

SENATE BILL No. 1267

September 12, 2012, Introduced by Senators CASWELL, ROBERTSON and COLBECK and referred to the Committee on Reforms, Restructuring and Reinventing.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28c (MCL 421.28c), as added by 2012 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28c. (1) An employer that meets all of the following
2 requirements may apply to the unemployment agency for approval of a
3 shared-work plan:

4 (a) The employer has filed all quarterly reports and other
5 reports required under this act and has paid all obligation
6 assessments, contributions, reimbursements in lieu of
7 contributions, interest, and penalties due through the date of the
8 employer's application.

9 (b) If the employer is a contributing employer, the employer's
10 reserve in the employer's experience account as of the most recent
11 computation date preceding the date of the employer's application

1 is a positive number.

2 (c) The employer has paid wages for the 12 consecutive
3 calendar quarters preceding the date of the employer's application.

4 (2) An application under this section shall be made in the
5 manner prescribed by the unemployment agency and contain all of the
6 following:

7 (a) The employer's assurance that it will provide reports to
8 the unemployment agency relating to the operation of its shared-
9 work plan at the times and in the manner prescribed by the
10 unemployment agency and containing all information required by the
11 unemployment agency.

12 (b) The employer's assurance that it will not hire new
13 employees in, or transfer employees to, the affected unit during
14 the effective period of the shared-work plan.

15 (c) The employer's assurance that it will not lay off
16 participating employees during the effective period of the shared-
17 work plan, or reduce participating employees' hours of work by more
18 than the reduction percentage during the effective period of the
19 shared-work plan, except in cases of holidays, designated vacation
20 periods, equipment maintenance, or similar circumstances.

21 (d) The employer's certification that it has obtained the
22 approval of any applicable collective bargaining unit
23 representative and has notified all affected employees who are not
24 in a collective bargaining unit of the proposed shared-work plan.

25 (e) A list of the week or weeks within the requested effective
26 period of the plan during which participating employees are
27 anticipated to work fewer hours than the number of hours determined

1 under section 28d(1)(e) due to circumstances listed in subdivision
2 (c).

3 (f) The employer's certification that the implementation of a
4 shared-work plan is in lieu of ~~temporary~~ layoffs that would affect
5 at least 15% of the employees in the affected unit and would result
6 in an equivalent reduction in work hours.

7 (g) The employer's assurance that it will abide by all terms
8 and conditions of sections 28b to 28m.

9 (h) The employer's certification that, to the best of his or
10 her knowledge, participation in the shared-work plan is consistent
11 with the employer's obligations under federal law and the law of
12 this state.

13 (i) Any other relevant information required by the
14 unemployment agency.

15 (3) An employer may apply to the unemployment agency for
16 approval of more than 1 shared-work plan.

17 ~~—— (4) An employer shall not apply for and the unemployment~~
18 ~~agency shall not approve a shared work plan that begins more than 5~~
19 ~~years after the effective date of the amendatory act that added~~
20 ~~this section.~~