

HOUSE BILL No. 5224

October 24, 1989, Introduced by Reps. Niederstadt, Perry Bullard, Varga, Ciaramitaro, Emerson, Sikkema, Ouwinga, Muxlow, Miller, DeLange, Giese, Banks, Hoekman, Jaye, Watkins, London, DeBeaussaert, Martin, DeMars, O'Connor, Jonker, Berman and Hertel and referred to the Committee on Labor.

A bill to amend section 28 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 197 of the Public Acts of 1985, being section 421.28 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 197 of the
3 Public Acts of 1985, being section 421.28 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 28. (1) An unemployed individual shall be eligible to
6 receive benefits with respect to any week only if the commission
7 finds that:

8 (a) The individual has registered for work at and thereafter
9 has continued to report at an employment office in accordance

1 with such rules as the commission may prescribe and is seeking
2 work. (1) The requirements that the individual must REPORT AT AN
3 EMPLOYMENT OFFICE, MUST register for work, MUST be available to
4 perform suitable full-time work, and must seek work may be waived
5 by the commission if the individual is laid off and the employer
6 who laid the individual off notifies the commission in writing OR
7 BY COMPUTERIZED DATA EXCHANGE that the layoff is temporary and
8 that work is expected to be available for the individual within a
9 declared number of days, not to exceed 45 calendar days following
10 the last day the individual worked. This waiver shall not be
11 effective unless the notification from the employer has been
12 received by the commission before the individual has completed
13 his or her first compensable week following layoff. If the indi-
14 vidual is not recalled within the specified period, the waiver
15 shall cease to be operative with respect to that layoff. (2)
16 Except for a period of disqualification, the requirement that the
17 individual shall seek work may be waived by the commission where
18 it finds that suitable work is unavailable both in the locality
19 where the individual resides and in those localities in which the
20 individual has earned base period credit weeks. This waiver
21 shall not apply, for weeks of unemployment beginning on or after
22 March 1, 1981, to a claimant enrolled and attending classes as a
23 full-time student. (3) An individual shall be deemed to have
24 satisfied the requirement of personal reporting at an employment
25 office, as applied to a week in a period during which the
26 requirements of registration and seeking work have been waived by
27 the commission under subparagraph (1), if (i) the individual has

1 satisfied the personal reporting requirement with respect to a
2 preceding week in that period and (ii) the individual has
3 reported with respect to the week by mail in accordance with the
4 rules promulgated by the commission.

5 (b) The individual has made a claim for benefits in accord-
6 ance with the provisions of section 32 and has provided the com-
7 mission with his or her social security number.

8 (c) The individual is able and available to perform suitable
9 full-time work of a character which the individual is qualified
10 to perform by past experience or training, which is of a charac-
11 ter generally similar to work for which the individual has previ-
12 ously received wages, and for which the individual is available,
13 full time, either at a locality at which the individual earned
14 wages for insured work during his or her base period or at a
15 locality where it is found by the commission that such work is
16 available.

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

1 (2) The commission may authorize an individual with an
2 unexpired benefit year to pursue vocational training or
3 retraining only if the commission finds that:

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

8 (b) The vocational training course relates to an occupation
9 or skill for which there are, or are expected to be in the imme-
10 diate future, reasonable employment opportunities.

11 (c) The training course has been approved by a local
12 advisory council on which both management and labor are repre-
13 sented, or if there is no local advisory council, by the
14 commission.

15 (d) The individual has the required qualifications and apti-
16 tudes to complete the course successfully.

17 (e) The vocational training course has been approved by the
18 state board of education and is maintained by a public or private
19 school or by the commission.

20 (3) Notwithstanding any other provision of this act, an oth-
21 erwise eligible individual shall not be ineligible for benefits
22 because he or she is participating in training with the approval
23 of the commission. For each week that the commission finds that
24 an individual who is claiming benefits under this act and who is
25 participating in training with the approval of the commission, is
26 satisfactorily pursuing an approved course of vocational
27 training, it shall waive the requirements that he or she be

1 available for work and be seeking work as prescribed in
2 subsection (1)(a) and (c), and it shall find good cause for his
3 or her failure to apply for suitable work, report to a former
4 employer for an interview concerning suitable work, or accept
5 suitable work as required in section 29(1)(c), (d), and (e).

6 (4) The waiver of the requirement that a claimant seek work,
7 as provided in subsection (1)(a)(1) and (a)(2), shall not be
8 applicable to weeks of unemployment for which the claimant is
9 claiming extended benefits if section 64(8)(a)(ii) is in effect,
10 unless the individual is participating in training approved by
11 the commission.

12 (5) Notwithstanding any other provisions of this act, an
13 otherwise eligible individual shall not be denied benefits for
14 any week beginning after October 30, 1982 solely because the
15 individual is in training approved under section 236(a)(1) of the
16 trade act of 1974, as amended, 19 U.S.C. 2296, nor shall the
17 individual be denied benefits by reason of leaving work to enter
18 such training if the work left is not suitable employment.
19 Furthermore, an otherwise eligible individual shall not be denied
20 benefits because of the application to any such week in training
21 of provisions of this act, or any applicable federal unemployment
22 compensation law, relating to availability for work, active
23 search for work, or refusal to accept work. For purposes of this
24 subsection, "suitable employment" means, with respect to an indi-
25 vidual, work of a substantially equal or higher skill level than
26 the individual's past adversely affected employment, as defined
27 for purposes of the trade act of 1974, 19 U.S.C. 2101 to ~~2487~~

1 2495, and wages for that work at not less than 80% of the
 2 individual's average weekly wage as determined for the purposes
 3 of the trade act of 1974.

4 Section 2. This amendatory act shall not take effect unless
 5 all of the following bills of the 85th Legislature are enacted
 6 into law:

7 (a) House Bill No. 4815.

8 (b) House Bill No. 4817.

9 (c) Senate Bill No. 68.

10 (d) Senate Bill No. ____ or House Bill No. 5221 (request
 11 no. 04205'89*).

12 (e) Senate Bill No. ____ or House Bill No. 5228 (request
 13 no. 04206'89*).

14 (f) Senate Bill No. ____ or House Bill No. 5222 (request
 15 no. 04207'89*).

16 (g) Senate Bill No. ____ or House Bill No. 5229 (request
 17 no. 04208'89*).

18 (h) Senate Bill No. ____ or House Bill No. 5226 (request
 19 no. 04209'89*^{*}).

20 (i) Senate Bill No. ____ or House Bill No. 5230 (request
 21 no. 04210'89*).

22 (j) Senate Bill No. ____ or House Bill No. 5225 (request
 23 no. 04211'89*^{*}).

24 (k) Senate Bill No. ____ or House Bill No. 5231 (request
 25 no. 04212'89*^{**}).

26 (l) Senate Bill No. ____ or House Bill No. 5223 (request
 27 no. 04213'89*^{*}).

1 (m) Senate Bill No. ____ or House Bill No. 5227 (request
2 no. 04216'89*).