termination
20 of the benefit year.

21 (h) A payment of accrued unemployment benefits shall not be
22 made to an eligible individual or in behalf of that individual as
23 provided in subsection (e) more than 6 years after the ending
24 date of the benefit year covering the payment or 2 calendar years
25 after the calendar year in which there is final disposition of a
26 contested case, whichever is later.

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1 (i) Benefits based on service in employment described in
2 section 42(8), (9), and (10) are payable in the same amount, on
3 the same terms, and subject to the same conditions as compensa-
4 tion payable on the basis of other service subject to this act,
5 except that:

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

24 (2) With respect to service performed in other than an
25 instructional, research, or principal administrative capacity for
26 an institution of higher education as defined in section 53(2) or
27 for an educational institution other than an institution of

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1 higher education as defined in section 53(3), benefits shall not
2 be paid based on those services for any week of unemployment
3 beginning after December 31, 1977 that commences during the
4 period between 2 successive academic years or terms to any indi-
5 vidual if that individual performs the service in the first of
6 the academic years or terms and if there is a reasonable assur-
7 ance that the individual will perform the service for an institu-
8 tion of higher education or an educational institution other than
9 an institution of higher education in the second of the academic
10 years or terms.

11 (3) With respect to any service described in subdivision (1)
12 or (2), benefits shall not be paid to an individual based upon
13 service for any week of unemployment that commences during an
14 established and customary vacation period or holiday recess if
15 the individual performs the service in the period immediately
16 before the vacation period or holiday recess and there is a con-
17 tract or reasonable assurance that the individual will perform
18 the service in the period immediately following the vacation
19 period or holiday recess.

20 (4) If benefits are denied to an individual for any week
21 solely as a result of subdivision (2) and the individual was not
22 offered an opportunity to perform in the second academic year or
23 term the service for which reasonable assurance had been given,
24 the individual is entitled to a retroactive payment of benefits
25 for each week for which the individual had previously filed a
26 timely claim for benefits. An individual entitled to benefits

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1 under this subdivision may apply for those benefits by mail in
2 accordance with R 421.210 as promulgated by the commission.

3 ~~(5) The amendments to subdivision (2) made by Act No. 219~~
4 ~~of the Public Acts of 1983 apply to all claims for unemployment~~
5 ~~compensation that are filed on and after October 31, 1983.~~
6 ~~However, the amendments are retroactive to September 5, 1982 only~~
7 ~~if, as a condition for full tax credit against the tax imposed by~~
8 ~~the federal unemployment tax act, chapter 23 of subtitle C of the~~
9 ~~internal revenue code of 1986, 26 U.S.C. 3301 to 3311, the United~~
10 ~~States secretary of labor determines that retroactivity is~~
11 ~~required by federal law.~~

12 (5) ~~-(6) Notwithstanding subdivision (2), on and after April~~
13 ~~1, 1984 benefits~~ BENEFITS based upon services in other than an
14 instructional, research, or principal administrative capacity for
15 an institution of higher education shall not be denied for any
16 week of unemployment commencing during the period between 2 suc-
17 cessive academic years or terms solely because the individual had
18 performed the service in the first of the academic years or terms
19 and there is reasonable assurance that the individual will per-
20 form the service for an institution of higher education or an
21 educational institution other than an institution of higher edu-
22 cation in the second of the academic years or terms, unless a
23 denial is required as a condition for full tax credit against the
24 tax imposed by the federal unemployment tax act, chapter 23 of
25 subtitle C of the internal revenue code of 1986, 26 U.S.C. 3301
26 to 3311.

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1 (6) ~~—(7)—~~ For benefit years established before the
2 conversion date prescribed in section 75, and notwithstanding
3 subdivisions (1), (2), and (3), the denial of benefits does not
4 prevent an individual from completing requalifying weeks in
5 accordance with section 29(3) nor does the denial prevent an
6 individual from receiving benefits based on service with an
7 employer other than an educational institution for any week of
8 unemployment occurring between academic years or terms, whether
9 or not successive, or during an established and customary vaca-
10 tion period or holiday recess, even though the employer is not
11 the most recent chargeable employer in the individual's base
12 period. However, in that case section 20(b) applies to the
13 sequence of benefit charging, except for the employment with the
14 educational institution, and section 50(b) applies to the calcu-
15 lation of credit weeks. When a denial of benefits under subdivi-
16 sion (1) no longer applies, benefits shall be charged in accord-
17 ance with the normal sequence of charging as provided in section
18 20(b).

19 (7) ~~—(8)—~~ For benefit years beginning after the conversion
20 date prescribed in section 75, and notwithstanding subdivisions
21 (1), (2), and (3), the denial of benefits shall not prevent an
22 individual from completing requalifying weeks in accordance with
23 section 29(3) nor shall the denial prevent an individual from
24 receiving benefits based on service with another base period
25 employer other than an educational institution for any week of
26 unemployment occurring between academic years or terms, whether
27 or not successive, or during an established and customary

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1 vacation period or holiday recess. However, when benefits are
2 paid based on service with 1 or more base period employers other
3 than an educational institution, the individual's weekly benefit
4 rate shall be calculated in accordance with subsection (b)(1) but
5 during the denial period the individual's weekly benefit payment
6 shall be reduced by the portion of the payment attributable to
7 base period wages paid by an educational institution and the
8 account or experience account of the educational institution
9 shall not be charged for benefits payable to the individual.
10 When a denial of benefits under subdivision (1) is no longer
11 applicable, benefits shall be paid and charged on the basis of
12 base period wages with each of the base period employers includ-
13 ing the educational institution.

14 (8) ~~-(9)-~~ For the purposes of this subsection, "academic
15 year" means that period, as defined by the educational institu-
16 tion, when classes are in session for that length of time
17 required for students to receive sufficient instruction or earn
18 sufficient credit to complete academic requirements for a partic-
19 ular grade level or to complete instruction in a noncredit
20 course.

21 (9) ~~-(10)- Benefits-~~ IN ACCORDANCE WITH SUBDIVISIONS (1),
22 (2), AND (3), BENEFITS FOR ANY WEEK OF UNEMPLOYMENT shall be
23 denied ~~-, as provided in subdivisions (1), (2), and (3), for any~~
24 ~~week of unemployment beginning on and after April 1, 1984,~~ to an
25 individual who performed ~~those~~ services DESCRIBED IN
26 SUBDIVISION (1), (2), OR (3) in an educational institution while
27 in the employ of an educational service agency. For the purpose

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1 of this subdivision, "educational service agency" means a
2 governmental agency or governmental entity that is established
3 and operated exclusively for the purpose of providing the serv-
4 ices to 1 or more educational institutions.

5 (j) ~~For weeks of unemployment beginning after December 31,~~
6 ~~1977, benefits~~ BENEFITS shall not be paid to an individual on
7 the basis of any base period services, substantially all of which
8 consist of participating in sports or athletic events or training
9 or preparing to ~~so~~ participate, for a week that commences
10 during the period between 2 successive sport seasons or similar
11 periods if the individual performed the services in the first of
12 the seasons or similar periods and there is a reasonable assur-
13 ance that the individual will perform the services in the later
14 of the seasons or similar periods.

15 (k)(1) ~~For weeks of unemployment beginning after~~
16 ~~December 31, 1977, benefits~~ BENEFITS shall not be payable on the
17 basis of services performed by an alien unless the alien is an
18 individual who was lawfully admitted for permanent residence at
19 the time the services were performed, was lawfully present for
20 the purpose of performing the services, or was permanently resid-
21 ing in the United States under color of law at the time the serv-
22 ices were performed, including an alien who was lawfully present
23 in the United States under ~~section 203(a)(7) or~~ section
24 212(d)(5) of the immigration and nationality act, CHAPTER 477, 66
25 STAT. 182, 8 U.S.C. ~~1153 and~~ 1182.

26 (2) Any data or information required of individuals applying
27 for benefits to determine whether benefits are payable because of

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1 their alien status are uniformly required from all applicants for
2 benefits.

3 (3) Where an individual whose application for benefits would
4 otherwise be approved, a determination that benefits to that
5 individual are not payable because of the individual's alien
6 status shall not be made except upon a preponderance of the
7 evidence.

8 (m)(1) An individual filing a new claim for unemployment
9 compensation under this act, ~~after September 30, 1982,~~ at the
10 time of filing the claim, shall disclose whether the individual
11 owes child support obligations as defined in this subsection. If
12 an individual discloses that he or she owes child support obliga-
13 tions and is determined to be eligible for unemployment compensa-
14 tion, the commission shall notify the state or local child sup-
15 port enforcement agency enforcing the obligation that the indi-
16 vidual has been determined to be eligible for unemployment
17 compensation.

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

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

24 (b) The amount, if any, determined pursuant to an agreement
25 submitted to the commission under section 454(19)(B)(i) of part D
26 of title IV of the social security act, ~~chapter 531, 49~~

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1 ~~Stat. 620,~~ 42 U.S.C. 654, by the state or local child support
2 enforcement agency.

3 (c) Any amount otherwise required to be ~~so~~ deducted and
4 withheld from unemployment compensation pursuant to legal pro-
5 cess, as that term is defined in section 462(e) of part D of
6 title IV of the social security act, ~~chapter 531, 49 Stat. 620,~~
7 42 U.S.C. 662, properly served upon the commission.

8 (3) The amount of unemployment compensation subject to
9 deduction under subdivision (2) is that portion that remains pay-
10 able to the individual after application of the recoupment provi-
11 sions of section 62(a) and the reduction provisions of
12 subsections (c) and (f).

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

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

21 (6) This subsection applies only if the state or local child
22 support enforcement agency agrees in writing to reimburse and
23 does reimburse the commission for the administrative costs
24 incurred by the commission under this subsection that are attrib-
25 utable to child support obligations being enforced by the state
26 or local child support enforcement agency. The administrative
27 costs incurred shall be determined by the commission. The

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1 commission, in its discretion, may require payment of
2 administrative costs in advance.

3 (7) As used in this subsection:

4 (a) "Unemployment compensation", for purposes of
5 subdivisions (1) through (5), means any compensation payable
6 under this act, including amounts payable by the commission pur-
7 suant to an agreement under any federal law providing for compen-
8 sation, assistance, or allowances with respect to unemployment.

9 (b) "Child support obligations" includes only obligations
10 that are being enforced pursuant to a plan described in
11 section 454 of part D of title IV of the social security act,
12 ~~chapter 531, 49 Stat. 620,~~ 42 U.S.C. 654, that has been
13 approved by the secretary of health and human services under
14 part D of title IV of the social security act, chapter 531, 49
15 Stat. 620, 42 U.S.C. 651 to ~~669~~ 655, 656 TO 660, AND 663 TO
16 669b.

17 (c) "State or local child support enforcement agency" means
18 any agency of this state or a political subdivision of this state
19 operating pursuant to a plan described in subparagraph (b).

20 (n) Subsection (i)(2) applies to services performed by
21 school bus drivers employed by a private contributing employer
22 holding a contractual relationship with an educational institu-
23 tion, but only if at least 75% of the individual's base period
24 wages with that employer are attributable to services performed
25 as a school bus driver.

26 (o)(1) For weeks of unemployment beginning after July 1,
27 1996, unemployment benefits based on services by a seasonal

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1 worker performed in seasonal employment shall be payable only for
2 weeks of unemployment that occur during the normal seasonal work
3 period. Benefits shall not be paid based on services performed
4 in seasonal employment for any week of unemployment beginning
5 after ~~the effective date of this subdivision~~ MARCH 28, 1996
6 that begins during the period between 2 successive normal sea-
7 sonal work periods to any individual if that individual performs
8 the service in the first of the normal seasonal work periods and
9 if there is a reasonable assurance that the individual will per-
10 form the service for a seasonal employer in the second of the
11 normal seasonal work periods. If benefits are denied to an indi-
12 vidual for any week solely as a result of this subsection and the
13 individual is not offered an opportunity to perform in the second
14 normal seasonal work period for which reasonable assurance of
15 employment had been given, the individual is entitled to a retro-
16 active payment of benefits under this subsection for each week
17 that the individual previously filed a timely claim for
18 benefits. An individual may apply for any retroactive benefits
19 under this subsection in accordance with R 421.210 of the
20 Michigan administrative code.

21 (2) Not less than 20 days before the estimated beginning
22 date of a normal seasonal work period, an employer may apply to
23 the commission in writing for designation as a seasonal
24 employer. At the time of application, the employer shall con-
25 spicuously display a copy of the application on the employer's
26 premises. Within 90 days after receipt of the application, the
27 commission shall determine if the employer is a seasonal

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1 employer. A determination or redetermination of the commission
2 concerning the status of an employer as a seasonal employer, or a
3 decision of a referee or the board of review, or of the courts of
4 this state concerning the status of an employer as a seasonal
5 employer, which has become final, together with the record there-
6 of, may be introduced in any proceeding involving a claim for
7 benefits, and the facts found and decision issued in the determi-
8 nation, redetermination, or decision shall be conclusive unless
9 substantial evidence to the contrary is introduced by or on
10 behalf of the claimant.

11 (3) If the employer is determined to be a seasonal employer,
12 the employer shall conspicuously display on its premises a notice
13 of the determination and the beginning and ending dates of the
14 employer's normal seasonal work periods. The notice shall be
15 furnished by the commission. The notice shall additionally spec-
16 ify that an employee must timely apply for unemployment benefits
17 at the end of a first seasonal work period to preserve his or her
18 right to receive retroactive unemployment benefits in the event
19 that he or she is not reemployed by the seasonal employer in the
20 second of the normal seasonal work periods.

21 (4) The commission may issue a determination terminating an
22 employer's status as a seasonal employer on the commission's own
23 motion for good cause, or upon the written request of the
24 employer. A termination determination under this subdivision
25 terminates an employer's status as a seasonal employer, and shall
26 become effective on the beginning date of the normal seasonal
27 work period that would have immediately followed the date the

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1 commission issues the determination. A determination under this
2 subdivision is subject to review in the same manner and to the
3 same extent as any other determination under this act.

4 (5) An employer whose status as a seasonal employer is ter-
5 minated under subdivision (4) may not reapply for a seasonal
6 employer status determination until after a regularly recurring
7 normal seasonal work period has begun and ended.

8 (6) If a seasonal employer informs an employee who received
9 assurance of being rehired that, despite the assurance, the
10 employee will not be rehired at the beginning of the employer's
11 next normal seasonal work period, this subsection shall not pre-
12 vent the employee from receiving unemployment benefits in the
13 same manner and to the same extent he or she would receive bene-
14 fits under this act from an employer who has not been determined
15 to be a seasonal employer.

16 (7) A successor of a seasonal employer is considered to be a
17 seasonal employer unless the successor provides the commission,
18 within 120 days after the transfer, with a written request for
19 termination of its status as a seasonal employer in accordance
20 with subdivision (4).

21 (8) At the time an employee is hired by a seasonal employer,
22 the employer shall notify the employee in writing whether the
23 employee will be a seasonal worker. The employer shall provide
24 the worker with written notice of any subsequent change in the
25 employee's status as a seasonal worker. If an employee of a sea-
26 sonal employer is denied benefits because that employee is a

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1 seasonal worker, the employee may contest that designation in
2 accordance with section 32a.

3 (9) As used in this subsection:

4 (a) "Construction industry" means the work activity desig-
5 nated in ~~major groups 15, 16, and 17 of the standard industrial~~
6 ~~classification manual, United States office of management and~~
7 ~~budget, 1987 edition~~ SECTOR GROUP 23 -- CONSTRUCTION OF THE
8 NORTH AMERICAN CLASSIFICATION SYSTEM -- UNITED STATES OFFICE OF
9 MANAGEMENT AND BUDGET, 1997 EDITION.

10 (b) "Normal seasonal work period" means that period or those
11 periods of time determined pursuant to rules promulgated by the
12 commission during which an individual is employed in seasonal
13 employment.

14 (c) "Seasonal employment" means the employment of 1 or more
15 individuals primarily hired to perform services in an industry,
16 other than the construction industry, that does either of the
17 following:

18 (1) Customarily operates during regularly recurring periods
19 of 26 weeks or less in any 52-consecutive-week period.

20 (2) Customarily employs at least 50% of its employees for
21 regularly recurring periods of 26 weeks or less within a period
22 of 52 consecutive weeks.

23 (d) "Seasonal employer" means an employer, other than an
24 employer in the construction industry, who applies to the commis-
25 sion for designation as a seasonal employer and who the commis-
26 sion determines to be an employer whose operations and business
27 are substantially engaged in seasonal employment.

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1 (e) "Seasonal worker" means a worker who has been paid wages
2 by a seasonal employer for work performed only during the normal
3 seasonal work period.

4 (10) If this subsection is found by the United States
5 department of labor to be contrary to the federal unemployment
6 tax act, chapter 23 of the internal revenue code of 1986, 26
7 U.S.C. 3301 to 3311, or the social security act, chapter 531, 49
8 Stat. 620, and if conformity with the federal law is required as
9 a condition for full tax credit against the tax imposed under the
10 federal unemployment tax act or as a condition for receipt by the
11 commission of federal administrative grant funds under the social
12 security act, this subsection shall be invalid.

13 (p) Benefits shall not be paid to an individual based upon
14 his or her services as a school crossing guard for any week of
15 unemployment that begins between 2 successive academic years or
16 terms, if that individual performs the services of a school
17 crossing guard in the first of the academic years or terms and
18 has a reasonable assurance that he or she will perform those
19 services in the second of the academic years or terms.

20 Sec. 29. (1) An individual is disqualified from receiving
21 benefits if he or she:

22 (a) Left work voluntarily without good cause attributable to
23 the employer or employing unit. AN INDIVIDUAL WHO LEFT WORK IS
24 PRESUMED TO HAVE LEFT WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIB-
25 UTABLE TO THE EMPLOYER OR EMPLOYING UNIT. AN INDIVIDUAL CLAIMING
26 BENEFITS UNDER THIS ACT HAS THE BURDEN OF PROOF TO ESTABLISH THAT
27 HE OR SHE LEFT WORK INVOLUNTARILY OR FOR GOOD CAUSE THAT WAS

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1 ATTRIBUTABLE TO THE EMPLOYER OR EMPLOYING UNIT. However, if the
2 individual has an established benefit year in effect and during
3 that benefit year leaves unsuitable work within 60 days after the
4 beginning of that work, the leaving does not disqualify the
5 individual.

6 (b) Was SUSPENDED OR discharged for misconduct connected
7 with the individual's work or for intoxication while at work.
8 ~~unless the discharge was subsequently reduced to a disciplinary~~
9 ~~layoff or suspension.~~

10 (c) Failed without good cause to apply for available suit-
11 able work after receiving from the employment office or the com-
12 mission notice of the availability of that work.

13 (d) Failed without good cause while unemployed to report to
14 the individual's former employer or employing unit within a rea-
15 sonable time after that employer or employing unit provided
16 notice of the availability of an interview concerning available
17 suitable work with the former employer or employing unit.

18 (e) Failed without good cause to accept suitable work
19 offered to the individual or to return to the individual's cus-
20 tomary self-employment, if any, when directed by the employment
21 office or the commission. AN EMPLOYER THAT RECEIVES A MONETARY
22 DETERMINATION UNDER SECTION 32 MAY NOTIFY THE UNEMPLOYMENT AGENCY
23 REGARDING THE AVAILABILITY OF SUITABLE WORK WITH THE EMPLOYER ON
24 THE MONETARY DETERMINATION OR OTHER FORM PROVIDED BY THE UNEM-
25 PLOYMENT AGENCY. UPON RECEIPT OF THE NOTICE OF THE AVAILABILITY
26 OF SUITABLE WORK, THE UNEMPLOYMENT AGENCY SHALL NOTIFY THE
27 CLAIMANT OF THE AVAILABILITY OF SUITABLE WORK. THE UNEMPLOYMENT

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1 AGENCY SHALL CONSIDER THE AVAILABILITY OF SUITABLE WORK BEFORE
2 CONTINUING BENEFITS TO THE CLAIMANT.

3 (f) Lost his or her job due to absence from work resulting
4 from a violation of law for which the individual was convicted
5 and sentenced to jail or prison. This subdivision does not apply
6 if conviction of an individual results in a sentence to county
7 jail under conditions of day parole as provided in ~~Act No. 60 of~~
8 ~~the Public Acts of 1962, being sections 801.251 to 801.258 of the~~
9 ~~Michigan Compiled Laws~~ 1962 PA 60, MCL 801.251 TO 801.258, or if
10 the conviction was for a traffic violation that resulted in an
11 absence of less than 10 consecutive work days from the
12 individual's place of employment.

13 (g) Is discharged, whether or not the discharge is subse-
14 quently reduced to a disciplinary layoff or suspension, for par-
15 ticipation in either of the following:

16 (i) A strike or other concerted action in violation of an
17 applicable collective bargaining agreement that results in cur-
18 tailment of work or restriction of or interference with
19 production.

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

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

24 (i) Was discharged for theft connected with the individual's
25 work.

26 (j) Was discharged for willful destruction of property
27 connected with the individual's work.

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1 (k) Committed a theft after receiving notice of a layoff or
2 discharge, but before the effective date of the layoff or dis-
3 charge, resulting in loss or damage to the employer who would
4 otherwise be chargeable for the benefits, regardless of whether
5 the individual qualified for the benefits before the theft.

6 (l) 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.

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1 (m) Was discharged for (i) Illegally ingesting, injecting,
2 inhaling, or possessing a controlled substance on the premises of
3 the employer, (ii) Refusing to submit to a drug test that was
4 required to be administered in a nondiscriminatory manner, or
5 (iii) Testing positive on a drug test, if the test was adminis-
6 tered in a nondiscriminatory manner. If the worker disputes the
7 result of the testing, a generally accepted confirmatory test
8 shall be administered and shall also indicate a positive result
9 for the presence of a controlled substance before a disqualifica-
10 tion of the worker under this subdivision. As used in this
11 subdivision:

12 (A) "Controlled substance" means that term as defined in
13 section 7104 of the public health code, ~~Act No. 368 of the~~
14 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~
15 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

16 (B) "Drug test" means a test designed to detect the illegal
17 use of a controlled substance.

18 (C) "Nondiscriminatory manner" means administered impar-
19 tially and objectively in accordance with a collective bargaining
20 agreement, rule, policy, a verbal or written notice, or a
21 labor-management contract.

22 (n) Has an income exceeding \$100,000.00 for the calendar
23 year in which he or she applies for benefits. This subdivision
24 shall not take effect unless both of the following occur:

25 (i) Within 30 days ~~of the effective date of the act that~~
26 ~~added subdivision (l)~~ AFTER MARCH 26, 1996, the governor
27 requests from the United States department of labor a

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1 determination confirming whether this subdivision is in
2 conformity with the federal unemployment tax act, chapter 23 —,
3 of SUBTITLE C OF the internal revenue code of 1986, 26
4 U.S.C. 3301 to 3311, and the social security act, CHAPTER 531, 49
5 Stat. 620, and whether conformity with those federal acts is a
6 condition for a full tax credit against the tax imposed under the
7 federal unemployment tax act, ~~—(FUTA)—~~ CHAPTER 23 OF SUBTITLE C
8 OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3301 TO 3311, or
9 is a condition for state receipt of federal administrative grant
10 funds under the social security act, CHAPTER 531, 49 STAT. 620.

11 (ii) The United States department of labor determines that
12 this subdivision is in conformity with the acts described in sub-
13 paragraph (i), or verifies that conformity with those federal
14 acts is not a condition for a tax credit or a grant described in
15 subparagraph (i).

16 (2) A disqualification under subsection (1) begins the week
17 in which the act or discharge that caused the disqualification
18 occurs and continues until the disqualified individual requali-
19 fies under subsection (3), except that for benefit years begin-
20 ning before the conversion date prescribed in section 75, the
21 disqualification does not prevent the payment of benefits if
22 there are credit weeks, other than multiemployer credit weeks,
23 after the most recent disqualifying act or discharge.

24 (3) After the week in which the disqualifying act or dis-
25 charge described in subsection (1) occurs, an individual who
26 seeks to requalify for benefits is subject to all of the
27 following:

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1 (a) For benefit years established before the conversion date
2 described in section 75, the individual shall complete 6 requali-
3 fying weeks if he or she was disqualified under
4 subsection (1)(c), (d), (e), (f), (g), or (l), or 13 requalifying
5 weeks if he or she was disqualified under subsection (1)(h), (i),
6 (j), (k), or (m). A requalifying week required under this sub-
7 section shall be each week in which the individual does any of
8 the following:

9 (i) Earns or receives remuneration in an amount at least
10 equal to an amount needed to earn a credit week, as that term is
11 defined in section 50.

12 (ii) Otherwise meets all of the requirements of this act to
13 receive a benefit payment if the individual were not disqualified
14 under subsection (1).

15 (iii) Receives a benefit payment based on credit weeks sub-
16 sequent to the disqualifying act or discharge.

17 (b) For benefit years established before the conversion date
18 prescribed in section 75, if the individual is disqualified under
19 subsection (1)(a) or (b), he or she shall requalify, after the
20 week in which the disqualifying discharge occurred by earning in
21 employment for an employer liable under this act or the unemploy-
22 ment compensation act of another state an amount equal to, or in
23 excess of, 7 times the individual's potential weekly benefit
24 rate, calculated on the basis of employment with the employer
25 involved in the disqualification, or by earning in employment for
26 an employer liable under this act or the unemployment
27 compensation act of another state an amount equal to, or in

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1 excess of, 40 times the state minimum hourly wage times 7,
2 whichever is the lesser amount.

3 (c) For benefit years established before the conversion date
4 prescribed in section 75, a benefit payable to an individual dis-
5 qualified under subsection (1)(a) or (b), shall be charged to the
6 nonchargeable benefits account, and not to the account of the
7 employer with whom the individual was involved in the
8 disqualification.

9 (d) For benefit years beginning after the conversion date
10 prescribed in section 75, subsequent to the week in which the
11 disqualifying act or discharge occurred, an individual shall com-
12 plete ~~6~~ 13 requalifying weeks if he or she was disqualified
13 under subsection (1)(c), (d), (e), (f), (g), or (l), or ~~13~~ 26
14 requalifying weeks if he or she was disqualified under
15 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
16 required under this subsection shall be each week in which the
17 individual does any of the following:

18 (i) Earns or receives remuneration in an amount equal to at
19 least 1/13 of the minimum amount needed in a calendar quarter of
20 the base period for an individual to qualify for benefits,
21 rounded down to the nearest whole dollar.

22 (ii) Otherwise meets all of the requirements of this act to
23 receive a benefit payment if the individual were not disqualified
24 under subsection (1).

25 (e) For benefit years beginning after the conversion date
26 prescribed in section 75, if the individual is disqualified under
27 subsection (1)(a), ~~or (b)~~, he or she shall requalify, after the

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1 week in which the disqualifying act or discharge occurred by
2 earning in employment for an employer liable under this act or
3 the unemployment compensation law of another state at least ~~the~~
4 ~~lesser of the following: (i) Seven~~ 12 times the individual's
5 weekly benefit rate.

6 ~~(ii) Forty times the state minimum hourly wage times 7.~~

7 (F) FOR BENEFIT YEARS BEGINNING AFTER THE CONVERSION DATE
8 PRESCRIBED IN SECTION 75, IF THE INDIVIDUAL IS DISQUALIFIED UNDER
9 SUBSECTION (1)(B), HE OR SHE SHALL REQUALIFY, AFTER THE WEEK IN
10 WHICH THE DISQUALIFYING ACT OR DISCHARGE OCCURRED BY EARNING IN
11 EMPLOYMENT FOR AN EMPLOYER LIABLE UNDER THIS ACT OR THE UNEMPLOY-
12 MENT COMPENSATION LAW OF ANOTHER STATE AT LEAST 17 TIMES THE
13 INDIVIDUAL'S WEEKLY BENEFIT RATE.

14 (G) ~~(f)~~ A benefit payable to the individual disqualified
15 or separated under disqualifying circumstances under
16 subsection (1)(a) or (b), shall be charged to the nonchargeable
17 benefits account, and not to the account of the employer with
18 whom the individual was involved in the separation. Benefits
19 payable to an individual determined by the commission to be sepa-
20 rated under disqualifying circumstances shall not be charged to
21 the account of the employer involved in the disqualification for
22 any period after the employer notifies the commission of the
23 claimant's possible ineligibility or disqualification. If a dis-
24 qualifying act or discharge occurs during the individual's bene-
25 fit year, any benefits that may become payable to the individual
26 in a later benefit year based on employment with the employer

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1 involved in the disqualification shall be charged to the
2 nonchargeable benefits account.

3 (4) The maximum amount of benefits otherwise available under
4 section 27(d) to an individual disqualified under subsection (1)
5 is subject to all of the following conditions:

6 (a) For benefit years established before the conversion date
7 prescribed in section 75, if the individual is disqualified under
8 subsection (1)(c), (d), (e), (f), (g), or (l) and the maximum
9 amount of benefits is based on wages and credit weeks earned from
10 an employer before an act or discharge involving that employer,
11 the amount shall be reduced by an amount equal to the
12 individual's weekly benefit rate as to that employer multiplied
13 by the lesser of either of the following:

14 (i) The number of requalifying weeks required of the indi-
15 vidual under this section.

16 (ii) The number of weeks of benefit entitlement remaining
17 with that employer.

18 (b) If the individual has insufficient or no potential bene-
19 fit entitlement remaining with the employer involved in the dis-
20 qualification in the benefit year in existence on the date of the
21 disqualifying determination, a reduction of benefits described in
22 this subsection shall apply in a succeeding benefit year with
23 respect to any benefit entitlement based upon credit weeks earned
24 with the employer before the disqualifying act or discharge.

25 (c) For benefit years established before the conversion date
26 prescribed in section 75, an individual disqualified under
27 subsection (1)(h), (i), (j), (k), or (m) is not entitled to

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1 benefits based on wages and credit weeks earned before the
2 disqualifying act or discharge with the employer involved in the
3 disqualification.

4 (d) The benefit entitlement of an individual disqualified
5 under subsection (1)(a) or (b) is not subject to reduction as a
6 result of that disqualification.

7 (e) A denial or reduction of benefits under this subsection
8 does not apply to benefits based upon multiemployer credit
9 weeks.

10 (f) For benefit years established after the conversion date
11 prescribed in section 75, if the individual is disqualified under
12 subsection (1)(c), (d), (e), (f), (g), or (l), the maximum number
13 of weeks otherwise applicable in calculating benefits for the
14 individual under section 27(d) shall be reduced by the lesser of
15 the following:

16 (i) The number of requalifying weeks required of the indi-
17 vidual under this subsection.

18 (ii) The number of weeks of benefit entitlement remaining on
19 the claim.

20 (g) For benefit years beginning after the conversion date
21 prescribed in section 75, the benefits of an individual disquali-
22 fied under subsection (1)(h), (i), (j), (k), or (m) shall be
23 reduced by 13 weeks and any weekly benefit payments made to the
24 claimant thereafter shall be reduced by the portion of the pay-
25 ment attributable to base period wages paid by the base period
26 employer involved in a disqualification under subsection (1)(h),
27 (i), (j), (k), or (m).

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1 (5) If an individual leaves work to accept permanent
2 full-time work with another employer and performs services for
3 that employer, or if an individual leaves work to accept a recall
4 from a former employer:

5 (a) Subsection (1) does not apply.

6 (b) Wages earned with the employer whom the individual last
7 left, including wages previously transferred under this subsec-
8 tion to the last employer, for the purpose of computing and
9 charging benefits, are wages earned from the employer with whom
10 the individual accepted work or recall, and benefits paid based
11 upon those wages shall be charged to that employer.

12 (c) When issuing a determination covering the period of
13 employment with a new or former employer described in this sub-
14 section, the commission shall advise the chargeable employer of
15 the name and address of the other employer, the period covered by
16 the employment, and the extent of the benefits that may be
17 charged to the account of the chargeable employer.

18 (6) In determining whether work is suitable for an individu-
19 al, the commission shall consider the degree of risk involved to
20 the individual's health, safety, and morals, the individual's
21 physical fitness and prior training, the individual's length of
22 unemployment and prospects for securing local work in the
23 individual's customary occupation, and the distance of the avail-
24 able work from the individual's residence. Additionally, the
25 commission shall consider the individual's experience and prior
26 earnings, ~~subject to the following limitation:~~

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1 ~~(a) An~~ BUT AN UNEMPLOYED individual ~~unemployed for 1 to 12~~
2 ~~weeks~~ who refuses an offer of work determined to be suitable
3 under this section shall be denied benefits if the pay rate for
4 that work is at least ~~80%~~ 70% of the gross pay rate he or she
5 received immediately before becoming unemployed.

6 ~~(b) An individual unemployed for 13 to 20 weeks who refuses~~
7 ~~an offer of work determined to be suitable under this section~~
8 ~~shall be denied benefits if the pay rate for that work is at~~
9 ~~least 75% of the gross pay rate he or she received immediately~~
10 ~~before becoming unemployed.~~

11 ~~(c) An individual unemployed for more than 20 weeks who~~
12 ~~refuses an offer of work determined to be suitable under this~~
13 ~~section shall be denied benefits if the pay rate for that work is~~
14 ~~at least 70% of the gross pay rate he or she received immediately~~
15 ~~before becoming unemployed.~~

16 (7) Work is not suitable and benefits shall not be denied
17 under this act to an otherwise eligible individual for refusing
18 to accept new work under any of the following conditions:

19 (a) If the position offered is vacant due directly to a
20 strike, lockout, or other labor dispute.

21 (b) If the remuneration, hours, or other conditions of the
22 work offered are substantially less favorable to the individual
23 than those prevailing for similar work in the locality.

24 (c) If as a condition of being employed, the individual
25 would be required to join a company union or to resign from or
26 refrain from joining a bona fide labor organization.

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1 (8) All of the following apply to an individual who seeks
2 benefits under this act:

3 (a) An individual is disqualified from receiving benefits
4 for a week in which the individual's total or partial unemploy-
5 ment is due to either of the following:

6 (i) A labor dispute in active progress at the place at which
7 the individual is or was last employed, or a shutdown or start-up
8 operation caused by that labor dispute.

9 (ii) A labor dispute, other than a lockout, in active
10 progress or a shutdown or start-up operation caused by that labor
11 dispute in any other establishment within the United States that
12 is both functionally integrated with the establishment described
13 in subparagraph (i) and operated by the same employing unit.

14 (b) An individual's disqualification imposed or imposable
15 under this subsection is terminated if the individual performs
16 services in employment with an employer in at least 2 consecutive
17 weeks falling wholly within the period of the individual's total
18 or partial unemployment due to the labor dispute, and in addition
19 earns wages in each of those weeks in an amount equal to or
20 greater than the individual's actual or potential weekly benefit
21 rate with respect to those weeks based on the individual's
22 employment with the employer involved in the labor dispute.

23 (c) An individual is not disqualified under this subsection
24 if the individual is not directly involved in the labor dispute.
25 An individual is not directly involved in a labor dispute unless
26 any of the following are established:

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

6 (ii) The individual is participating in, financing, or
7 directly interested in the labor dispute that causes the
8 individual's total or partial unemployment. The payment of regu-
9 lar union dues, in amounts and for purposes established before
10 the inception of the labor dispute, is not financing a labor dis-
11 pute within the meaning of this subparagraph.

12 (iii) At any time a labor dispute in the establishment or
13 department in which the individual was employed does not exist,
14 and the individual voluntarily stops working, other than at the
15 direction of the individual's employing unit, in sympathy with
16 employees in some other establishment or department in which a
17 labor dispute is in progress.

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

21 (d) As used in this subsection, "directly interested" shall
22 be construed and applied so as not to disqualify individuals
23 unemployed as a result of a labor dispute the resolution of which
24 may not reasonably be expected to affect their wages, hours, or
25 other conditions of employment, and to disqualify individuals
26 whose wages, hours, or conditions of employment may reasonably be
27 expected to be affected by the resolution of the labor dispute.

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1 A "reasonable expectation" of an effect on an individual's wages,
2 hours, or other conditions of employment exists, in the absence
3 of a substantial preponderance of evidence to the contrary, in
4 any of the following situations:

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

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

20 (iii) If a collective bargaining agreement covers both the
21 individual's grade or class of workers in the establishment in
22 which the individual is or was last employed and the workers in
23 another establishment of the same employing unit who are actively
24 participating in the labor dispute, and that collective bargain-
25 ing agreement is subject by its terms to modification, supplemen-
26 tation, or replacement, or has expired or been opened by mutual
27 consent at the time of the labor dispute.

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1 (e) In determining the scope of the grade or class of
2 workers, evidence of the following is relevant:

3 (i) Representation of the workers by the same national or
4 international organization or by local affiliates of that
5 national or international organization.

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

8 (iii) Whether the workers are or within the past 6 months
9 have been covered by a common master collective bargaining agree-
10 ment that sets forth all or any part of the terms and conditions
11 of the workers' employment, or by separate agreements that are or
12 have been bargained as a part of the same negotiations.

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

15 (v) Whether the resolution of those issues involved in the
16 labor dispute as to some of the workers could directly or indi-
17 rectly affect the advancement, negotiation, or settlement of the
18 same or similar issues in respect to the remaining workers.

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

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

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1 ~~—(9) Except for an individual disqualified under subsection~~
2 ~~(1)(g), or an individual whose disqualifying discharge under~~
3 ~~subsection (1)(b) is determined or redetermined to be a disci-~~
4 ~~plinary layoff or suspension, an individual is disqualified from~~
5 ~~receiving benefits for the duration of the individual's disci-~~
6 ~~plinary layoff or suspension if the individual becomes unemployed~~
7 ~~because of a disciplinary layoff or suspension based upon any of~~
8 ~~the following:~~

9 ~~(a) Misconduct directly or indirectly connected with work.~~

10 ~~(b) Participation in a strike or other concerted activity~~
11 ~~resulting in a curtailment of work or restriction of or interfer-~~
12 ~~ence with production contrary to an applicable collective bar-~~
13 ~~gaining agreement.~~

14 ~~(c) Participation in a wildcat strike or other concerted~~
15 ~~activity not authorized by the individual's recognized bargaining~~
16 ~~representative.~~

17 ~~(10) If a disqualifying discharge under subsection (1)(b) is~~
18 ~~determined or redetermined to be a suspension, the disqualifica-~~
19 ~~tion provided under subsection (9) applies from the date of the~~
20 ~~discharge.~~

21 ~~(9) —(11)~~ Notwithstanding subsections (1) to ~~—(10)~~ (8), if
22 the employing unit submits notice to the commission of possible
23 ineligibility or disqualification beyond the time limits pre-
24 scribed by commission rule, the notice shall not form the basis
25 of a determination of ineligibility or disqualification for a
26 claim period compensated before the receipt of the notice by the
27 commission.

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1 (10) ~~-(12)-~~ An individual is disqualified from receiving
2 benefits for any week or part of a week in which the individual
3 has received, is receiving, or is seeking unemployment benefits
4 under an unemployment compensation law of another state or of the
5 United States. If the appropriate agency of the other state or
6 of the United States finally determines that the individual is
7 not entitled to unemployment benefits, the disqualification
8 described in this subsection does not apply.

9 Sec. 32. (a) Claims for benefits shall be made ~~pursuant to~~
10 ~~regulations prescribed~~ by THE CLAIMANT TO the ~~commission~~
11 UNEMPLOYMENT AGENCY. The ~~commission~~ UNEMPLOYMENT AGENCY shall
12 designate representatives who ~~promptly~~ shall PROMPTLY examine
13 claims and make a determination on the facts. The ~~commission~~
14 UNEMPLOYMENT AGENCY may establish rules providing for the exami-
15 nation of claims, the determination of the validity of the
16 claims, and the amount and duration of benefits to be paid. The
17 claimant and other interested parties ~~promptly~~ shall be
18 PROMPTLY notified of the determination and the reasons for the
19 determination.

20 ~~-(b)-~~ (B)(1) For benefit years established before the con-
21 version date prescribed in section 75, the ~~commission~~
22 UNEMPLOYMENT AGENCY may prescribe regulations for notifying and
23 shall notify the employer, whose experience account may be
24 charged, and the employing unit where the claimant last worked
25 that the claimant has filed an application for benefits. The
26 notice shall require the employer and employing unit to furnish

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1 information to the ~~commission~~ UNEMPLOYMENT AGENCY necessary to
2 determine the claimant's benefit rights.

3 (2) Upon receipt of the employer's reports, the ~~commission~~
4 ~~promptly~~ UNEMPLOYMENT AGENCY shall PROMPTLY make a determination
5 based upon the available information. The claimant and the
6 employer, whose experience account may be charged pursuant to the
7 determination, ~~promptly~~ shall be PROMPTLY notified of the
8 determination. The notice shall show the name and account number
9 of the employer whose experience account may be charged pursuant
10 to the determination, the weekly benefit amount and the maximum
11 number of credit weeks against which the claimant may draw bene-
12 fits, and whether or not the claimant is eligible and qualified
13 to draw benefits. An employer may designate in writing to the
14 ~~commission~~ UNEMPLOYMENT AGENCY an individual or another
15 employer or an employing unit to receive any notice required to
16 be given by the ~~commission~~ UNEMPLOYMENT AGENCY to that employer
17 or to represent that employer in any proceeding before the
18 ~~commission~~ UNEMPLOYMENT AGENCY as provided in section 31.

19 (3) If an employer or employing unit fails to respond within
20 10 days after mailing of the request for information, the
21 ~~commission~~ UNEMPLOYMENT AGENCY shall make a determination upon
22 the available information. In the absence of a showing by the
23 employer satisfying the ~~commission~~ UNEMPLOYMENT AGENCY that the
24 employer reasonably could not submit the requested information,
25 the determination shall be final as to the noncomplying employer,
26 as to benefits paid before the week following the receipt of the
27 employer's reply, and chargeable against the employer's

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1 experience account as a result of the employer's late reply, and
2 the payments shall be considered to have been proper payments.
3 The ~~commission~~ UNEMPLOYMENT AGENCY may require an employer who
4 consistently fails to meet the ~~commission's~~ UNEMPLOYMENT
5 AGENCY'S requirements, as to submission of reports covering
6 employment of individuals, to provide the reports automatically
7 upon the separation of individuals from employment, in the manner
8 and within the time limits the ~~commission~~ UNEMPLOYMENT AGENCY
9 prescribes by regulation necessary to carry out this section. An
10 employer may be permitted to provide the reports automatically
11 upon separation of individuals from employment, in the manner and
12 within the time limits prescribed by the ~~commission~~
13 UNEMPLOYMENT AGENCY.

14 (4) After an application for benefits is filed, the
15 ~~commission's~~ UNEMPLOYMENT AGENCY'S determination shall include
16 only the most recent employer. Subsequently, as necessary, the
17 ~~commission~~ UNEMPLOYMENT AGENCY shall issue determinations cov-
18 ering other base period employers, individually in inverse order
19 to that in which the claimant earned his or her last credit week
20 with the employers.

21 (5) For benefit years established after the conversion date
22 prescribed in section 75, the ~~commission~~ UNEMPLOYMENT
23 COMMISSION shall mail to the claimant, to each base period
24 employer or employing unit, and to the separating employer or
25 employing unit, a monetary determination. The monetary determi-
26 nation shall notify each of these employers or employing units
27 that the claimant has filed an application for benefits and the

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1 amount the claimant reported as earned with the separating
2 employer or employing unit, and shall state the name of each
3 employer or employing unit in the base period and the name of the
4 separating employer or employing unit. The monetary determina-
5 tion shall also state the claimant's weekly benefit rate, the
6 amount of base period wages paid by each base period employer,
7 the maximum benefit amount that could be charged to each
8 employer's account or experience account, and the reason for sep-
9 aration reported by the claimant. The monetary determination
10 shall also state whether the claimant is monetarily eligible to
11 receive unemployment benefits. ~~NO~~ EXCEPT FOR SEPARATIONS UNDER
12 SECTION 29(1)(A), NO further reconsideration of a separation from
13 any base period employer will be made unless the base period
14 employer notifies the ~~commission~~ UNEMPLOYMENT AGENCY of a pos-
15 sible disqualifying separation in accordance with this
16 subsection. Benefits paid in accordance with the monetary deter-
17 mination shall be considered proper payments and shall not be
18 changed unless the ~~commission~~ UNEMPLOYMENT AGENCY receives new,
19 corrected, or additional information from the employer, within 10
20 calendar days after the mailing of the monetary determination,
21 and the information results in a change in the monetary
22 determination. New, additional, or corrected information
23 received by the ~~commission~~ UNEMPLOYMENT AGENCY after the 10-day
24 period shall be considered a request for reconsideration by the
25 employer of the monetary determination and shall be reviewed as
26 provided in section 32a.

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1 (6) For the purpose of determining a claimant's nonmonetary
2 eligibility and qualification for benefits, if the claimant's
3 most recent base period or benefit year separation was for a
4 reason other than the lack of work, then a determination shall be
5 issued concerning that separation to the claimant and to the sep-
6 arating employer. If a claimant is not disqualified based on his
7 or her most recent separation from employment and has satisfied
8 the requirements of section 29, the ~~commission~~ UNEMPLOYMENT
9 AGENCY shall issue a nonmonetary determination as to that separa-
10 tion only. If a claimant is not disqualified based on his or her
11 most recent separation from employment and has not satisfied the
12 requirements of section 29, the ~~commission~~ UNEMPLOYMENT AGENCY
13 shall issue 1 or more nonmonetary determinations necessary to
14 establish the claimant's qualification for benefits based on any
15 prior separation in inverse chronological order. The
16 ~~commission~~ UNEMPLOYMENT AGENCY shall consider all base period
17 separations involving disqualifications under section 29(1)(h),
18 (j), (l), or (m) in determining a claimant's nonmonetary eligi-
19 bility and qualification for benefits. An employer may designate
20 in writing to the ~~commission~~ UNEMPLOYMENT AGENCY an individual
21 or another employer or an employing unit to receive any notice
22 required to be given by the ~~commission~~ UNEMPLOYMENT AGENCY to
23 that employer or to represent that employer in any proceeding
24 before the ~~commission~~ UNEMPLOYMENT AGENCY as provided in
25 section 31.

26 (7) If the ~~commission~~ UNEMPLOYMENT AGENCY requests
27 additional monetary or nonmonetary information from an employer

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1 or employing unit and the ~~commission~~ UNEMPLOYMENT AGENCY fails
2 to receive a written response from the employer or employing unit
3 within 10 calendar days after the date of mailing the request for
4 information, the ~~commission~~ UNEMPLOYMENT AGENCY shall make a
5 determination based upon the available information at the time
6 the determination is made. The determination shall be final and
7 any payment made shall be considered a proper payment with
8 respect to benefits paid before the week following the receipt of
9 the employer's reply and chargeable against the employer's
10 account or experience account as a result of the employer's late
11 reply.

12 (c) The claimant or interested party may file an application
13 with an office of the ~~commission~~ UNEMPLOYMENT AGENCY for a
14 redetermination in accordance with section 32a.

15 (d) The issuance of each benefit check shall be considered a
16 determination by the ~~commission~~ UNEMPLOYMENT AGENCY that the
17 claimant receiving the check was covered during the compensable
18 period, and eligible and qualified for benefits. A chargeable
19 employer, upon receipt of a listing of the check as provided in
20 section 21(a), may protest by requesting a redetermination ~~as to~~
21 ~~the~~ OF THE CLAIMANT'S eligibility or qualification as to that
22 period and a determination as to later weeks and benefits still
23 unpaid ~~as~~ THAT are affected by the protest. Upon receipt of
24 the protest or request, the ~~commission~~ UNEMPLOYMENT AGENCY
25 shall investigate and redetermine whether the claimant is eligi-
26 ble and qualified as to that period. If, upon the
27 redetermination, the claimant is found ineligible or not

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

12 (e) ~~When~~ IF a claimant commences to file continued claims
13 through a different state claim office in this state or else-
14 where, the ~~commission~~ UNEMPLOYMENT AGENCY promptly shall issue
15 written notice of that fact to the chargeable employer.

16 (f) If a claimant refuses an offer of work, or fails to
17 apply for work of which the claimant has been notified, as pro-
18 vided in section 29(1)(c) or (e), the ~~commission promptly~~
19 UNEMPLOYMENT AGENCY shall PROMPTLY make a written determination
20 as to whether or not the refusal or failure requires disqualifi-
21 cation under section 29. Notice of the determination, specifying
22 the name and address of the employing unit offering or giving
23 notice of the work and of the chargeable employer, shall be sent
24 to the claimant, the employing unit offering or giving notice of
25 the work, and the chargeable employer.

26 SEC. 32B. NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE
27 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE UNEMPLOYMENT

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1 AGENCY SHALL ESTABLISH AND PROVIDE ACCESS TO A SECURE INTERNET
2 SITE TO ENABLE EMPLOYERS TO DETERMINE IF CORRESPONDENCE SENT TO
3 THE UNEMPLOYMENT AGENCY BY THE EMPLOYER HAS BEEN RECEIVED.

4 Sec. 48. (1) An individual shall be ~~deemed "unemployed"~~
5 ~~with respect to~~ CONSIDERED UNEMPLOYED FOR any week during which
6 he or she performs no services and ~~with respect to~~ FOR which
7 remuneration is not payable to the individual, or ~~with respect~~
8 ~~to~~ FOR any week of less than full-time work if the remuneration
9 payable to the individual is less than his or her weekly benefit
10 rate. However, any loss of remuneration incurred by an individ-
11 ual during any week resulting from any cause other than the fail-
12 ure of the individual's employing unit to furnish full-time, reg-
13 ular employment shall be included as remuneration earned for pur-
14 poses of this section and ~~of~~ section 27(c). The total amount
15 of remuneration ~~thus~~ lost shall be determined ~~in such manner~~
16 ~~as~~ PURSUANT TO REGULATIONS PRESCRIBED BY the commission. ~~shall~~
17 ~~by regulation prescribe.~~ For the purposes of this act, an
18 individual's weekly benefit rate ~~shall mean~~ MEANS the weekly
19 benefit rate ~~as~~ determined pursuant to section 27(b).

20 (2) All amounts paid to a claimant by an employing unit or
21 former employing unit for a vacation or a holiday, and amounts
22 paid in the form of retroactive pay, ~~or~~ PAY in lieu of notice,
23 SEVERANCE PAYMENTS, SALARY CONTINUATION, OR OTHER REMUNERATION
24 INTENDED BY THE EMPLOYING UNIT AS CONTINUING WAGES OR OTHER MONE-
25 TARY CONSIDERATION AS THE RESULT OF THE SEPARATION, EXCLUDING SUB
26 PAYMENTS, shall be ~~deemed~~ CONSIDERED remuneration in
27 determining whether an individual is unemployed under this

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1 section and also in determining his or her benefit payments under
2 section 27 (c), for the period designated by the contract or
3 agreement providing for the payment, or if there is no contrac-
4 tual specification of the period to which ~~such~~ payments shall
5 be allocated, then for the period designated by the employing
6 unit or former employing unit. However, payments for a vacation
7 or holiday, ~~made,~~ or the right to which has irrevocably vested,
8 after 14 days following ~~such~~ A vacation or holiday ~~, and pay-~~
9 ~~ments in the form of termination, separation, severance or dis-~~
10 ~~missal allowances, and bonuses,~~ shall not be ~~deemed~~ CONSIDERED
11 wages or remuneration within the meaning of this section.

12 (3) An individual shall not be ~~deemed~~ CONSIDERED to be
13 unemployed during any leave of absence from work granted by an
14 employer either at the request of the individual or pursuant to
15 an agreement with the individual's duly authorized bargaining
16 agent, or in accordance with law. An individual shall neither be
17 considered not unemployed nor on a leave of absence solely
18 because the individual elects to be laid off, pursuant to an
19 option provided under a collective bargaining agreement or writ-
20 ten employer plan ~~which~~ THAT permits ~~such~~ AN election, ~~when~~
21 IF there is a temporary layoff because of lack of work ~~,~~ and
22 the employer has consented ~~thereto~~ TO THE ELECTION.