

# SENATE BILL NO. 171

February 24, 2021, Introduced by Senators HOLLIER, ANANICH, BRINKS, GEISS, IRWIN, WOJNO, SANTANA, CHANG, POLEHANKI, MCCANN, BAYER, ALEXANDER, MOSS and HERTEL and referred to the Committee on Economic and Small Business Development.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 46 (MCL 421.46), as amended by 2012 PA 218.

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

1       Sec. 46. (a) Subject to subsections (d) through (f), for  
2       benefit years beginning before October 1, 2000, "benefit year"  
3       means the period of 52 consecutive calendar weeks beginning the  
4       first calendar week in which an individual files a claim in  
5       accordance with section 32 and meets all of the following  
6       conditions:

1           (1) The individual has earned 20 credit weeks in the 52  
2 consecutive calendar weeks before the week he or she files the  
3 claim for benefits.

4           (2) The individual is unemployed and meets all requirements of  
5 section 28 for the week for which he or she files a claim for  
6 benefits.

7           (3) Except for a disqualification under section 29 (8)  
8 involving a labor dispute during the individual's most recent  
9 period of employment with the most recent employer with whom the  
10 individual earned a credit week, the individual is not disqualified  
11 or subject to disqualification for the week for which he or she  
12 files a claim.

13           (4) The individual does not have a benefit year already in  
14 effect at the time of the claim.

15           (b) For benefit years beginning on or after October 1, 2000,  
16 "benefit year" means the period of 52 consecutive calendar weeks  
17 beginning the first calendar week in which an individual files a  
18 claim in accordance with section 32. However, a benefit year shall  
19 not be established unless the individual meets either of the  
20 following conditions:

21           (1) The total wages paid to the individual in the base period  
22 of the claim equals not less than 1.5 times the wages paid to the  
23 individual in the calendar quarter of the base period in which the  
24 individual was paid the highest wages.

25           (2) The individual was paid wages in 2 or more calendar  
26 quarters of the base period totaling at least 20 times the state  
27 average weekly wage as determined by the unemployment agency.

28           (c) For benefit years beginning after October 1, 2000, the  
29 state average weekly wage for a calendar year shall be computed on

1 the basis of the 12 months ending the June 30 preceding that  
2 calendar year. ~~A~~**For benefit years beginning before January 1,**  
3 **2021, a** benefit year shall not be established if the individual was  
4 not paid wages of at least the state minimum hourly wage multiplied  
5 by 388.06 rounded down to the nearest dollar in at least 1 calendar  
6 quarter of the base period. **For benefit years beginning on or after**  
7 **January 1, 2021, a benefit year shall not be established if the**  
8 **individual was not paid wages of at least the state minimum hourly**  
9 **wage multiplied by 128 rounded down to the nearest dollar in at**  
10 **least 1 calendar quarter of the base period.** A benefit year shall  
11 not be established based on base period wages previously used to  
12 establish a benefit year that resulted in the payment of benefits.  
13 However, if a calendar quarter of the base period contains wages  
14 that were previously used to establish a benefit year that resulted  
15 in the payment of benefits, a claimant may establish a benefit year  
16 using the wages in the remaining calendar quarters from among the  
17 first 4 of the last 5 completed calendar quarters, or if a benefit  
18 year cannot be established using those quarters, then by using  
19 wages from among the last 4 completed calendar quarters. A benefit  
20 year shall not be established unless, after the beginning of the  
21 immediately preceding benefit year during which the individual  
22 received benefits, the individual worked and received remuneration  
23 in an amount equal to at least 5 times the individual's most recent  
24 state weekly benefit rate in effect during the individual's  
25 immediately preceding benefit year. If a quarterly wage report has  
26 not been submitted in a timely manner by the employer as provided  
27 in section 13 for any of the quarters of the base period, or if  
28 wage information is not available for use by the unemployment  
29 agency for the most recent completed calendar quarter, the

1 unemployment agency shall obtain and use the claimant's statement  
2 of wages paid during the calendar quarters for which the wage  
3 reports are missing to establish a benefit year. However, the  
4 claimant's statement of wages shall only be used to establish a  
5 benefit year if the claimant also provides to the unemployment  
6 agency documentary or other evidence of those wages that is  
7 satisfactory to the unemployment agency. A determination based on  
8 the claimant's statement of wages paid during any of these calendar  
9 quarters shall be redetermined if the quarterly wage report from  
10 the employer is later received and would result in a change in the  
11 claimant's weekly benefit amount or duration, or both, or if the  
12 quarterly wage report from the employer later becomes available for  
13 use by the unemployment agency and would result in a change in the  
14 claimant's benefit amount or duration, or both. If the  
15 redetermination results from the employer's failure to submit the  
16 quarterly wage report in a timely manner, the redetermination shall  
17 be effective as to benefits payable for weeks beginning after the  
18 receipt of information not previously submitted by the employer.

19 (d) If an individual files a claim for a 7-day period under  
20 section 27(c), his or her benefit year begins the calendar week  
21 containing the first day of that 7-day period.

22 (e) If all or part of a claimant's right to benefits during  
23 his or her benefit year is canceled under section 62(b), the  
24 benefit year is terminated on the effective date of the  
25 cancellation.

26 (f) An individual may request a redetermination of his or her  
27 benefit rights and cancellation of a previously established benefit  
28 year if he or she has not completed a compensable period. Under  
29 circumstances described in this subsection, the benefit year begins

1 the first day of the first week in which the request for  
2 redetermination of benefit rights is duly filed.

3 Enacting section 1. This amendatory act is retroactive and  
4 applies to benefit years beginning on or after January 1, 2021.