

HOUSE BILL No. 4953

September 4, 2013, Introduced by Rep. Goike and referred to the Committee on Commerce.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 32 (MCL 421.32), as amended by 2002 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (a) Claims for benefits shall be made pursuant to
2 regulations prescribed by the unemployment agency. The unemployment
3 agency shall designate representatives who shall promptly examine
4 claims and make a determination on the facts. The unemployment
5 agency may establish rules providing for the examination of claims,
6 the determination of the validity of the claims, and the amount and
7 duration of benefits to be paid. The claimant and other interested
8 parties shall be promptly notified of the determination and the
9 reasons for the determination.

~~1 (b) (1) For benefit years established before the conversion
2 date prescribed in section 75, the unemployment agency may
3 prescribe regulations for notifying and shall notify the employer,
4 whose experience account may be charged, and the employing unit
5 where the claimant last worked that the claimant has filed an
6 application for benefits. The notice shall require the employer and
7 employing unit to furnish information to the unemployment agency
8 necessary to determine the claimant's benefit rights.~~

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

~~24 (3) If an employer or employing unit fails to respond within
25 10 days after mailing of the request for information, the
26 unemployment agency shall make a determination upon the available
27 information. In the absence of a showing by the employer satisfying~~

~~the unemployment agency that the employer reasonably could not submit the requested information, the determination shall be final as to the noncomplying employer, as to benefits paid before the week following the receipt of the employer's reply, and chargeable against the employer's experience account as a result of the employer's late reply, and the payments shall be considered to have been proper payments. The unemployment agency may require an employer who consistently fails to meet the unemployment agency's requirements, as to submission of reports covering employment of individuals, to provide the reports automatically upon the separation of individuals from employment, in the manner and within the time limits the unemployment agency prescribes by regulation necessary to carry out this section. An employer may be permitted to provide the reports automatically upon separation of individuals from employment, in the manner and within the time limits prescribed by the unemployment agency.~~

~~—— (4) After an application for benefits is filed, the unemployment agency's determination shall include only the most recent employer. Subsequently, as necessary, the unemployment agency shall issue determinations covering other base period employers, individually in inverse order to that in which the claimant earned his or her last credit week with the employers.~~

~~(B) (5) For benefit years established after the conversion date prescribed in section 75, the~~ **THE** ~~unemployment agency shall mail to the claimant, to each base period employer or employing unit, and to the separating employer or employing unit, a monetary determination. The monetary determination shall notify each of~~

1 these employers or employing units that the claimant has filed an
2 application for benefits and the amount the claimant reported as
3 earned with the separating employer or employing unit, and shall
4 state the name of each employer or employing unit in the base
5 period and the name of the separating employer or employing unit.
6 The monetary determination shall also state the claimant's weekly
7 benefit rate, the amount of base period wages paid by each base
8 period employer, the maximum benefit amount that could be charged
9 to each employer's account or experience account, and the reason
10 for separation reported by the claimant. The monetary determination
11 shall also state whether the claimant is monetarily eligible to
12 receive unemployment benefits. Except for separations under section
13 29(1)(a), no further reconsideration of a separation from any base
14 period employer will be made unless the base period employer
15 notifies the unemployment agency of a possible disqualifying
16 separation within 30 days of the separation in accordance with this
17 subsection. ~~Benefits paid in accordance with the monetary~~
18 ~~determination shall be considered proper payments and shall not be~~
19 ~~changed unless the unemployment agency receives new, corrected, or~~
20 ~~additional information from the employer, within 10 calendar days~~
21 ~~after the mailing of the monetary determination, and the~~
22 ~~information results in a change in the monetary determination.~~
23 **CHARGES TO THE EMPLOYER AND PAYMENTS TO THE CLAIMANT SHALL BE AS**
24 **DESCRIBED IN SECTION 20(A).** New, additional, or corrected
25 information received by the unemployment agency ~~after the 10-day~~
26 ~~period~~ **MORE THAN 10 DAYS AFTER MAILING THE MONETARY DETERMINATION**
27 shall be considered a request for reconsideration by the employer

1 of the monetary determination and shall be reviewed as provided in
2 section 32a.

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

26 **(D)** ~~(7)~~—If the unemployment agency requests additional
27 monetary or nonmonetary information from an employer or employing

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

11 **PAYMENTS TO THE CLAIMANT SHALL BE AS DESCRIBED IN SECTION 20(A) .**

12 (E) ~~(e)~~—The claimant or interested party may file an
13 application with an office of the unemployment agency for a
14 redetermination in accordance with section 32a.

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

1 claimant obtained benefits, for 1 or more preceding weeks within
2 the series of consecutive weeks that includes the week covered by
3 the redetermination, improperly as the result of administrative
4 error, false statement, misrepresentation, or nondisclosure of a
5 material fact. If the unemployment agency finds that the claimant
6 has obtained benefits through administrative error, false
7 statement, misrepresentation, or nondisclosure of a material fact,
8 the unemployment agency shall proceed under the appropriate
9 provisions of section 62.

10 (G) ~~(e)~~—If a claimant commences to file continued claims
11 through a different state claim office in this state or elsewhere,
12 the unemployment agency promptly shall issue written notice of that
13 fact to the chargeable employer.

14 (H) ~~(f)~~—If a claimant refuses an offer of work, or fails to
15 apply for work of which the claimant has been notified, as provided
16 in section 29(1)(c) or (e), the unemployment agency shall promptly
17 make a written determination as to whether or not the refusal or
18 failure requires disqualification under section 29. Notice of the
19 determination, specifying the name and address of the employing
20 unit offering or giving notice of the work and of the chargeable
21 employer, shall be sent to the claimant, the employing unit
22 offering or giving notice of the work, and the chargeable employer.

23 Enacting section 1. This amendatory act does not take effect
24 unless all of the following bills of the 97th Legislature are
25 enacted into law:

26 (a) Senate Bill No. ____ or House Bill No. 4950(request no.
27 02824'13).

1 (b) Senate Bill No. ____ or House Bill No. 4951 (request no.
2 02825'13).

3 (c) Senate Bill No. ____ or House Bill No. 4952 (request no.
4 02826'13).

5 (d) Senate Bill No. ____ or House Bill No. 4949 (request no.
6 02987'13).

7 (e) Senate Bill No. ____ or House Bill No. 4954 (request no.
8 03302'13).