

# HOUSE BILL NO. 6239

December 04, 2024, Introduced by Reps. Wilson and Filler and referred to the Committee on Labor.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending sections 29 and 29a (MCL 421.29 and 421.29a), section  
29 as amended and section 29a as added by 2020 PA 258.

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

- 1       Sec. 29. (1) Except as provided in subsection (5), an  
2 individual is disqualified from receiving benefits if ~~he or she~~**the**  
3 **individual does any of the following:**  
4       (a) Left work voluntarily without good cause attributable to

1 the employer or employing unit. An individual who left work is  
2 presumed to have left work voluntarily without good cause  
3 attributable to the employer or employing unit. An individual who  
4 is absent from work for a period of 3 consecutive work days or more  
5 without contacting the employer in a manner acceptable to the  
6 employer and of which the individual was informed at the time of  
7 hire is considered to have voluntarily left work without good cause  
8 attributable to the employer. An individual who becomes unemployed  
9 as a result of negligently losing a requirement for the job of  
10 which ~~he or she~~ **the individual** was informed at the time of hire is  
11 considered to have voluntarily left work without good cause  
12 attributable to the employer. An individual claiming benefits under  
13 this act has the burden of proof to establish that ~~he or she~~ **the**  
14 **individual** left work involuntarily or for good cause that was  
15 attributable to the employer or employing unit. An individual  
16 claiming to have left work involuntarily for medical reasons must  
17 have done all of the following before the leaving: secured a  
18 statement from a medical professional that continuing in the  
19 individual's current job would be harmful to the individual's  
20 physical or mental health, unsuccessfully attempted to secure  
21 alternative work with the employer, and unsuccessfully attempted to  
22 be placed on a leave of absence with the employer to last until the  
23 individual's mental or physical health would no longer be harmed by  
24 the current job. Notwithstanding any other provision of this act,  
25 with respect to claims for weeks beginning before April 1, 2021, an  
26 individual is considered to have left work involuntarily for  
27 medical reasons if ~~he or she~~ **the individual** leaves work to self-  
28 isolate or self-quarantine in response to elevated risk from COVID-  
29 19 because ~~he or she~~ **the individual** is immunocompromised, displayed

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

21 (i) The individual has an established benefit year in effect  
22 and during that benefit year leaves unsuitable work within 60 days  
23 after the beginning of that work. Benefits paid after a leaving  
24 under this subparagraph must not be charged to the experience  
25 account of the employer the individual left, but must be charged  
26 instead to the nonchargeable benefits account.

27 (ii) The individual is the spouse of a full-time member of the  
28 United States Armed Forces, and the leaving is due to the military  
29 duty reassignment of that member of the United States Armed Forces

1 to a different geographic location. Benefits paid after a leaving  
2 under this subparagraph must not be charged to the experience  
3 account of the employer the individual left, but must be charged  
4 instead to the nonchargeable benefits account.

5 (iii) The individual is concurrently working part-time for an  
6 employer or employing unit and for another employer or employing  
7 unit and voluntarily leaves the part-time work while continuing  
8 work with the other employer. The portion of the benefits paid in  
9 accordance with this subparagraph that would otherwise be charged  
10 to the experience account of the part-time employer that the  
11 individual left must not be charged to the account of that employer  
12 but must be charged instead to the nonchargeable benefits account.

13 (iv) The individual ~~is a victim of domestic violence who~~ meets  
14 the requirements ~~in~~ **of** section 29a. Benefits paid after a leaving  
15 under this subparagraph must not be charged to the experience  
16 account of the employer the individual left, but must be charged  
17 instead to the nonchargeable benefits account. ~~This subparagraph~~  
18 ~~does not apply after March 31, 2021.~~

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

21 (c) Failed without good cause to apply diligently for  
22 available suitable work after receiving notice from the  
23 unemployment agency of the availability of that work or failed to  
24 apply for work with employers that could reasonably be expected to  
25 have suitable work available.

26 (d) Failed without good cause while unemployed to report to  
27 the individual's former employer or employing unit within a  
28 reasonable time after that employer or employing unit provided  
29 notice of the availability of an interview concerning available

1   suitable work with the former employer or employing unit.

2           (e) Failed without good cause to accept suitable work offered  
3   to the individual or to return to the individual's customary self-  
4   employment, if any, when directed by the employment office or the  
5   unemployment agency. An employer that receives a monetary  
6   determination under section 32 may notify the unemployment agency  
7   regarding the availability of suitable work with the employer on  
8   the monetary determination or other form provided by the  
9   unemployment agency. Upon receipt of the notice of the availability  
10  of suitable work, the unemployment agency shall notify the claimant  
11  of the availability of suitable work.

12           (f) Lost ~~his or her~~ **the individual's** job due to absence from  
13  work resulting from a violation of law for which the individual was  
14  convicted and sentenced to jail or prison. This subdivision does  
15  not apply if conviction of an individual results in a sentence to  
16  county jail under conditions of day parole as provided in 1962 PA  
17  60, MCL 801.251 to 801.258, or if the conviction was for a traffic  
18  violation that resulted in an absence of less than 10 consecutive  
19  work days from the individual's place of employment.

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

23           (i) A strike or other concerted action in violation of an  
24  applicable collective bargaining agreement that results in  
25  curtailment of work or restriction of or interference with  
26  production.

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

29           (h) Was discharged for an act of assault and battery connected

1 with the individual's work.

2 (i) Was discharged for theft connected with the individual's  
3 work.

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

6 (k) Committed a theft after receiving notice of a layoff or  
7 discharge, but before the effective date of the layoff or  
8 discharge, resulting in loss or damage to the employer who would  
9 otherwise be chargeable for the benefits, regardless of whether the  
10 individual qualified for the benefits before the theft.

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

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

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

22 (B) That a failure to provide the temporary help firm with  
23 notice of the employee's completion of services pursuant to sub-  
24 subparagraph (A) constitutes a voluntary quit that will affect the  
25 employee's eligibility for unemployment compensation if the  
26 employee seeks unemployment compensation following completion of  
27 those services.

28 (ii) The employee did not provide the temporary help firm with  
29 notice that the employee had completed ~~his or her~~ **the employee's**

1 services for the client within 7 days after completion of ~~his or~~  
2 ~~her~~ **the employee's** services for the client.

3 (m) Was discharged for illegally ingesting, injecting,  
4 inhaling, or possessing a controlled substance on the premises of  
5 the employer; refusing to submit to a drug test that was required  
6 to be administered in a nondiscriminatory manner; or testing  
7 positive on a drug test, if the test was administered in a  
8 nondiscriminatory manner. If the worker disputes the result of the  
9 testing, and if a generally accepted confirmatory test has not been  
10 administered on the same sample previously tested, then a generally  
11 accepted confirmatory test must be administered on that sample. If  
12 the confirmatory test also indicates a positive result for the  
13 presence of a controlled substance, the worker who is discharged as  
14 a result of the test result will be disqualified under this  
15 subdivision. A report by a drug testing facility showing a positive  
16 result for the presence of a controlled substance is conclusive  
17 unless there is substantial evidence to the contrary. As used in  
18 this subdivision:

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

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

23 (iii) "Nondiscriminatory manner" means administered impartially  
24 and objectively in accordance with a collective bargaining  
25 agreement, rule, policy, a verbal or written notice, or a labor-  
26 management contract.

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

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

(3) After the week in which the disqualifying act or discharge described in subsection (1) occurs, an individual who seeks to requalify for benefits is subject to all of the following:

(a) For benefit years established before October 1, 2000, the individual must complete 6 requalifying weeks if ~~he or she~~ **the individual** was disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or 13 requalifying weeks if ~~he or she~~ **the individual** was disqualified under subsection (1)(h), (i), (j), (k), or (m). 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 at least equal to an amount needed to earn a credit week, as that term is defined in section 50.

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

(iii) Receives a benefit payment based on credit weeks subsequent to the disqualifying act or discharge.

(b) For benefit years established before October 1, 2000, if the individual is disqualified under subsection (1)(a) or (b), ~~he or she~~ **the individual** must requalify, after the week in which the disqualifying discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation act of another state an amount equal to, or in excess of, 7 times the individual's potential weekly benefit rate, calculated on the basis



1 of employment with the employer involved in the disqualification,  
 2 or by earning in employment for an employer liable under this act  
 3 or the unemployment compensation act of another state an amount  
 4 equal to, or in excess of, 40 times the state minimum hourly wage  
 5 times 7, whichever is the lesser amount.

6 (c) For benefit years established before October 1, 2000, a  
 7 benefit payable to an individual disqualified under subsection  
 8 (1)(a) or (b) must be charged to the nonchargeable benefits  
 9 account, and not to the account of the employer with whom the  
 10 individual was involved in the disqualification.

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

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

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

27 (e) For benefit years beginning on or after October 1, 2000  
 28 and beginning before April 26, 2002, if the individual is  
 29 disqualified under subsection (1)(a) or (b), ~~he or she~~ **the**

1 **individual** must requalify, after the week in which the  
2 disqualifying act or discharge occurred by earning in employment  
3 for an employer liable under this act or the unemployment  
4 compensation law of another state at least the lesser of the  
5 following:

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

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

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

15 (g) For benefit years beginning on or after April 26, 2002, if  
16 the individual is disqualified under subsection (1)(b), ~~he or she~~  
17 **the individual** must requalify, after the week in which the  
18 disqualifying act or discharge occurred by earning in employment  
19 for an employer liable under this act or the unemployment  
20 compensation law of another state at least 17 times the  
21 individual's weekly benefit rate.

22 (h) A benefit payable to the individual disqualified or  
23 separated under disqualifying circumstances under subsection (1)(a)  
24 or (b) must be charged to the nonchargeable benefits account, and  
25 not to the account of the employer with whom the individual was  
26 involved in the separation. Benefits payable to an individual  
27 determined by the unemployment agency to be separated under  
28 disqualifying circumstances must not be charged to the account of  
29 the employer involved in the disqualification for any period after

1 the employer notifies the unemployment agency of the claimant's  
2 possible ineligibility or disqualification. However, an individual  
3 filing a new claim for benefits who reports the reason for  
4 separation from a base period employer as a voluntary leaving is  
5 presumed to have voluntarily left without good cause attributable  
6 to the employer and is disqualified unless the individual provides  
7 substantial evidence to rebut the presumption. If a disqualifying  
8 act or discharge occurs during the individual's benefit year, any  
9 benefits that may become payable to the individual in a later  
10 benefit year based on employment with the employer involved in the  
11 disqualification must be charged to the nonchargeable benefits  
12 account.

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

16 (a) For benefit years established before October 1, 2000, if  
17 the individual is disqualified under subsection (1)(c), (d), (e),  
18 (f), (g), or (l) and the maximum amount of benefits is based on  
19 wages and credit weeks earned from an employer before an act or  
20 discharge involving that employer, the amount must be reduced by an  
21 amount equal to the individual's weekly benefit rate as to that  
22 employer multiplied by the lesser of either of the following:

23 (i) The number of requalifying weeks required of the individual  
24 under this section.

25 (ii) The number of weeks of benefit entitlement remaining with  
26 that employer.

27 (b) If the individual has insufficient or no potential benefit  
28 entitlement remaining with the employer involved in the  
29 disqualification in the benefit year in existence on the date of

1 the disqualifying determination, a reduction of benefits described  
2 in this subsection applies in a succeeding benefit year with  
3 respect to any benefit entitlement based upon credit weeks earned  
4 with the employer before the disqualifying act or discharge.

5 (c) For benefit years established before October 1, 2000, an  
6 individual disqualified under subsection (1)(h), (i), (j), (k), or  
7 (m) is not entitled to benefits based on wages and credit weeks  
8 earned before the disqualifying act or discharge with the employer  
9 involved in the disqualification.

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

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

15 (f) For benefit years established on or after October 1, 2000,  
16 if the individual is disqualified under subsection (1)(c), (d),  
17 (e), (f), (g), or (l), the maximum number of weeks otherwise  
18 applicable in calculating benefits for the individual under section  
19 27(d) must be reduced by the lesser of the following:

20 (i) The number of requalifying weeks required of the individual  
21 under this section.

22 (ii) The number of weeks of benefit entitlement remaining on  
23 the claim.

24 (g) For benefit years beginning on or after October 1, 2000,  
25 the benefits of an individual disqualified under subsection (1)(h),  
26 (i), (j), (k), (m), or (n) must be reduced by 13 weeks and any  
27 weekly benefit payments made to the claimant thereafter must be  
28 reduced by the portion of the payment attributable to base period  
29 wages paid by the base period employer involved in a

1 disqualification under subsection (1)(h), (i), (j), (k), (m), or  
2 (n).

3 (5) Subject to subsection (11), if an individual leaves work  
4 to accept permanent full-time work with another employer or to  
5 accept a referral to another employer from the individual's union  
6 hiring hall and performs services for that employer, or if an  
7 individual leaves work to accept a recall from a former employer,  
8 all of the following apply:

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

10 (b) Wages earned with the employer whom the individual last  
11 left, including wages previously transferred under this subsection  
12 to the last employer, for the purpose of computing and charging  
13 benefits, are wages earned from the employer with whom the  
14 individual accepted work or recall, and benefits paid based ~~upon~~ **on**  
15 those wages must be charged to that employer.

16 (c) When issuing a determination covering the period of  
17 employment with a new or former employer described in this  
18 subsection, the unemployment agency shall advise the chargeable  
19 employer of the name and address of the other employer, the period  
20 covered by the employment, and the extent of the benefits that may  
21 be charged to the account of the chargeable employer.

22 (6) In determining whether work is suitable for an individual,  
23 the unemployment agency shall consider the degree of risk involved  
24 to the individual's health, safety, and morals, the individual's  
25 physical fitness and prior training, the individual's length of  
26 unemployment and prospects for securing local work in the  
27 individual's customary occupation, and the distance of the  
28 available work from the individual's residence. Additionally, the  
29 unemployment agency shall consider the individual's experience and

1 prior earnings, but an unemployed individual who refuses an offer  
2 of work determined to be suitable under this section must be denied  
3 benefits if the pay rate for that work is at least 70% of the gross  
4 pay rate ~~he or she~~ **the unemployed individual** received immediately  
5 before becoming unemployed. Beginning January 15, 2012, after an  
6 individual has received benefits for 50% of the benefit weeks in  
7 the individual's benefit year, work is not considered unsuitable  
8 because it is outside of the individual's training or experience or  
9 unsuitable as to pay rate if the pay rate for that work meets or  
10 exceeds the minimum wage; is at least the prevailing mean wage for  
11 similar work in the locality for the most recent full calendar year  
12 for which data are available as published by the department of  
13 technology, management, and budget as "wages by job title", by  
14 standard metropolitan statistical area; and is 120% or more of the  
15 individual's weekly benefit amount.

16 (7) Work is not suitable and benefits must not be denied under  
17 this act to an otherwise eligible individual for refusing to accept  
18 new work under any of the following conditions:

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

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

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

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

29 (a) An individual is disqualified from receiving benefits for

1 a week in which the individual's total or partial unemployment is  
2 due to either of the following:

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

6 (ii) A labor dispute, other than a lockout, in active progress  
7 or a shutdown or start-up operation caused by that labor dispute in  
8 any other establishment within the United States that is both  
9 functionally integrated with the establishment described in  
10 subparagraph (i) and operated by the same employing unit.

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

18 (c) An individual is not disqualified under this subsection if  
19 the individual is not directly involved in the labor dispute. An  
20 individual is not directly involved in a labor dispute unless any  
21 of the following are established:

22 (i) At the time or in the course of a labor dispute in the  
23 establishment in which the individual was then employed, the  
24 individual in concert with 1 or more other employees voluntarily  
25 stopped working other than at the direction of the individual's  
26 employing unit.

27 (ii) The individual is participating in, financing, or directly  
28 interested in the labor dispute that causes the individual's total  
29 or partial unemployment. The payment of regular union dues, in

1 amounts and for purposes established before the inception of the  
2 labor dispute, is not financing a labor dispute within the meaning  
3 of this subparagraph.

4 (iii) At any time a labor dispute in the establishment or  
5 department in which the individual was employed does not exist, and  
6 the individual voluntarily stops working, other than at the  
7 direction of the individual's employing unit, in sympathy with  
8 employees in some other establishment or department in which a  
9 labor dispute is in progress.

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

13 (d) As used in this subsection, "directly interested" must be  
14 construed and applied so as not to disqualify individuals  
15 unemployed as a result of a labor dispute the resolution of which  
16 may not reasonably be expected to affect their wages, hours, or  
17 other conditions of employment, and to disqualify individuals whose  
18 wages, hours, or conditions of employment may reasonably be  
19 expected to be affected by the resolution of the labor dispute. A  
20 "reasonable expectation" of an effect on an individual's wages,  
21 hours, or other conditions of employment exists, in the absence of  
22 a substantial preponderance of evidence to the contrary, in any of  
23 the following situations:

24 (i) If it is established that there is in the particular  
25 establishment or employing unit a practice, custom, or contractual  
26 obligation to extend within a reasonable period to members of the  
27 individual's grade or class of workers in the establishment in  
28 which the individual is or was last employed changes in terms and  
29 conditions of employment that are substantially similar or related



1 to some or all of the changes in terms and conditions of employment  
2 that are made for the workers among whom there exists the labor  
3 dispute that has caused the individual's total or partial  
4 unemployment.

5 (ii) If it is established that 1 of the issues in or purposes  
6 of the labor dispute is to obtain a change in the terms and  
7 conditions of employment for members of the individual's grade or  
8 class of workers in the establishment in which the individual is or  
9 was last employed.

10 (iii) If a collective bargaining agreement covers both the  
11 individual's grade or class of workers in the establishment in  
12 which the individual is or was last employed and the workers in  
13 another establishment of the same employing unit who are actively  
14 participating in the labor dispute, and that collective bargaining  
15 agreement is subject by its terms to modification, supplementation,  
16 or replacement, or has expired or been opened by mutual consent at  
17 the time of the labor dispute.

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

20 (i) Representation of the workers by the same national or  
21 international organization or by local affiliates of that national  
22 or international organization.

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

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

1           (iv) Any functional integration of the work performed by those  
2 workers.

3           (v) Whether the resolution of those issues involved in the  
4 labor dispute as to some of the workers could directly or  
5 indirectly affect the advancement, negotiation, or settlement of  
6 the same or similar issues in respect to the remaining workers.

7           (vi) Whether the workers are currently or have been covered by  
8 the same or similar demands by their recognized or certified  
9 bargaining agent or agents for changes in their wages, hours, or  
10 other conditions of employment.

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

15           (9) Notwithstanding subsections (1) to (8), if the employing  
16 unit submits notice to the unemployment agency of possible  
17 ineligibility or disqualification beyond the time limits prescribed  
18 by unemployment agency rule and the unemployment agency concludes  
19 that benefits should not have been paid, the claimant shall repay  
20 the benefits paid during the entire period of ineligibility or  
21 disqualification. The unemployment agency shall not charge interest  
22 on repayments required under this subsection.

23           (10) An individual is disqualified from receiving benefits for  
24 any week or part of a week in which the individual has received, is  
25 receiving, or is seeking unemployment benefits under an  
26 unemployment compensation law of another state or of the United  
27 States. If the appropriate agency of the other state or of the  
28 United States finally determines that the individual is not  
29 entitled to unemployment benefits, the disqualification described

1 in this subsection does not apply.

2 (11) Beginning on May 1, 2020, and until ~~the effective date of~~  
3 ~~the amendatory act that added this subsection,~~ **October 20, 2020**, if  
4 an individual leaves work to accept permanent full-time work with  
5 another employer, the individual is considered to have met the  
6 requirements of subsection (5) regardless of whether the individual  
7 actually performed services for the other employer or whether the  
8 work was permanent full-time work. Benefits payable to the  
9 individual must be charged to the nonchargeable benefits account.

10 Sec. 29a. (1) Notwithstanding any other provision of this act,  
11 ~~subject to subsection (5),~~ an otherwise eligible individual, as  
12 described in section 29(1) (a) (iv), is not disqualified from  
13 receiving benefits if the individual demonstrates to the commission  
14 that the reason for the individual's leaving work is due to  
15 domestic violence, **sexual violence, or gender violence**, including 1  
16 or more of the following:

17 (a) The individual's reasonable fear of future domestic  
18 violence at or en route to or from the individual's place of  
19 employment.

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

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

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

27 (e) The individual's reasonable belief that termination of  
28 employment is necessary for the future safety of the individual or  
29 the individual's family **or household member** because of domestic

1 violence, **sexual violence, or gender violence.**

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

5 (a) A restraining order or other documentation of equitable  
6 relief issued by a court of competent jurisdiction in a domestic  
7 violence case.

8 (b) A police record documenting domestic violence.

9 (c) Documentation that the perpetrator of the domestic  
10 violence against the individual making a claim for benefits under  
11 this act has been convicted of a crime involving domestic violence.

12 (d) Medical documentation of domestic violence.

13 (e) A statement provided on business or organization  
14 letterhead by a counselor, social worker, health worker, member of  
15 the clergy, shelter worker, attorney, or other professional who has  
16 assisted the individual in addressing the effects of the domestic  
17 violence on the individual or the individual's family.

18 (3) The unemployment agency shall not disclose evidence of  
19 domestic violence, **sexual violence, or gender violence** experienced  
20 by an individual, including the individual's statement or  
21 corroborating evidence.

22 (4) As used in this section:

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

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

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

29 (iii) Causing or attempting to cause a family or household

1 member to engage in involuntary sexual activity by force, threat of  
2 force, or duress.

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

6 (b) "Family or household member" includes any of the  
7 following:

8 (i) A spouse or former spouse.

9 (ii) An individual with whom the ~~person~~**individual** resides or  
10 has resided.

11 (iii) An individual with whom the ~~person~~**individual** has or has  
12 had a dating relationship.

13 (iv) An individual with whom the ~~person~~**individual** is or has  
14 engaged in a sexual relationship.

15 (v) An individual to whom the ~~person~~**individual** is related or  
16 was formerly related by marriage **or civil union**.

17 (vi) An individual with whom the ~~person has~~**individual shares** a  
18 child. ~~in common.~~

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

21 ~~(5) This section does not apply after March 31, 2021.~~

22 (c) **"Gender violence" means an act committed against an**  
23 **individual because of the individual's expressed gender identity**  
24 **that results in, or is likely to result in, physical, sexual, or**  
25 **psychological harm or suffering of the individual.**

26 (d) **"Sexual violence" means a sexual act committed or**  
27 **attempted against an individual without explicit consent of that**  
28 **individual, including if the individual lacks the capacity to give**  
29 **consent, and that is prohibited by federal, state, or tribal law.**