

HOUSE BILL No. 5377

October 26, 2007, Introduced by Reps. Miller, Dean, Meisner, Tobocman, Young, Kathleen Law and Accavitti and referred to the Committee on Families and Children's Services.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 32 (MCL 421.32), as amended by 2002 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (a) Claims for benefits shall be made pursuant to
2 regulations prescribed by the unemployment agency. The unemployment
3 agency shall designate representatives who shall promptly examine
4 claims and make a determination on the facts. The unemployment
5 agency may establish rules providing for the examination of claims,
6 the determination of the validity of the claims, and the amount and
7 duration of benefits to be paid. The claimant and other interested
8 parties shall be promptly notified of the determination and the
9 reasons for the determination. **THE UNEMPLOYMENT AGENCY SHALL**

1 INCLUDE INFORMATION CONCERNING ELIGIBILITY FOR THE STATE'S PROGRAMS
2 FOR CHILD HEALTH INSURANCE FOR PERSONS WITH LIMITED INCOME WITH THE
3 INITIAL NOTIFICATION OF THE DETERMINATION THAT IS SENT TO THE
4 CLAIMANT. THE DEPARTMENT OF COMMUNITY HEALTH SHALL AID THE
5 DEPARTMENT IN SELECTING THE APPROPRIATE CHILD HEALTH INSURANCE
6 ELIGIBILITY INFORMATION FOR INCLUSION.

7 (b) (1) For benefit years established before ~~the conversion~~
8 ~~date prescribed in section 75~~ **OCTOBER 1, 2000**, the unemployment
9 agency may prescribe regulations for notifying and shall notify the
10 employer, whose experience account may be charged, and the
11 employing unit where the claimant last worked that the claimant has
12 filed an application for benefits. The notice shall require the
13 employer and employing unit to furnish information to the
14 unemployment agency necessary to determine the claimant's benefit
15 rights.

16 (2) Upon receipt of the employer's reports, the unemployment
17 agency shall promptly make a determination based upon the available
18 information. The claimant and the employer, whose experience
19 account may be charged pursuant to the determination, shall be
20 promptly notified of the determination. The notice shall show the
21 name and account number of the employer whose experience account
22 may be charged pursuant to the determination, the weekly benefit
23 amount and the maximum number of credit weeks against which the
24 claimant may draw benefits, and whether or not the claimant is
25 eligible and qualified to draw benefits. An employer may designate
26 in writing to the unemployment agency an individual or another
27 employer or an employing unit to receive any notice required to be

1 given by the unemployment agency to that employer or to represent
2 that employer in any proceeding before the unemployment agency as
3 provided in section 31.

4 (3) If an employer or employing unit fails to respond within
5 10 days after mailing of the request for information, the
6 unemployment agency shall make a determination upon the available
7 information. In the absence of a showing by the employer satisfying
8 the unemployment agency that the employer reasonably could not
9 submit the requested information, the determination shall be final
10 as to the noncomplying employer, as to benefits paid before the
11 week following the receipt of the employer's reply, and chargeable
12 against the employer's experience account as a result of the
13 employer's late reply, and the payments shall be considered to have
14 been proper payments. The unemployment agency may require an
15 employer who consistently fails to meet the unemployment agency's
16 requirements, as to submission of reports covering employment of
17 individuals, to provide the reports automatically upon the
18 separation of individuals from employment, in the manner and within
19 the time limits the unemployment agency prescribes by regulation
20 necessary to carry out this section. An employer may be permitted
21 to provide the reports automatically upon separation of individuals
22 from employment, in the manner and within the time limits
23 prescribed by the unemployment agency.

24 (4) After an application for benefits is filed, the
25 unemployment agency's determination shall include only the most
26 recent employer. Subsequently, as necessary, the unemployment
27 agency shall issue determinations covering other base period

1 employers, individually in inverse order to that in which the
2 claimant earned his or her last credit week with the employers.

3 (5) For benefit years established after ~~the conversion date~~
4 ~~prescribed in section 75~~ **OCTOBER 1, 2000**, the unemployment agency
5 shall mail to the claimant, to each base period employer or
6 employing unit, and to the separating employer or employing unit, a
7 monetary determination. The monetary determination shall notify
8 each of these employers or employing units that the claimant has
9 filed an application for benefits and the amount the claimant
10 reported as earned with the separating employer or employing unit,
11 and shall state the name of each employer or employing unit in the
12 base period and the name of the separating employer or employing
13 unit. The monetary determination shall also state the claimant's
14 weekly benefit rate, the amount of base period wages paid by each
15 base period employer, the maximum benefit amount that could be
16 charged to each employer's account or experience account, and the
17 reason for separation reported by the claimant. The monetary
18 determination shall also state whether the claimant is monetarily
19 eligible to receive unemployment benefits. Except for separations
20 under section 29(1)(a), no further reconsideration of a separation
21 from any base period employer will be made unless the base period
22 employer notifies the unemployment agency of a possible
23 disqualifying separation within 30 days of the separation in
24 accordance with this subsection. Benefits paid in accordance with
25 the monetary determination shall be considered proper payments and
26 shall not be changed unless the unemployment agency receives new,
27 corrected, or additional information from the employer, within 10

1 calendar days after the mailing of the monetary determination, and
2 the information results in a change in the monetary determination.
3 New, additional, or corrected information received by the
4 unemployment agency after the 10-day period shall be considered a
5 request for reconsideration by the employer of the monetary
6 determination and shall be reviewed as provided in section 32a.

7 (6) For the purpose of determining a claimant's nonmonetary
8 eligibility and qualification for benefits, if the claimant's most
9 recent base period or benefit year separation was for a reason
10 other than the lack of work, then a determination shall be issued
11 concerning that separation to the claimant and to the separating
12 employer. If a claimant is not disqualified based on his or her
13 most recent separation from employment and has satisfied the
14 requirements of section 29, the unemployment agency shall issue a
15 nonmonetary determination as to that separation only. If a claimant
16 is not disqualified based on his or her most recent separation from
17 employment and has not satisfied the requirements of section 29,
18 the unemployment agency shall issue 1 or more nonmonetary
19 determinations necessary to establish the claimant's qualification
20 for benefits based on any prior separation in inverse chronological
21 order. The unemployment agency shall consider all base period
22 separations involving disqualifications under section 29(1)(h),
23 (j), (l), or (m) in determining a claimant's nonmonetary eligibility
24 and qualification for benefits. An employer may designate in
25 writing to the unemployment agency an individual or another
26 employer or an employing unit to receive any notice required to be
27 given by the unemployment agency to that employer or to represent

1 that employer in any proceeding before the unemployment agency as
2 provided in section 31.

3 (7) If the unemployment agency requests additional monetary or
4 nonmonetary information from an employer or employing unit and the
5 unemployment agency fails to receive a written response from the
6 employer or employing unit within 10 calendar days after the date
7 of mailing the request for information, the unemployment agency
8 shall make a determination based upon the available information at
9 the time the determination is made. The determination shall be
10 final and any payment made shall be considered a proper payment
11 with respect to benefits paid before the week following the receipt
12 of the employer's reply and chargeable against the employer's
13 account or experience account as a result of the employer's late
14 reply.

15 (c) The claimant or interested party may file an application
16 with an office of the unemployment agency for a redetermination in
17 accordance with section 32a.

18 (d) The issuance of each benefit check shall be considered a
19 determination by the unemployment agency that the claimant
20 receiving the check was covered during the compensable period, and
21 eligible and qualified for benefits. A chargeable employer, upon
22 receipt of a listing of the check as provided in section 21(a), may
23 protest by requesting a redetermination of the claimant's
24 eligibility or qualification as to that period and a determination
25 as to later weeks and benefits still unpaid that are affected by
26 the protest. Upon receipt of the protest or request, the
27 unemployment agency shall investigate and redetermine whether the

1 claimant is eligible and qualified as to that period. If, upon the
2 redetermination, the claimant is found ineligible or not qualified,
3 the unemployment agency shall investigate and determine whether the
4 claimant obtained benefits, for 1 or more preceding weeks within
5 the series of consecutive weeks that includes the week covered by
6 the redetermination, improperly as the result of administrative
7 error, false statement, misrepresentation, or nondisclosure of a
8 material fact. If the unemployment agency finds that the claimant
9 has obtained benefits through administrative error, false
10 statement, misrepresentation, or nondisclosure of a material fact,
11 the unemployment agency shall proceed under the appropriate
12 provisions of section 62.

13 (e) If a claimant commences to file continued claims through a
14 different state claim office in this state or elsewhere, the
15 unemployment agency promptly shall issue written notice of that
16 fact to the chargeable employer.

17 (f) If a claimant refuses an offer of work, or fails to apply
18 for work of which the claimant has been notified, as provided in
19 section 29(1)(c) or (e), the unemployment agency shall promptly
20 make a written determination as to whether or not the refusal or
21 failure requires disqualification under section 29. Notice of the
22 determination, specifying the name and address of the employing
23 unit offering or giving notice of the work and of the chargeable
24 employer, shall be sent to the claimant, the employing unit
25 offering or giving notice of the work, and the chargeable employer.