

HOUSE BILL No. 5508

February 10, 2004, Introduced by Reps. Kolb, Rivet, Tobocman, Minore, Cheeks, Jamnick, Vagnozzi and Hunter and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
(MCL 421.1 to 421.75) by adding section 28b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28b. (1) Notwithstanding any other provision of this
2 act, an otherwise eligible individual is not ineligible for
3 benefits if the individual establishes to the satisfaction of the
4 commission that the reason for the individual's leaving work is
5 due to domestic violence, including 1 or more of the following:

6 (a) The individual's reasonable fear of future domestic
7 violence at or en route to or from the individual's place of
8 employment.

9 (b) The individual's need to relocate to another geographic
10 area in order to avoid future domestic violence.

11 (c) The individual's need to address the physical,

1 psychological, and legal effects of domestic violence.

2 (d) The individual's need to leave employment as a condition
3 of receiving services or shelter from an agency that provides
4 support services or shelter to victims of domestic violence.

5 (e) The individual reasonably believes that termination of
6 employment is necessary for the future safety of the individual
7 or the individual's family because of domestic violence.

8 (2) An individual may demonstrate to the commission the
9 existence of domestic violence by providing 1 or more of the
10 following:

11 (a) A restraining order or other documentation of equitable
12 relief issued by a court of competent jurisdiction.

13 (b) A police record documenting domestic violence.

14 (c) Documentation that the perpetrator of the domestic
15 violence against the individual making a claim for benefits under
16 this act has been convicted of a crime involving domestic
17 violence as that term is defined in section 1 of 1978 PA 389, MCL
18 400.1501, in which the victim was a family or household member.

19 (d) Medical documentation of domestic violence.

20 (e) A statement provided by a counselor, social worker,
21 health worker, member of the clergy, shelter worker, legal
22 advocate, or other professional who has assisted the individual
23 in addressing the effects of the domestic violence on the
24 individual or the individual's family.

25 (f) A sworn statement from the individual attesting to
26 domestic violence.

27 (3) No evidence of domestic violence experienced by an

1 individual, including the individual's statement and
2 corroborating evidence, shall be disclosed by the employment
3 security commission.

4 (4) As used in this section:

5 (a) "Abuse" means 1 or more of the following:

6 (i) Causing or attempting to cause physical harm.

7 (ii) Placing another person in fear of imminent serious
8 physical harm.

9 (iii) Causing another person to engage involuntarily in
10 sexual relations by force, threat, or duress or threatening to
11 cause another person to engage involuntarily in sexual
12 relations.

13 (iv) Engaging in mental abuse, which includes threats,
14 intimidation, and acts designed to induce terror.

15 (v) Depriving another person of medical care, housing, food,
16 or other necessities of life.

17 (vi) Restraining the liberty of another person.

18 (b) "Domestic violence" means abuse committed against an
19 employee or an employee's dependent child by any of the
20 following:

21 (i) A current or former spouse of the employee.

22 (ii) A person with whom the employee shares a child in
23 common.

24 (iii) A person who is cohabitating with, or who has
25 cohabitated with, the employee.

26 (iv) A person who is related by blood or marriage.

27 (v) A person with whom the employee has a dating or

1 engagement relationship or had a dating or engagement
2 relationship.