

HOUSE BILL No. 5660

December 8, 2009, Introduced by Reps. Scripps, Tlaib, Warren, Leland and Dean and referred to the Committee on Labor.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 28 (MCL 421.28), as amended by 1994 PA 422.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) An unemployed individual ~~shall be~~ **IS** eligible to
2 receive benefits with respect to any week only if the commission
3 finds that:

4 (a) For benefit years established before ~~the conversion date~~
5 ~~prescribed in section 75~~ **OCTOBER 1, 2000**, the individual has
6 registered for work at and thereafter has continued to report at an
7 employment office in accordance with ~~such~~ **THE** rules ~~as~~ **THAT** the
8 commission ~~may prescribe~~ **PRESCRIBES** and is seeking work. The
9 requirements that the individual must report at an employment
10 office, must register for work, must be available to perform
11 suitable full-time work, and must seek work may be waived by the

1 commission if the individual is laid off and the employer who laid
2 the individual off notifies the commission in writing or by
3 computerized data exchange that the layoff is temporary and that
4 work is expected to be available for the individual within a
5 declared number of days, not to exceed 45 calendar days following
6 the last day the individual worked. This waiver ~~shall not be~~ **IS NOT**
7 effective unless the **COMMISSION RECEIVES** notification from the
8 employer ~~has been received by the commission~~ before the individual
9 has completed his or her first compensable week following layoff.
10 If the individual is not recalled within the specified period, the
11 waiver shall cease to ~~be operative~~ **OPERATE** with respect to that
12 layoff. Except for a period of disqualification, **THE COMMISSION MAY**
13 **WAIVE** the requirement that the individual ~~shall seek work may be~~
14 ~~waived by the commission where~~ **IF** it finds that suitable work is
15 unavailable both in the locality where the individual resides and
16 in those localities in which the individual has earned base period
17 credit weeks. This waiver ~~shall~~ **DOES** not apply ~~, for weeks of~~
18 ~~unemployment beginning on or after March 1, 1981,~~ to a claimant
19 enrolled **IN** and attending classes as a full-time student. An
20 individual ~~shall have~~ **HAS** satisfied the requirement of personal
21 reporting at an employment office, as applied to a week in a period
22 during which **THE COMMISSION HAS WAIVED** the requirements of
23 registration and seeking work ~~have been waived by the commission~~
24 ~~pursuant to~~ **UNDER** this subdivision, if the individual has satisfied
25 the personal reporting requirement with respect to a preceding week
26 in that period and the individual has reported with respect to the
27 week by mail in accordance with the rules promulgated by the

1 commission. For benefit years established ~~after the conversion date~~
2 ~~prescribed in section 75~~ **ON OR AFTER OCTOBER 1, 2000**, the
3 individual has registered for work and has continued to report in
4 accordance with ~~such~~ **THE** rules ~~as the commission may prescribe~~
5 **PRESCRIBES** and is seeking work. The requirements that the
6 individual must report, must register for work, must be available
7 to perform suitable full-time work, and must seek work may be
8 waived by the commission if the individual is laid off and the
9 employer who laid the individual off notifies the commission in
10 writing or by computerized data exchange that the layoff is
11 temporary and that work is expected to be available for the
12 individual within a declared number of days, not to exceed 45
13 calendar days following the last day the individual worked. This
14 waiver ~~shall not be~~ **IS NOT** effective unless the **COMMISSION RECEIVES**
15 **THE** notification from the employer ~~has been received by the~~
16 ~~commission~~ before the individual has completed his or her first
17 compensable week following layoff. If the individual is not
18 recalled within the specified period, the waiver shall cease to be
19 ~~operative~~ **OPERATE** with respect to that layoff. Except for a period
20 of disqualification, the **COMMISSION MAY WAIVE THE** requirement that
21 the individual ~~shall seek work may be waived by the commission~~
22 ~~where~~ **IF** it finds that suitable work is unavailable both in the
23 locality where the individual resides and in those localities in
24 which the individual has earned wages during or after the base
25 period. This waiver ~~shall~~ **DOES** not apply to a claimant enrolled **IN**
26 and attending classes as a full-time student. An individual ~~shall~~
27 ~~be~~ **IS** considered to have satisfied the requirement of personal

1 reporting at an employment office, as applied to a week in a period
2 during which the **COMMISSION HAS WAIVED THE** requirements of
3 registration and seeking work ~~have been waived by the commission~~
4 ~~pursuant to~~ **UNDER** this subdivision, if the individual has satisfied
5 the personal reporting requirement with respect to a preceding week
6 in that period and the individual has reported with respect to the
7 week by mail in accordance with the rules promulgated by the
8 commission.

9 (b) The individual has made a claim for benefits in accordance
10 with section 32 and has provided the commission with his or her
11 social security number.

12 (c) The individual is able and available to perform suitable
13 full-time work of a character ~~which~~ **THAT** the individual is
14 qualified to perform by past experience or training, which is of a
15 character generally similar to work for which the individual has
16 previously received wages, and for which the individual is
17 available, ~~full-time~~ **FULL-TIME**, either at a locality at which the
18 individual earned wages for insured work during his or her base
19 period or at a locality where ~~it is found by the commission~~ **FINDS**
20 that ~~such~~ **SUITABLE** work is available.

21 (d) ~~In the event of~~ **AFTER** the death of an individual's
22 immediate family member, the eligibility requirements of
23 availability and reporting shall be waived for the day of the death
24 and for 4 consecutive calendar days thereafter. As used in this
25 subdivision, "immediate family member" means a spouse, child,
26 stepchild, adopted child, grandchild, parent, grandparent, brother,
27 or sister of the individual or his or her spouse. It ~~shall also~~

1 ~~include~~**INCLUDES** the spouse of any of the persons specified in the
2 previous sentence.

3 (e) The individual participates in reemployment services, such
4 as job search assistance services, if **THE COMMISSION DETERMINES OR**
5 **REDETERMINES THAT** the individual ~~has been determined or~~
6 ~~redetermined by the commission to be~~ **IS** likely to exhaust regular
7 benefits and need reemployment services pursuant to a profiling
8 system established by the commission.

9 (2) The commission may authorize an individual with an
10 unexpired benefit year to pursue vocational training or retraining
11 only if the commission finds that:

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

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

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

21 (d) The individual has the required qualifications and
22 aptitudes to complete the course successfully.

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

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

benefits because he or she is participating in training, **OR**
RECEIVING TRAINING BY PARTICIPATING 20 HOURS PER WEEK OR MORE AS A
VOLUNTEER IN THE INTERNAL REVENUE SERVICE VOLUNTEER INCOME TAX
ASSISTANCE PROGRAM, with the approval of the commission. For each
week that the commission finds that an individual who is claiming
benefits under this act and who is participating in training with
the approval of the commission, is satisfactorily pursuing an
approved course of vocational training, it shall waive the
requirements that he or she be available for work and be seeking
work as prescribed in subsection (1)(a) and (c), and it shall find
good cause for his or her failure to apply for suitable work,
report to a former employer for an interview concerning suitable
work, or accept suitable work as required in section 29(1)(c), (d),
and (e).

(4) The waiver of the requirement that a claimant seek work,
as provided in subsection (1)(a), ~~shall not be applicable~~ **DOES NOT**
APPLY to weeks of unemployment for which the claimant is claiming
extended benefits if section ~~64(8)(a)(ii)~~ **64(7)(A)(ii)** is in effect,
unless the individual is participating in training approved by the
commission.

(5) Notwithstanding any other provisions of this act, an
otherwise eligible individual shall not be denied benefits for any
week beginning after October 30, 1982 solely because the individual
is in training approved under section 236(a)(1) of the trade act of
1974, as amended, 19 ~~U.S.C.~~ **USC** 2296, nor shall the individual be
denied benefits by reason of leaving work to enter ~~such~~ **THAT**
training if the work left is not suitable employment. Furthermore,

1 an otherwise eligible individual shall not be denied benefits
2 because of the application to any such week in training of
3 provisions of this act, or any applicable federal unemployment
4 compensation law, relating to availability for work, active search
5 for work, or refusal to accept work. For purposes of this
6 subsection, "suitable employment" means, with respect to an
7 individual, work of a substantially equal or higher skill level
8 than the individual's past adversely affected employment, as
9 defined for purposes of the trade act of 1974, 19 ~~U.S.C.~~ **USC** 2101
10 to 2495, and wages for that work at not less than 80% of the
11 individual's average weekly wage as determined for the purposes of
12 the trade act of 1974.