

# HOUSE BILL NO. 5883

June 23, 2020, Introduced by Reps. Witwer, Sabo, Rabhi, Gay-Dagnogo, Guerra, Elder, Pohutsky, Tate, Kennedy, Yancey, Lasinski, Brixie, Hood, Wittenberg, Hertel, Cherry, Hoadley, Ellison, LaGrand, Manoogian, Stone, Koleszar, Hammoud, Hope, Sneller, Tyrone Carter, Bolden, Garza, Chirkun, Kuppa, Pagan, Haadsma, Warren, Cambensy, Shannon, Brenda Carter, Jones, Clemente and Anthony and referred to the Committee on Government Operations.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 46 (MCL 421.46), as amended by 2012 PA 218.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 46. (a) Subject to subsections (d) through (f), for  
2 benefit years beginning before October 1, 2000, "benefit year"  
3 means the period of 52 consecutive calendar weeks beginning the  
4 first calendar week in which an individual files a claim in  
5 accordance with section 32 and meets all of the following



1 conditions:

2 (1) The individual has earned 20 credit weeks in the 52  
3 consecutive calendar weeks before the week he or she files the  
4 claim for benefits.

5 (2) The individual is unemployed and meets all requirements of  
6 section 28 for the week for which he or she files a claim for  
7 benefits.

8 (3) Except for a disqualification under section 29 (8)  
9 involving a labor dispute during the individual's most recent  
10 period of employment with the most recent employer with whom the  
11 individual earned a credit week, the individual is not disqualified  
12 or subject to disqualification for the week for which he or she  
13 files a claim.

14 (4) The individual does not have a benefit year already in  
15 effect at the time of the claim.

16 (b) For benefit years beginning on or after October 1, 2000,  
17 "benefit year" means the period of 52 consecutive calendar weeks  
18 beginning the first calendar week in which an individual files a  
19 claim in accordance with section 32. However, a benefit year shall  
20 not be established unless the individual meets either of the  
21 following conditions:

22 (1) The total wages paid to the individual in the base period  
23 of the claim equals not less than 1.5 times the wages paid to the  
24 individual in the calendar quarter of the base period in which the  
25 individual was paid the highest wages.

26 (2) The individual was paid wages in 2 or more calendar  
27 quarters of the base period totaling at least 20 times the state  
28 average weekly wage as determined by the unemployment agency.

29 (c) For benefit years beginning after October 1, 2000, the



1 state average weekly wage for a calendar year shall be computed on  
2 the basis of the 12 months ending the June 30 preceding that  
3 calendar year. ~~A~~**For benefit years beginning on or before May 31,**  
4 **2020, a benefit year shall not be established if the individual was**  
5 not paid wages of at least the state minimum hourly wage multiplied  
6 by 388.06 rounded down to the nearest dollar in at least 1 calendar  
7 quarter of the base period. **For benefit years beginning after May**  
8 **31, 2020, a benefit year shall not be established if the individual**  
9 **was not paid wages of at least the state minimum hourly wage**  
10 **multiplied by 128 rounded down to the nearest dollar in at least 1**  
11 **calendar quarter of the base period.** A benefit year shall not be  
12 established based on base period wages previously used to establish  
13 a benefit year that resulted in the payment of benefits. However,  
14 if a calendar quarter of the base period contains wages that were  
15 previously used to establish a benefit year that resulted in the  
16 payment of benefits, a claimant may establish a benefit year using  
17 the wages in the remaining calendar quarters from among the first 4  
18 of the last 5 completed calendar quarters, or if a benefit year  
19 cannot be established using those quarters, then by using wages  
20 from among the last 4 completed calendar quarters. A benefit year  
21 shall not be established unless, after the beginning of the  
22 immediately preceding benefit year during which the individual  
23 received benefits, the individual worked and received remuneration  
24 in an amount equal to at least 5 times the individual's most recent  
25 state weekly benefit rate in effect during the individual's  
26 immediately preceding benefit year. If a quarterly wage report has  
27 not been submitted in a timely manner by the employer as provided  
28 in section 13 for any of the quarters of the base period, or if  
29 wage information is not available for use by the unemployment



1 agency for the most recent completed calendar quarter, the  
2 unemployment agency shall obtain and use the claimant's statement  
3 of wages paid during the calendar quarters for which the wage  
4 reports are missing to establish a benefit year. However, the  
5 claimant's statement of wages shall only be used to establish a  
6 benefit year if the claimant also provides to the unemployment  
7 agency documentary or other evidence of those wages that is  
8 satisfactory to the unemployment agency. A determination based on  
9 the claimant's statement of wages paid during any of these calendar  
10 quarters shall be redetermined if the quarterly wage report from  
11 the employer is later received and would result in a change in the  
12 claimant's weekly benefit amount or duration, or both, or if the  
13 quarterly wage report from the employer later becomes available for  
14 use by the unemployment agency and would result in a change in the  
15 claimant's benefit amount or duration, or both. If the  
16 redetermination results from the employer's failure to submit the  
17 quarterly wage report in a timely manner, the redetermination shall  
18 be effective as to benefits payable for weeks beginning after the  
19 receipt of information not previously submitted by the employer.

20 (d) If an individual files a claim for a 7-day period under  
21 section 27(c), his or her benefit year begins the calendar week  
22 containing the first day of that 7-day period.

23 (e) If all or part of a claimant's right to benefits during  
24 his or her benefit year is canceled under section 62(b), the  
25 benefit year is terminated on the effective date of the  
26 cancellation.

27 (f) An individual may request a redetermination of his or her  
28 benefit rights and cancellation of a previously established benefit  
29 year if he or she has not completed a compensable period. Under



1 circumstances described in this subsection, the benefit year begins  
2 the first day of the first week in which the request for  
3 redetermination of benefit rights is duly filed.

