

HOUSE BILL NO. 5493

October 28, 2021, Introduced by Reps. Cavanagh, Brabec, Clemente, Pohutsky, Sowerby, Cherry, Sneller, Lasinski, Breen, Hood, Brixie, Kuppa, Peterson, Cynthia Johnson, Haadsma, Aiyash, Liberati, Yaroach, Rogers, Ellison, Manoogian, Stone, Hope, Bolden and Young and referred to the Committee on Judiciary.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending sections 17 and 29 (MCL 421.17 and 421.29), as amended
by 2020 PA 229, and by adding section 29a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) The unemployment agency shall maintain in the
2 unemployment compensation fund a nonchargeable benefits account and
3 a separate experience account for each employer as provided in this
4 section. This act does not give an employer or individuals in the

1 employer's service prior claims or rights to the amount paid by the
2 employer to the unemployment compensation fund. All contributions
3 to that fund ~~shall~~**must** be pooled and available to pay benefits to
4 any individual entitled to the benefits under this act,
5 irrespective of the source of the contributions.

6 (2) The nonchargeable benefits account shall be credited with
7 the following:

8 (a) All net earnings received on money, property, or
9 securities in the fund.

10 (b) Any positive balance remaining in the employer's
11 experience account as of the second June 30 computation date
12 occurring after the employer has ceased to be subject to this act
13 or after the employer has elected to change from a contributing
14 employer to a reimbursing employer.

15 (c) The proceeds of the nonchargeable benefits component of
16 employers' contribution rates determined as provided in section
17 19(a) (5) .

18 (d) All reimbursements received under section 11(c) .

19 (e) All amounts that may be paid or advanced by the federal
20 government under section 903 or section 1201 of the social security
21 act, 42 USC 1103 and 1321, to the account of the state in the
22 federal unemployment trust fund.

23 (f) All benefits improperly paid to claimants that have been
24 recovered and that were previously charged to an employer's
25 account.

26 (g) Any benefits forfeited by an individual by application of
27 section 62(b) .

28 (h) The amount of any benefit check, any employer refund
29 check, any claimant restitution refund check, or other payment duly

1 issued that has not been presented for payment within 1 year after
2 the date of issue.

3 (i) Any other unemployment fund income not creditable to the
4 experience account of any employer.

5 (j) Any negative balance transferred to an employer's new
6 experience account pursuant to this section.

7 (k) Amounts transferred from the contingent fund under section
8 10.

9 (3) The nonchargeable benefits account shall be charged with
10 the following:

11 (a) Any negative balance remaining in an employer's experience
12 account as of the second June 30 computation date occurring after
13 the employer has ceased to be subject to this act or has elected to
14 change from a contributing employer to a reimbursing employer.

15 (b) Refunds of amounts erroneously collected due to the
16 nonchargeable benefits component of an employer's contribution
17 rate.

18 (c) All training benefits paid under section 27(g) not
19 reimbursable by the federal government and based on service with a
20 contributing employer.

21 (d) Any positive balance credited or transferred to an
22 employer's new experience account under this subsection.

23 (e) Repayments to the federal government of amounts advanced
24 by it under section 1201 of the social security act, 42 USC 1321,
25 to the unemployment compensation fund established by this act.

26 (f) The amounts received by the unemployment compensation fund
27 under section 903 of the social security act, 42 USC 1103, that may
28 be appropriated to the unemployment agency in accordance with
29 subsection (8).

1 (g) All benefits determined to have been improperly paid to
2 claimants that have been credited to employers' accounts in
3 accordance with section 20(a).

4 (h) The amount of any substitute check or other payment issued
5 to replace an uncashed benefit check, employer refund check,
6 claimant restitution refund check, or other payment previously
7 credited to this account.

8 (i) The amount of any benefit check or other payment issued
9 that would be chargeable to the experience account of an employer
10 who has ceased to be subject to this act, and who has had a balance
11 transferred from the employer's experience account to the solvency
12 or nonchargeable benefits account.

13 (j) All benefits that become nonchargeable to an employer
14 under section 19(b) or (c), ~~29(1)(a)(ii) or (iii)~~ **29(1)(a)(i) to (iv)**
15 or (3), or 42a.

16 (k) For benefit years ~~beginning before October 1, 2000, with~~
17 ~~benefits allocated under section 20(e)(2) for a week of~~
18 ~~unemployment in which a claimant earns remuneration with a~~
19 ~~contributing employer that equals or exceeds the amount of benefits~~
20 ~~allocated to that contributing employer, and for benefit years~~
21 ~~beginning on or after October 1, 2000, with~~ benefits allocated
22 under section 20(f) for a week of unemployment in which a claimant
23 earns remuneration with a contributing employer that equals or
24 exceeds the amount of benefits allocated to that contributing
25 employer.

26 (l) Benefits that are nonchargeable to an employer's account in
27 accordance with section 20(i) or (j).

28 (m) Benefits otherwise chargeable to the account of an
29 employer when the benefits are payable solely on the basis of

1 combining wages paid by a Michigan employer with wages paid by a
2 non-Michigan employer under the interstate arrangement for
3 combining employment and wages under 20 CFR 616.1 to 616.11.

4 (4) All contributions paid by an employer ~~shall~~**must** be
5 credited to the unemployment compensation fund, and, except as
6 otherwise provided with respect to the proceeds of the
7 nonchargeable benefits component of employers' contribution rates
8 by section 19(a)(5), to the employer's experience account, as of
9 the date when paid. However, ~~these~~**the** contributions paid during
10 any July shall be credited as of the immediately preceding June 30.
11 Additional contributions paid by an employer as the result of a
12 retroactive contribution rate adjustment, solely for the purpose of
13 this subsection, ~~shall~~**must** be credited to the employer's
14 experience account as if paid when due, if the payment is received
15 within 30 days after the issuance of the initial assessment that
16 results from the contribution rate adjustment and a written request
17 for the application is filed by the employer during this period.

18 (5) If an employer who has ceased to be subject to this act,
19 and who has had a positive or negative balance transferred as
20 provided in subsection (2) or (3) from the employer's experience
21 account to the solvency or nonchargeable benefits account as of the
22 second computation date after the employer has ceased to be subject
23 to this act, becomes subject to this act again within 6 years after
24 that computation date, the unemployment agency shall transfer the
25 positive or negative balance, adjusted by the debits and credits
26 that are made after the date of transfer, to the employer's new
27 experience account.

28 (6) If an employer's status as a reimbursing employer is
29 terminated within 6 years after the date the employer's experience

1 account as a prior contributing employer was transferred to the
 2 solvency or nonchargeable benefits account as provided in
 3 subsection (2) or (3) and the employer continues to be subject to
 4 this act as a contributing employer, any positive or negative
 5 balance in the employer's experience account as a prior
 6 contributing employer ~~which~~**that** was transferred to the solvency
 7 or nonchargeable benefits account ~~shall~~**must** be transferred to
 8 the employer's new experience account. However, an employer who is
 9 delinquent with respect to any reimbursement payments in lieu of
 10 contributions for which the employer may be liable ~~shall~~**must** not
 11 have a positive balance transferred during the delinquency.

12 (7) If a balance is transferred to an employer's new account
 13 under subsection (5) or (6), the employer ~~shall~~**is** not ~~be~~
 14 considered a "qualified employer" until the employer has again been
 15 subject to this act for the period set forth in section 19(a)(1).

16 (8) All money credited under section 903 of the social
 17 security act, 42 USC 1103, to the account of the state in the
 18 federal unemployment trust fund ~~shall~~**must** immediately be credited
 19 by the unemployment agency to the fund's nonchargeable benefits
 20 account. There is authorized to be appropriated to the unemployment
 21 agency from the money credited to the nonchargeable benefits
 22 account under this subsection, an amount determined to be necessary
 23 for the proper and efficient administration by the unemployment
 24 agency of this act for purposes for which federal grants under
 25 title 3 of the social security act, 42 USC 501 to 504, ~~504,~~**505**, and the
 26 Wagner-Peyser act, 29 USC 49 to 49**1-2**, are not available or are
 27 insufficient. The appropriation ~~shall expire~~**expires** not more than
 28 2 years after the date of enactment and ~~shall~~**must** provide that any
 29 unexpended balance ~~shall then be~~**is** credited to the nonchargeable

benefits account. An appropriation ~~shall not be made~~ under this subsection ~~for an amount that exceeds~~ **must not exceed** the "adjusted balance" of the nonchargeable benefits account on the most recent computation date. Appropriations made under this subsection ~~shall~~ **must** limit the total amount that may be obligated by the unemployment agency during a fiscal year to an amount that does not exceed the amount by which the aggregate of the amounts credited to the nonchargeable benefits account under this subsection during the fiscal year and the 24 preceding fiscal years, exceeds the aggregate of the amounts obligated by the unemployment agency by appropriation under this subsection and charged against the amounts thus credited to the nonchargeable benefits account during any of the 25 fiscal years and any amounts credited to the nonchargeable benefits account that have been used for the payment of benefits.

(9) Notwithstanding any other provision of this act, any benefit paid to a claimant that is laid off or placed on a leave of absence must not be charged to the account of any employer who otherwise would have been charged but instead must be charged to the nonchargeable benefits account. This subsection does not apply after December 31, 2020.

Sec. 29. (1) Except as provided in subsection (5), an individual is disqualified from receiving benefits if he or she:

(a) Left work voluntarily without good cause attributable to the employer or employing unit. An individual who left work is presumed to have left work voluntarily without good cause attributable to the employer or employing unit. An individual who is absent from work for a period of 3 consecutive work days or more without contacting the employer in a manner acceptable to the employer and of which the individual was informed at the time of

1 hire ~~shall be~~ **is** considered to have voluntarily left work without
2 good cause attributable to the employer. An individual who becomes
3 unemployed as a result of negligently losing a requirement for the
4 job of which he or she was informed at the time of hire ~~shall be~~ **is**
5 considered to have voluntarily left work without good cause
6 attributable to the employer. An individual claiming benefits under
7 this act has the burden of proof to establish that he or she left
8 work involuntarily or for good cause that was attributable to the
9 employer or employing unit. An individual claiming to have left
10 work involuntarily for medical reasons must have done all of the
11 following before the leaving: secured a statement from a medical
12 professional that continuing in the individual's current job would
13 be harmful to the individual's physical or mental health,
14 unsuccessfully attempted to secure alternative work with the
15 employer, and unsuccessfully attempted to be placed on a leave of
16 absence with the employer to last until the individual's mental or
17 physical health would no longer be harmed by the current job.
18 Notwithstanding any other provision of this act, with respect to
19 claims for weeks beginning before January 1, 2021, an individual is
20 considered to have left work involuntarily for medical reasons if
21 he or she leaves work to self-isolate or self-quarantine in
22 response to elevated risk from COVID-19 because he or she is
23 immunocompromised, displayed a commonly recognized principal
24 symptom of COVID-19 that was not otherwise associated with a known
25 medical or physical condition of the individual, had contact in the
26 last 14 days with an individual with a confirmed diagnosis of
27 COVID-19, needed to care for an individual with a confirmed
28 diagnosis of COVID-19, or had a family care responsibility that was
29 the result of a government directive regarding COVID-19.

1 Notwithstanding any other provision of this act, with respect to
2 claims for weeks beginning before January 1, 2021, the unemployment
3 agency may consider an individual laid off if the individual became
4 unemployed to self-isolate or self-quarantine in response to
5 elevated risk from COVID-19 because he or she is immunocompromised,
6 displayed a commonly recognized principal symptom of COVID-19 that
7 was not otherwise associated with a known medical or physical
8 condition of the individual, had contact in the last 14 days with
9 an individual with a confirmed diagnosis of COVID-19, needed to
10 care for an individual with a confirmed diagnosis of COVID-19, or
11 had a family care responsibility that was the result of a
12 government directive regarding COVID-19. However, if any of the
13 following conditions are met, the leaving does not disqualify the
14 individual:

15 (i) The individual has an established benefit year in effect
16 and during that benefit year leaves unsuitable work within 60 days
17 after the beginning of that work. Benefits paid after a leaving
18 under this subparagraph ~~shall~~**must** not be charged to the experience
19 account of the employer the individual left, but ~~shall~~**must** be
20 charged instead to the nonchargeable benefits account.

21 (ii) The individual is the spouse of a full-time member of the
22 United States Armed Forces, and the leaving is due to the military
23 duty reassignment of that member of the United States Armed Forces
24 to a different geographic location. Benefits paid after a leaving
25 under this subparagraph ~~shall~~**must** not be charged to the experience
26 account of the employer the individual left, but ~~shall~~**must** be
27 charged instead to the nonchargeable benefits account.

28 (iii) The individual is concurrently working part-time for an
29 employer or employing unit and for another employer or employing

1 unit and voluntarily leaves the part-time work while continuing
2 work with the other employer. The portion of the benefits paid in
3 accordance with this subparagraph that would otherwise be charged
4 to the experience account of the part-time employer that the
5 individual left ~~shall~~**must** not be charged to the account of that
6 employer but ~~shall~~**must** be charged instead to the nonchargeable
7 benefits account.

8 **(iv) The individual is a victim of domestic violence who meets**
9 **the requirements in section 29a. Benefits paid after a leaving**
10 **under this subparagraph must not be charged to the experience**
11 **account of the employer the individual left, but must be charged**
12 **instead to the nonchargeable benefits account.**

13 (b) Was suspended or discharged for misconduct connected with
14 the individual's work or for intoxication while at work.

15 (c) Failed without good cause to apply diligently for
16 available suitable work after receiving notice from the
17 unemployment agency of the availability of that work or failed to
18 apply for work with employers that could reasonably be expected to
19 have suitable work available.

20 (d) Failed without good cause while unemployed to report to
21 the individual's former employer or employing unit within a
22 reasonable time after that employer or employing unit provided
23 notice of the availability of an interview concerning available
24 suitable work with the former employer or employing unit.

25 (e) Failed without good cause to accept suitable work offered
26 to the individual or to return to the individual's customary self-
27 employment, if any, when directed by the employment office or the
28 unemployment agency. An employer that receives a monetary
29 determination under section 32 may notify the unemployment agency

1 regarding the availability of suitable work with the employer on
2 the monetary determination or other form provided by the
3 unemployment agency. Upon receipt of the notice of the availability
4 of suitable work, the unemployment agency shall notify the claimant
5 of the availability of suitable work.

6 (f) Lost his or her job due to absence from work resulting
7 from a violation of law for which the individual was convicted and
8 sentenced to jail or prison. This subdivision does not apply if
9 conviction of an individual results in a sentence to county jail
10 under conditions of day parole as provided in 1962 PA 60, MCL
11 801.251 to 801.258, or if the conviction was for a traffic
12 violation that resulted in an absence of less than 10 consecutive
13 work days from the individual's place of employment.

14 (g) Is discharged, whether or not the discharge is
15 subsequently reduced to a disciplinary layoff or suspension, for
16 participation in either of the following:

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

21 (ii) A wildcat strike or other concerted action not authorized
22 by the individual's recognized bargaining representative.

23 (h) Was discharged for an act of assault and battery connected
24 with the individual's work.

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

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

29 (k) Committed a theft after receiving notice of a layoff or

1 discharge, but before the effective date of the layoff or
2 discharge, resulting in loss or damage to the employer who would
3 otherwise be chargeable for the benefits, regardless of whether the
4 individual qualified for the benefits before the theft.

5 (l) Was employed by a temporary help firm, which as used in
6 this section means an employer whose primary business is to provide
7 a client with the temporary services of 1 or more individuals under
8 contract with the employer, to perform services for a client of
9 that firm if each of the following conditions is met:

10 (i) The temporary help firm provided the employee with a
11 written notice before the employee began performing services for
12 the client stating in substance both of the following:

13 (A) That within 7 days after completing services for a client
14 of the temporary help firm, the employee is under a duty to notify
15 the temporary help firm of the completion of those services.

16 (B) That a failure to provide the temporary help firm with
17 notice of the employee's completion of services pursuant to sub-
18 subparagraph (A) constitutes a voluntary quit that will affect the
19 employee's eligibility for unemployment compensation ~~should-if~~ the
20 employee ~~seek~~**seeks** unemployment compensation following completion
21 of those services.

22 (ii) The employee did not provide the temporary help firm with
23 notice that the employee had completed his or her services for the
24 client within 7 days after completion of his or her services for
25 the client.

26 (m) Was discharged for illegally ingesting, injecting,
27 inhaling, or possessing a controlled substance on the premises of
28 the employer; refusing to submit to a drug test that was required
29 to be administered in a nondiscriminatory manner; or testing

1 positive on a drug test, if the test was administered in a
2 nondiscriminatory manner. If the worker disputes the result of the
3 testing, and if a generally accepted confirmatory test has not been
4 administered on the same sample previously tested, then a generally
5 accepted confirmatory test ~~shall~~**must** be administered on that
6 sample. If the confirmatory test also indicates a positive result
7 for the presence of a controlled substance, the worker who is
8 discharged as a result of the test result will be disqualified
9 under this subdivision. A report by a drug testing facility showing
10 a positive result for the presence of a controlled substance is
11 conclusive unless there is substantial evidence to the contrary. As
12 used in this subdivision: ~~and subdivision (c):~~

13 (i) "Controlled substance" means that term as defined in
14 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

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

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

21 (n) Theft from the employer that resulted in the employee's
22 conviction, within 2 years of the date of the discharge, of theft
23 or a lesser included offense.

24 (2) A disqualification under subsection (1) begins the week in
25 which the act or discharge that caused the disqualification occurs
26 and continues until the disqualified individual requalifies under
27 subsection (3).

28 (3) After the week in which the disqualifying act or discharge
29 described in subsection (1) occurs, an individual who seeks to

1 requalify for benefits is subject to all of the following:

2 (a) For benefit years established before October 1, 2000, the
3 individual ~~shall~~**must** complete 6 requalifying weeks if he or she
4 was disqualified under subsection (1)(c), (d), (e), (f), (g), or
5 (l), or 13 requalifying weeks if he or she was disqualified under
6 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
7 required under this subdivision is each week in which the
8 individual does any of the following:

9 (i) Earns or receives remuneration in an amount at least equal
10 to an amount needed to earn a credit week, as that term is defined
11 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
16 subsequent to the disqualifying act or discharge.

17 (b) For benefit years established before October 1, 2000, if
18 the individual is disqualified under subsection (1)(a) or (b), he
19 or she ~~shall~~**must** requalify, after the week in which the
20 disqualifying discharge occurred by earning in employment for an
21 employer liable under this act or the unemployment compensation act
22 of another state an amount equal to, or in excess of, 7 times the
23 individual's potential weekly benefit rate, calculated on the basis
24 of employment with the employer involved in the disqualification,
25 or by earning in employment for an employer liable under this act
26 or the unemployment compensation act of another state an amount
27 equal to, or in excess of, 40 times the state minimum hourly wage
28 times 7, whichever is the lesser amount.

29 (c) For benefit years established before October 1, 2000, a

benefit payable to an individual disqualified under subsection (1)(a) or (b) ~~shall~~**must** be charged to the nonchargeable benefits account, and not to the account of the employer with whom the individual was involved in the disqualification.

(d) For benefit years beginning on or after October 1, 2000, after the week in which the disqualifying act or discharge occurred, an individual ~~shall~~**must** complete 13 requalifying weeks if he or she was disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or 26 requalifying weeks if he or she was disqualified under subsection (1)(h), (i), (j), (k), (m), or (n). A requalifying week required under this subdivision is each week in which the individual does any of the following:

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

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

(e) For benefit years beginning on or after October 1, 2000 and beginning before April 26, 2002, if the individual is disqualified under subsection (1)(a) or (b), he or she ~~shall~~**must** requalify, after the week in which the disqualifying act or discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation law of another state at least the lesser of the following:

(i) Seven times the individual's weekly benefit rate.

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

(f) For benefit years beginning on or after April 26, 2002, if

1 the individual is disqualified under subsection (1)(a), he or she
2 ~~shall-must~~ requalify, after the week in which the disqualifying act
3 or discharge occurred by earning in employment for an employer
4 liable under this act or the unemployment compensation law of
5 another state at least 12 times the individual's weekly benefit
6 rate.

7 (g) For benefit years beginning on or after April 26, 2002, if
8 the individual is disqualified under subsection (1)(b), he or she
9 ~~shall-must~~ requalify, after the week in which the disqualifying act
10 or discharge occurred by earning in employment for an employer
11 liable under this act or the unemployment compensation law of
12 another state at least 17 times the individual's weekly benefit
13 rate.

14 (h) A benefit payable to the individual disqualified or
15 separated under disqualifying circumstances under subsection (1)(a)
16 or (b) ~~shall-must~~ be charged to the nonchargeable benefits account,
17 and not to the account of the employer with whom the individual was
18 involved in the separation. Benefits payable to an individual
19 determined by the unemployment agency to be separated under
20 disqualifying circumstances ~~shall-must~~ not be charged to the
21 account of the employer involved in the disqualification for any
22 period after the employer notifies the unemployment agency of the
23 claimant's possible ineligibility or disqualification. However, an
24 individual filing a new claim for benefits who reports the reason
25 for separation from a base period employer as a voluntary leaving
26 ~~shall-be-is~~ presumed to have voluntarily left without good cause
27 attributable to the employer and ~~shall-be-is~~ disqualified unless
28 the individual provides substantial evidence to rebut the
29 presumption. If a disqualifying act or discharge occurs during the

1 individual's benefit year, any benefits that may become payable to
2 the individual in a later benefit year based on employment with the
3 employer involved in the disqualification ~~shall~~**must** be charged to
4 the nonchargeable benefits account.

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

8 (a) For benefit years established before October 1, 2000, if
9 the individual is disqualified under subsection (1)(c), (d), (e),
10 (f), (g), or (l) and the maximum amount of benefits is based on
11 wages and credit weeks earned from an employer before an act or
12 discharge involving that employer, the amount ~~shall~~**must** be reduced
13 by an amount equal to the individual's weekly benefit rate as to
14 that employer multiplied by the lesser of either of the following:

15 (i) The number of requalifying weeks required of the individual
16 under this section.

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

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

26 (c) For benefit years established before October 1, 2000, an
27 individual disqualified under subsection (1)(h), (i), (j), (k), or
28 (m) is not entitled to benefits based on wages and credit weeks
29 earned before the disqualifying act or discharge with the employer

1 involved in the disqualification.

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

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

7 (f) For benefit years established on or after October 1, 2000,
8 if the individual is disqualified under subsection (1)(c), (d),
9 (e), (f), (g), or (l), the maximum number of weeks otherwise
10 applicable in calculating benefits for the individual under section
11 27(d) ~~shall~~**must** be reduced by the lesser of the following:

12 (i) The number of requalifying weeks required of the individual
13 under this section.

14 (ii) The number of weeks of benefit entitlement remaining on
15 the claim.

16 (g) For benefit years beginning on or after October 1, 2000,
17 the benefits of an individual disqualified under subsection (1)(h),
18 (i), (j), (k), (m), or (n) ~~shall~~**must** be reduced by 13 weeks and
19 any weekly benefit payments made to the claimant thereafter ~~shall~~
20 **must** be reduced by the portion of the payment attributable to base
21 period wages paid by the base period employer involved in a
22 disqualification under subsection (1)(h), (i), (j), (k), (m), or
23 (n).

24 (5) Subject to subsection (11), if an individual leaves work
25 to accept permanent full-time work with another employer or to
26 accept a referral to another employer from the individual's union
27 hiring hall and performs services for that employer, or if an
28 individual leaves work to accept a recall from a former employer,
29 all of the following apply:

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

2 (b) Wages earned with the employer whom the individual last
3 left, including wages previously transferred under this subsection
4 to the last employer, for the purpose of computing and charging
5 benefits, are wages earned from the employer with whom the
6 individual accepted work or recall, and benefits paid based upon
7 those wages ~~shall~~**must** be charged to that employer.

8 (c) When issuing a determination covering the period of
9 employment with a new or former employer described in this
10 subsection, the unemployment agency shall advise the chargeable
11 employer of the name and address of the other employer, the period
12 covered by the employment, and the extent of the benefits that may
13 be charged to the account of the chargeable employer.

14 (6) In determining whether work is suitable for an individual,
15 the unemployment agency shall consider the degree of risk involved
16 to the individual's health, safety, and morals, the individual's
17 physical fitness and prior training, the individual's length of
18 unemployment and prospects for securing local work in the
19 individual's customary occupation, and the distance of the
20 available work from the individual's residence. Additionally, the
21 unemployment agency shall consider the individual's experience and
22 prior earnings, but an unemployed individual who refuses an offer
23 of work determined to be suitable under this section ~~shall~~**must** be
24 denied benefits if the pay rate for that work is at least 70% of
25 the gross pay rate he or she received immediately before becoming
26 unemployed. Beginning January 15, 2012, after an individual has
27 received benefits for 50% of the benefit weeks in the individual's
28 benefit year, work ~~shall~~**is** not ~~be~~ considered unsuitable because it
29 is outside of the individual's training or experience or unsuitable

1 as to pay rate if the pay rate for that work meets or exceeds the
2 minimum wage; is at least the prevailing mean wage for similar work
3 in the locality for the most recent full calendar year for which
4 data are available as published by the department of technology,
5 management, and budget as "wages by job title", by standard
6 metropolitan statistical area; and is 120% or more of the
7 individual's weekly benefit amount.

8 (7) Work is not suitable and benefits ~~shall~~**must** not be denied
9 under this act to an otherwise eligible individual for refusing to
10 accept new work under any of the following conditions:

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

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

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

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

21 (a) An individual is disqualified from receiving benefits for
22 a week in which the individual's total or partial unemployment is
23 due to either of the following:

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

27 (ii) A labor dispute, other than a lockout, in active progress
28 or a shutdown or start-up operation caused by that labor dispute in
29 any other establishment within the United States that is both

1 functionally integrated with the establishment described in
2 subparagraph (i) and operated by the same employing unit.

3 (b) An individual's disqualification imposed or imposable
4 under this subsection is terminated if the individual performs
5 services in employment with an employer in at least 2 consecutive
6 weeks falling wholly within the period of the individual's total or
7 partial unemployment due to the labor dispute, and in addition
8 earns wages in each of those weeks in an amount equal to or greater
9 than the individual's actual or potential weekly benefit rate.

10 (c) An individual is not disqualified under this subsection if
11 the individual is not directly involved in the labor dispute. An
12 individual is not directly involved in a labor dispute unless any
13 of the following are established:

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

19 (ii) The individual is participating in, financing, or directly
20 interested in the labor dispute that causes the individual's total
21 or partial unemployment. The payment of regular union dues, in
22 amounts and for purposes established before the inception of the
23 labor dispute, is not financing a labor dispute within the meaning
24 of this subparagraph.

25 (iii) At any time a labor dispute in the establishment or
26 department in which the individual was employed does not exist, and
27 the individual voluntarily stops working, other than at the
28 direction of the individual's employing unit, in sympathy with
29 employees in some other establishment or department in which a

1 labor dispute is in progress.

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

5 (d) As used in this subsection, "directly interested" ~~shall~~
6 **must** be construed and applied so as not to disqualify individuals
7 unemployed as a result of a labor dispute the resolution of which
8 may not reasonably be expected to affect their wages, hours, or
9 other conditions of employment, and to disqualify individuals whose
10 wages, hours, or conditions of employment may reasonably be
11 expected to be affected by the resolution of the labor dispute. A
12 "reasonable expectation" of an effect on an individual's wages,
13 hours, or other conditions of employment exists, in the absence of
14 a substantial preponderance of evidence to the contrary, in any of
15 the following situations:

16 (i) If it is established that there is in the particular
17 establishment or employing unit a practice, custom, or contractual
18 obligation to extend within a reasonable period to members of the
19 individual's grade or class of workers in the establishment in
20 which the individual is or was last employed changes in terms and
21 conditions of employment that are substantially similar or related
22 to some or all of the changes in terms and conditions of employment
23 that are made for the workers among whom there exists the labor
24 dispute that has caused the individual's total or partial
25 unemployment.

26 (ii) If it is established that 1 of the issues in or purposes
27 of the labor dispute is to obtain a change in the terms and
28 conditions of employment for members of the individual's grade or
29 class of workers in the establishment in which the individual is or

1 was last employed.

2 (iii) If a collective bargaining agreement covers both the
3 individual's grade or class of workers in the establishment in
4 which the individual is or was last employed and the workers in
5 another establishment of the same employing unit who are actively
6 participating in the labor dispute, and that collective bargaining
7 agreement is subject by its terms to modification, supplementation,
8 or replacement, or has expired or been opened by mutual consent at
9 the time of the labor dispute.

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

12 (i) Representation of the workers by the same national or
13 international organization or by local affiliates of that national
14 or international organization.

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

17 (iii) Whether the workers are or within the past 6 months have
18 been covered by a common master collective bargaining agreement
19 that sets forth all or any part of the terms and conditions of the
20 workers' employment, or by separate agreements that are or have
21 been bargained as a part of the same negotiations.

22 (iv) Any functional integration of the work performed by those
23 workers.

24 (v) Whether the resolution of those issues involved in the
25 labor dispute as to some of the workers could directly or
26 indirectly affect the advancement, negotiation, or settlement of
27 the same or similar issues in respect to the remaining workers.

28 (vi) Whether the workers are currently or have been covered by
29 the same or similar demands by their recognized or certified

1 bargaining agent or agents for changes in their wages, hours, or
2 other conditions of employment.

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

7 (9) Notwithstanding subsections (1) to (8), if the employing
8 unit submits notice to the unemployment agency of possible
9 ineligibility or disqualification beyond the time limits prescribed
10 by unemployment agency rule and the unemployment agency concludes
11 that benefits should not have been paid, the claimant shall repay
12 the benefits paid during the entire period of ineligibility or
13 disqualification. The unemployment agency shall not charge interest
14 on repayments required under this subsection.

15 (10) An individual is disqualified from receiving benefits for
16 any week or part of a week in which the individual has received, is
17 receiving, or is seeking unemployment benefits under an
18 unemployment compensation law of another state or of the United
19 States. If the appropriate agency of the other state or of the
20 United States finally determines that the individual is not
21 entitled to unemployment benefits, the disqualification described
22 in this subsection does not apply.

23 (11) Beginning on May 1, 2020, and until the effective date of
24 the amendatory act that added this subsection, if an individual
25 leaves work to accept permanent full-time work with another
26 employer, the individual is considered to have met the requirements
27 of subsection (5) regardless of whether the individual actually
28 performed services for the other employer or whether the work was
29 permanent full-time work. Benefits payable to the individual must

1 be charged to the nonchargeable benefits account.

2 Sec. 29a. (1) Notwithstanding any other provision of this act,
3 an otherwise eligible individual, as described in section
4 29(1) (a) (iv), is not disqualified from receiving benefits if the
5 individual demonstrates to the commission that the reason for the
6 individual's leaving work is due to domestic violence, including 1
7 or more of the following:

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

11 (b) The individual's need to relocate to another geographic
12 area to avoid future domestic violence.

13 (c) The individual's need to address the physical,
14 psychological, or legal effects of domestic violence.

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

18 (e) The individual's reasonable belief that termination of
19 employment is necessary for the future safety of the individual or
20 the individual's family because of domestic violence.

21 (2) An individual may demonstrate to the unemployment agency
22 the existence of domestic violence by providing 1 or more
23 documents, including, but not limited to, the following:

24 (a) A restraining order or other documentation of equitable
25 relief issued by a court of competent jurisdiction in a domestic
26 violence case.

27 (b) A police record documenting domestic violence.

28 (c) Documentation that the perpetrator of the domestic
29 violence against the individual making a claim for benefits under

1 this act has been convicted of a crime involving domestic violence.

2 (d) Medical documentation of domestic violence.

3 (e) A statement provided on business or organization
4 letterhead by a counselor, social worker, health worker, member of
5 the clergy, shelter worker, attorney, or other professional who has
6 assisted the individual in addressing the effects of the domestic
7 violence on the individual or the individual's family.

8 (3) The unemployment agency shall not disclose evidence of
9 domestic violence experienced by an individual, including the
10 individual's statement or corroborating evidence.

11 (4) As used in this section:

12 (a) "Domestic violence" means any of the following that are
13 not acts of self-defense:

14 (i) Causing or attempting to cause physical or mental harm to a
15 family or household member.

16 (ii) Placing a family or household member in fear of physical
17 or mental harm.

18 (iii) Causing or attempting to cause a family or household
19 member to engage in involuntary sexual activity by force, threat of
20 force, or duress.

21 (iv) Engaging in activity toward a family or household member
22 that would cause a reasonable person to feel terrorized,
23 frightened, intimidated, threatened, harassed, or molested.

24 (b) "Family or household member" includes any of the
25 following:

26 (i) A spouse or former spouse.

27 (ii) An individual with whom the person resides or has resided.

28 (iii) An individual with whom the person has or has had a dating
29 relationship.

1 (iv) An individual with whom the person is or has engaged in a
2 sexual relationship.

3 (v) An individual to whom the person is related or was
4 formerly related by marriage.

5 (vi) An individual with whom the person has a child in common.

6 (vii) The minor child of an individual described in
7 subparagraphs (i) to (vi).

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.