

HOUSE BILL No. 5786

May 21, 1990, Introduced by Rep. Watkins and referred to the Committee on Labor.

A bill to amend section 50 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. 535 of the Public Acts of 1982, being section 421.50 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 50 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 535 of the
3 Public Acts of 1982, being section 421.50 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 50. (a) "Week" means calendar week, ending at mid-
6 night Saturday, but all work performed and wages earned during a
7 working shift which starts before midnight Saturday shall be
8 included in the week in which that shift begins.

1 (b) ~~Except as provided in subsection (c), "credit~~ "CREDIT
2 week" means a calendar week of an individual's base period during
3 which the individual earned wages equal to or greater than 20
4 times the state minimum hourly wage in effect on the first day of
5 the calendar week in which the individual filed an application
6 for benefits subject to the following:

7 (1) If an individual earns wages from more than 1 employer
8 in a credit week, that week shall be counted as 1 multiemployer
9 credit week and shall be governed by the provisions of section
10 20(d), unless the individual has earned sufficient wages in the
11 base period with only 1 of the employers for whom the individual
12 performed services in the week of concurrent employment to enti-
13 tle the individual to a maximum weekly benefit rate, in which
14 case, the week shall be a credit week with respect to that
15 employer only and not a multiemployer credit week.

16 (2) Not more than 35 uncanceled and uncharged credit weeks
17 shall be counted as credit weeks. In determining the 35 credit
18 weeks to be used for computing and paying benefits, credit weeks
19 shall be counted in the following sequence:

20 (a) First, all credit weeks which are not multiemployer
21 credit weeks and which were earned with employers not involved in
22 a disqualifying act or discharge under section 29(1), and all
23 credit weeks earned with an employer involved in such a disquali-
24 fying act or discharge which were earned subsequent to the last
25 act or discharge in which the employer was involved, shall be
26 counted in inverse order of most recent employment with each
27 employer.

1 (b) Second, if the credit weeks counted under ~~paragraph~~
2 SUBPARAGRAPH (a) total less than 35, all credit weeks which are
3 not multiemployer credit weeks and which were earned with each
4 employer before a disqualifying act or discharge shall be count-
5 ed, in inverse order to that in which the most recent disqualify-
6 ing act or discharge with each employer occurred, to the extent
7 necessary to use all available credit weeks with respect to the
8 employers, or a total of 35 credit weeks, whichever is less.

9 (c) Third, if the credit weeks counted under ~~paragraphs~~
10 SUBPARAGRAPHS (a) and (b) total less than 35, all multiemployer
11 credit weeks shall be counted, in inverse chronological order of
12 their occurrence, to the extent necessary to count all available
13 credit weeks, or a total of 35 credit weeks, whichever is less.

14 (3) As used in this subsection:

15 (a) "Uncharged credit week" means a credit week which has
16 not been used as a basis for a benefit payment, a reduction of
17 benefits under section 29(4), or a penalty disqualification under
18 section 62(b).

19 (b) "Uncanceled credit week" means a credit week which is
20 not canceled in accordance with section 62(b).

21 (4) There shall not be counted toward the wages required to
22 establish a credit week under this subsection payments in the
23 form of termination, separation, severance, or dismissal allow-
24 ances ~~—, nor shall there be counted—~~ OR any payments for a vaca-
25 tion or a holiday unless the payment has been made, or the right
26 to receive it has irrevocably vested ~~—~~ within 14 days following
27 the vacation or holiday.

1 ~~(c) Notwithstanding subsection (b), for weeks of~~
2 ~~unemployment beginning January 2, 1983, "credit week" means a~~
3 ~~calendar week of an individual's base period during which the~~
4 ~~individual earned wages equal to or greater than 30 times the~~
5 ~~state minimum hourly wage in effect on the first day of the cal-~~
6 ~~endar week in which the individual filed an application for bene-~~
7 ~~fits subject to the following:~~

8 ~~(1) If an individual earns wages from more than 1 employer~~
9 ~~in a credit week, that week shall be counted as 1 multiemployer~~
10 ~~credit week and shall be governed by the provisions of section~~
11 ~~20(d), unless the individual has earned sufficient wages in the~~
12 ~~base period with only 1 of the employers for whom the individual~~
13 ~~performed services in the week of concurrent employment to enti-~~
14 ~~tle the individual to a maximum weekly benefit rate for his or~~
15 ~~her family class, in which case the week shall be a credit week~~
16 ~~with respect to that employer only and not to a multiemployer~~
17 ~~credit week.~~

18 ~~(2) Not more than 35 uncanceled and uncharged credit weeks~~
19 ~~shall be counted as credit weeks. In determining the 35 credit~~
20 ~~weeks to be used for computing and paying benefits, credit weeks~~
21 ~~shall be counted in the following sequence:~~

22 ~~(a) First, all credit weeks which are not multiemployer~~
23 ~~credit weeks and which were earned with employers not involved in~~
24 ~~a disqualifying act or discharge under section 29(1), and all~~
25 ~~credit weeks earned with an employer involved in such a disquali-~~
26 ~~fying act or discharge which were earned subsequent to the last~~
27 ~~act or discharge in which the employer was involved, shall be~~

1 ~~counted in inverse order of most recent employment with each~~
2 ~~employer.~~

3 ~~(b) Second, if the credit weeks counted under paragraph (a)~~
4 ~~total less than 35, all credit weeks which are not multiemployer~~
5 ~~credit weeks and which were earned with each employer before a~~
6 ~~disqualifying act or discharge shall be counted, in inverse order~~
7 ~~to that in which the most recent disqualifying act or discharge~~
8 ~~with each employer occurred, to the extent necessary to use all~~
9 ~~available credit weeks with respect to the employers, or a total~~
10 ~~of 35 credit weeks, whichever is less.~~

11 ~~(c) Third, if the credit weeks counted under paragraphs (a)~~
12 ~~and (b) total less than 35, all multiemployer credit weeks shall~~
13 ~~be counted, in inverse chronological order of their occurrence,~~
14 ~~to the extent necessary to count all available credit weeks, or a~~
15 ~~total of 35 credit weeks, whichever is less.~~

16 ~~(3) As used in this subsection:~~

17 ~~(a) "Uncharged credit week" means a credit week which has~~
18 ~~not been used as a basis for a benefit payment, a reduction of~~
19 ~~benefits under section 29(4), or a penalty disqualification under~~
20 ~~section 62(b).~~

21 ~~(b) "Uncanceled credit week" means a credit week which is~~
22 ~~not canceled in accordance with section 62(b).~~

23 ~~(4) There shall not be counted toward the wages required to~~
24 ~~establish a credit week under this subsection payments in the~~
25 ~~form of termination, separation, severance, or dismissal allow-~~
26 ~~ances; nor shall there be counted any payments for a vacation or~~
27 ~~a holiday unless the payment has been made, or the right to~~

1 ~~receive it has irrevocably vested, within 14 days following the~~
2 ~~vacation or holiday.~~

3 ~~(5) This subsection shall not apply to benefit years begin-~~
4 ~~ning after January 3, 1987.~~