

SENATE BILL NO. 501

June 02, 2021, Introduced by Senator HORN 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 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) within 21 calendar days after the individual

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

1 respect to the week by mail pursuant to the rules promulgated by
2 the unemployment agency.

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

6 (i) His or her Social Security number.

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

11 (iii) If the unemployment agency has requested them, copies of
12 the acceptable documents as provided in the Form I-9. As used in
13 this subdivision, "Form I-9" means the employment verification form
14 that fulfills the employment verification obligations under 8 CFR
15 274a.2.

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

28 (i) The individual fails during a benefit year to notify or
29 update a chargeable employer with telephone, electronic mail, or

1 other information sufficient to allow the employer to contact the
2 individual about available work.

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

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

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

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

28 (2) The unemployment agency may authorize an individual with
29 an unexpired benefit year to pursue vocational training or

1 retraining only if the unemployment agency finds all of the
2 following:

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

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

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

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

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

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

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

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

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

1 (b) Filing a written report with the unemployment agency by
2 mail or facsimile transmission not later than the end of the fourth
3 calendar week after the end of the week in which the individual
4 engaged in the work search, on a form approved by the unemployment
5 agency, indicating the name of each employer and physical or online
6 location of each employer where work was sought and the date and
7 method by which work was sought with each employer.

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

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

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

24 (i) Participate in reemployment services and eligibility
25 assessment activities.

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

29 (iii) Obtain job postings and seek employment for suitable

1 positions needed by local employers.

2 (b) Attending job search seminars or other employment
3 workshops that offer instruction in improving an individual's
4 skills for finding and obtaining employment.

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

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

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

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

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

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

28 (9) The unemployment agency shall use all of the documentation
29 and information provided by an individual applying for benefits to

1 verify the identity of the individual before making an initial
2 payment on the individual's claim.

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