

HOUSE BILL No. 5703

May 2, 1990, Introduced by Rep. Ciaramitaro and referred to the Committee on Labor.

A bill to amend section 14 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. 164 of the Public Acts of 1983, being section 421.14 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 164 of the
3 Public Acts of 1983, being section 421.14 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 14. (1) The commission, after affording reasonable
6 opportunity for the submission of relevant information in writing
7 or in person, may make determinations with respect to whether an
8 employing unit constitutes an employer and whether services
9 performed for or in connection with the business of an employing

1 unit constitute employment for that employing unit subject to
2 this act. The employing unit, or other interested parties, which
3 may include an individual who is or was employed by that employ-
4 ing unit, on his or her request, shall be promptly notified of
5 the determination and the reasons for the determination. The
6 determination shall be final as to those parties unless the
7 employing unit or other interested parties files an application
8 for a review and redetermination in accordance with section 32a
9 or, within 30 days after the mailing or personal service of the
10 notice of determination, pays under protest the amount charged or
11 found to be due as contributions. If evidence is presented indi-
12 cating that an employing unit which has been determined not to be
13 an employer is or was actually an employer, or that services
14 which have been held not to constitute employment are or were
15 actually employment, the previous determination shall be reopened
16 and reconsidered by the commission in accordance with section 32a
17 and a redetermination made as the facts and law require; but in
18 the absence of fraud, if the employing unit is finally found to
19 constitute an employer or to be liable for contributions with
20 respect to services previously held nonsubject, contributions
21 with respect to those services shall not be collectible for any
22 period before the first day of the last completed calendar year
23 preceding the reopening of the determination. In the absence of
24 fraud, an individual, legal entity, or employing unit shall not
25 be retroactively determined to be an employer for any period
26 before the 3 calendar years preceding the issuance of the
27 determination.

1 (2) IF AN INDIVIDUAL FILES A CLAIM FOR BENEFITS BASED ON
2 SERVICES PERFORMED FOR AN EMPLOYER WHO DOES NOT HAVE AN IDENTIFI-
3 CATION NUMBER ISSUED BY THE COMMISSION AT THE TIME OF THE CLAIM,
4 THE COMMISSION, IF IT DETERMINES THAT THERE IS SUFFICIENT INFOR-
5 MATION TO BELIEVE THAT AN EMPLOYMENT RELATIONSHIP IS ESTABLISHED
6 AND THAT THE CLAIMANT IS OTHERWISE ENTITLED TO THE RECEIPT OF
7 BENEFITS UNDER THIS ACT, SHALL ISSUE A TEMPORARY IDENTIFICATION
8 NUMBER TO THE EMPLOYER AND PROCEED TO PAY THE PROPER BENEFIT RATE
9 TO THE CLAIMANT.

10 (3) A determination or redetermination of the commission, or
11 a decision of a referee or the appeal board, or of the courts of
12 this state, which has become final, together with the record
13 thereof, may be introduced in any proceeding involving a claim
14 for benefits and the facts therein found and the determination,
15 redetermination, or decision therein made shall be conclusive
16 unless substantial evidence to the contrary is introduced by or
17 on behalf of the claimant.