

SUBSTITUTE FOR  
SENATE BILL NO. 501

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 28 (MCL 421.28), as amended by 2020 PA 229.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 28. (1) An unemployed individual is eligible to receive  
2       benefits with respect to any week only if the unemployment agency  
3       finds all of the following:

4       (a) The individual ~~has~~ registered for work pursuant to  
5       **subsection (10) after the individual applied for benefits and**  
6       **within the time period prescribed by the unemployment agency, and**  
7       has continued to report pursuant to unemployment agency rules, and  
8       is actively engaged in seeking work. The requirements that the  
9       individual must report, must register for work, must be available

1 to perform suitable full-time work, and must seek work may be  
2 waived by the unemployment agency if the individual is laid off and  
3 the employer who laid the individual off notifies the unemployment  
4 agency in writing or by computerized data exchange that the layoff  
5 is temporary and that work is expected to be available for the  
6 individual within a declared number of days, not to exceed 45  
7 calendar days, **plus up to an additional 90 calendar days as**  
8 **provided for in subsection (11)**, following the last day the  
9 individual worked. ~~This~~ **Except as otherwise provided in subsection**  
10 **(12), this** waiver is not effective unless the notification from the  
11 employer is received by the unemployment agency before the  
12 individual has completed his or her first compensable week  
13 following layoff. If the individual is not recalled within the  
14 specified period, the waiver ceases to be operative with respect to  
15 that layoff. Except for a period of disqualification, the  
16 requirement that the individual shall seek work may be waived by  
17 the unemployment agency if it finds that suitable work is  
18 unavailable both in the locality where the individual resides and  
19 in those localities in which the individual has earned wages during  
20 or after the base period. This waiver does not apply to a claimant  
21 enrolled and attending classes as a full-time student. An  
22 individual is considered to have satisfied the requirement of  
23 personal reporting at an employment office, as applied to a week in  
24 a period during which the requirements of registration and seeking  
25 work have been waived by the unemployment agency pursuant to this  
26 subdivision, if the individual has satisfied the personal reporting  
27 requirement with respect to a preceding week in that period and the  
28 individual has reported with respect to the week by mail pursuant  
29 to the rules promulgated by the unemployment agency.

1 (b) The individual has made a claim for benefits pursuant to  
2 section 32 and has provided the unemployment agency with all of the  
3 following:

4 (i) His or her Social Security number.

5 (ii) His or her driver license number, and the state that  
6 issued the license, or state identification card number, and the  
7 state that issued the identification card, or copies of the  
8 acceptable documents as provided in the Form I-9.

9 (iii) If the unemployment agency has requested them, copies of  
10 the acceptable documents as provided in the Form I-9. As used in  
11 this subdivision, "Form I-9" means the employment verification form  
12 that fulfills the employment verification obligations under 8 CFR  
13 274a.2.

14 (c) The individual is able and available to appear at a  
15 location of the unemployment agency's choosing for evaluation of  
16 eligibility for benefits, if required, and to perform suitable  
17 full-time work of a character that the individual is qualified to  
18 perform by past experience or training, which is of a character  
19 generally similar to work for which the individual has previously  
20 received wages, and for which the individual is available, full  
21 time, either at a locality at which the individual earned wages for  
22 insured work during his or her base period or at a locality where  
23 it is found by the unemployment agency that such work is available.  
24 An individual is considered unavailable for work under any of the  
25 following circumstances:

26 (i) The individual fails during a benefit year to notify or  
27 update a chargeable employer with telephone, electronic mail, or  
28 other information sufficient to allow the employer to contact the  
29 individual about available work.

1           (ii) The individual fails, without good cause, to respond to  
2 the unemployment agency within 14 calendar days of the later of the  
3 mailing of a notice to the address of record requiring the  
4 individual to contact the unemployment agency or of the leaving of  
5 a telephone message requesting a return call and providing a return  
6 name and telephone number on an automated answering device or with  
7 an individual answering the telephone number of record.

8           (iii) Unless the claimant shows good cause for failure to  
9 respond, mail sent to the individual's address of record is  
10 returned as undeliverable and the telephone number of record has  
11 been disconnected or changed or is otherwise no longer associated  
12 with the individual.

13           (d) In the event of the death of an individual's immediate  
14 family member, the eligibility requirements of availability and  
15 reporting are waived for the day of the death and for 4 consecutive  
16 calendar days thereafter. As used in this subdivision, "immediate  
17 family member" means a spouse, child, stepchild, adopted child,  
18 grandchild, parent, grandparent, brother, or sister of the  
19 individual or his or her spouse. It shall also include the spouse  
20 of any of the persons specified in the previous sentence.

21           (e) The individual participates in reemployment services, such  
22 as job search assistance services, if the individual has been  
23 determined or redetermined by the unemployment agency to be likely  
24 to exhaust regular benefits and need reemployment services pursuant  
25 to a profiling system established by the unemployment agency.

26           (2) The unemployment agency may authorize an individual with  
27 an unexpired benefit year to pursue vocational training or  
28 retraining only if the unemployment agency finds all of the  
29 following:

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

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

7 (c) The training course has been approved by a local advisory  
8 council on which both management and labor are represented, or if  
9 there is no local advisory council, by the unemployment agency.

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

12 (e) The vocational training course has been approved by the  
13 state board of education and is maintained by a public or private  
14 school or by the unemployment agency.

15 (3) Notwithstanding any other provision of this act, an  
16 otherwise eligible individual is not ineligible for benefits  
17 because he or she is participating in training with the approval of  
18 the unemployment agency. For each week that the unemployment agency  
19 finds that an individual who is claiming benefits under this act  
20 and who is participating in training with the approval of the  
21 unemployment agency, is satisfactorily pursuing an approved course  
22 of vocational training, it shall waive the requirements that he or  
23 she be available for work and be seeking work as prescribed in  
24 subsection (1)(a) and (c), and it shall find good cause for his or  
25 her failure to apply for suitable work, report to a former employer  
26 for an interview concerning suitable work, or accept suitable work  
27 as required in section 29(1)(c), (d), and (e).

28 (4) Notwithstanding any other provisions of this act, an  
29 otherwise eligible individual must not be denied benefits solely

1 because the individual is in training approved under section  
2 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the  
3 individual be denied benefits by reason of leaving work to enter  
4 such training if the work left is not suitable employment.  
5 Furthermore, an otherwise eligible individual must not be denied  
6 benefits because of the application to any such week in training of  
7 provisions of this act, or any applicable federal unemployment  
8 compensation law, relating to availability for work, active search  
9 for work, or refusal to accept work. For purposes of this  
10 subsection, "suitable employment" means, with respect to an  
11 individual, work of a substantially equal or higher skill level  
12 than the individual's past adversely affected employment, as  
13 defined for purposes of the trade act of 1974, 19 USC 2101 to  
14 2497b, and wages for that work at not less than 80% of the  
15 individual's average weekly wage as determined for the purposes of  
16 the trade act of 1974, 19 USC 2101 to 2497b.

17 (5) Except as otherwise provided in subsection (6), for  
18 purposes of this section, for benefit years beginning on or after  
19 January 1, 2013, to be actively engaged in seeking work, an  
20 individual must conduct a systematic and sustained search for work  
21 in each week the individual is claiming benefits, using any of the  
22 following methods to report the details of the work search:

23 (a) Reporting at monthly intervals on the unemployment  
24 agency's online reporting system the name of each employer and  
25 physical or online location of each employer where work was sought  
26 and the date and method by which work was sought with each  
27 employer.

28 (b) Filing a written report with the unemployment agency by  
29 mail or facsimile transmission not later than the end of the fourth

1 calendar week after the end of the week in which the individual  
2 engaged in the work search, on a form approved by the unemployment  
3 agency, indicating the name of each employer and physical or online  
4 location of each employer where work was sought and the date and  
5 method by which work was sought with each employer.

6 (c) Appearing at least monthly in person at a Michigan works  
7 agency office to report the name and physical or online location of  
8 each employer where the individual sought work during the previous  
9 month and the date and method by which work was sought with each  
10 employer.

11 (6) For purposes of this section, beginning on April 2, 2020,  
12 to be actively engaged in seeking work, an individual must conduct  
13 a systematic and sustained search for work in each week the  
14 individual is claiming benefits and must report to the unemployment  
15 agency the details of the work search at least once every 2 weeks  
16 or, if the unemployment agency prescribes a shorter reporting  
17 period, the reporting period prescribed by the unemployment agency.  
18 An individual may conduct a systematic and sustained search for  
19 work by doing any of the following:

20 (a) Using resources available at a Michigan works agency  
21 office to do any of the following:

22 (i) Participate in reemployment services and eligibility  
23 assessment activities.

24 (ii) Identify the skills the individual possesses that are  
25 consistent with target or demand occupations in the local workforce  
26 development area.

27 (iii) Obtain job postings and seek employment for suitable  
28 positions needed by local employers.

29 (b) Attending job search seminars or other employment

1 workshops that offer instruction in improving an individual's  
2 skills for finding and obtaining employment.

3 (c) Creating a user profile on a professional networking site  
4 or using an online career tool. Creating duplicate user profiles or  
5 resubmitting or reuploading the same resume to the same  
6 professional networking site does not satisfy the requirements of  
7 this subdivision.

8 (d) Applying for an available position with, submitting a  
9 resume to, or interviewing with employers. Applying for the same  
10 position within a 4-week period or contacting an employer to  
11 determine whether a position is available does not satisfy the  
12 requirements of this subdivision, unless the individual uses his or  
13 her union hiring hall to conduct a search for work.

14 (e) Registering for work with a private employment agency or,  
15 if it is available to the individual in his or her occupation or  
16 profession, the placement facility of a school, college, or  
17 university.

18 (f) Taking an examination that is required for a position in  
19 the state civil service.

20 (7) The work search conducted by the claimant is subject to  
21 audit by the unemployment agency.

22 (8) The unemployment agency shall request but shall not  
23 require an individual who is applying for benefits to submit his or  
24 her base period employer's unemployment agency account number and  
25 federal employer identification number.

26 (9) The unemployment agency shall use all of the documentation  
27 and information provided by an individual applying for benefits to  
28 verify the identity of the individual before making an initial  
29 payment on the individual's claim.



1           (10) An individual must register for work as required under  
2 subsection (1)(a) by registering with a Michigan works agency.

3           (11) The unemployment agency may extend a waiver described in  
4 subsection (1)(a) beyond 45 calendar days, but not for more than an  
5 additional 90 calendar days, if, before the end of the specified  
6 period of the waiver, the employer notifies the unemployment agency  
7 in writing or by computerized data exchange that the layoff is an  
8 extended layoff and is the result of 1 or more of the following:

9           (a) The retooling of the employer's equipment.

10          (b) A parts shortage.

11          (c) A temporary production volume adjustment.

12          (12) If an individual is laid off because of an extended  
13 layoff described in subsection (11) that existed on May 31, 2021,  
14 the requirements that the individual must report, must register for  
15 work, must be available to perform suitable full-time work, and  
16 must seek work may be waived by the unemployment agency as  
17 described in subsection (1)(a) if, before July 16, 2021, the  
18 individual's employer notifies the unemployment agency pursuant to  
19 subsection (11) that the individual was laid off because of an  
20 extended layoff described in subsection (11). The specified period  
21 of a waiver granted under this subsection begins on May 31, 2021.