

# SENATE BILL No. 639

October 25, 1989, Introduced by Senators NICHOLS, DILLINGHAM, CHERRY, CARL, DI NELLO, CROPSEY, WELBORN, GEAKE, SCHWARZ, GEO. HART, IRWIN, HOLMES, KELLY and O'BRIEN and referred to the Committee on Human Resources and Senior Citizens.

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. 640.

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12 (e) Senate Bill No. 641.

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14 (f) House Bill No. 5222.

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16 (g) Senate Bill No. 642.

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18 (h) Senate Bill No. 643.

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20 (i) Senate Bill No. 644.

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22 (j) Senate Bill No. 645.

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24 (k) Senate Bill No. 646.

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26 (l) Senate Bill No. 647.

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1 (m) Senate Bill No. 648.

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