

SUBSTITUTE FOR
HOUSE BILL NO. 4434

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending sections 2, 11, and 32b (MCL 421.2, 421.11, and
421.32b), section 2 as amended by 2011 PA 268, section 11 as
amended by 2018 PA 72, and section 32b as amended by 2011 PA 269,
and by adding section 32e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The legislature acting in the exercise of the
2 police power of ~~the~~**this** state declares that the public policy of
3 ~~the~~**this** state is as follows: Economic insecurity due to
4 unemployment is a serious menace to the health, morals, and welfare
5 of the people of this state. Involuntary unemployment is a subject
6 of general interest and concern ~~which~~**that** requires action by the

1 legislature to prevent its spread and to lighten its burden, which
 2 so often falls with crushing force upon the unemployed worker and
 3 his or her family ~~—~~to the detriment of the welfare of the people
 4 of this state. Social security requires protection against this
 5 hazard of our economic life. Employers should be encouraged to
 6 provide stable employment. The systematic accumulation of funds
 7 during periods of employment to provide benefits for periods of
 8 unemployment by the setting aside of unemployment reserves to be
 9 used for the benefit of ~~persons—~~**individuals** unemployed through no
 10 fault of their own, thus maintaining purchasing power and limiting
 11 the serious social consequences of relief assistance, is for the
 12 public good, and the general welfare of the people of this state.

13 **(2) The unemployment agency shall use plain language in all of**
 14 **the following under this act, whether in a print, electronic, or**
 15 **other format:**

16 **(a) Correspondence and documents related to the taxes or**
 17 **reimbursing charges of employers and the benefits of individuals.**

18 **(b) References or citations to either of the following that**
 19 **are in a document or correspondence sent to or used by a claimant**
 20 **or employer:**

21 **(i) A policy the unemployment agency implements.**

22 **(ii) A rule the unemployment agency promulgates.**

23 **(3) ~~(2)~~—**The legislature finds that from time to time high
 24 levels of unemployment have resulted in the exhaustion of the funds
 25 in this state's account of the unemployment trust fund, ~~has—~~**have**
 26 required advances or loans to ~~the—~~**this** state from the federal
 27 account of the unemployment trust fund, and ~~has—~~**have** caused the
 28 imposition of lawful penalty taxes and solvency taxes to repay
 29 those advances and the interest on those advances. The financing

1 and payment of the outstanding principal amount ~~heretofore or~~
 2 ~~hereafter~~ advanced or loaned to this state from the federal account
 3 of the unemployment trust fund and the interest on those loans, if
 4 any, the funding of unemployment compensation benefits, and the
 5 financing and funding of this state's account in the unemployment
 6 trust fund including, without limitation, the funding of sufficient
 7 fund balances in the unemployment trust fund, are ~~an~~ essential
 8 governmental ~~function~~ **functions** and public ~~purpose~~ **purposes** of this
 9 state. The legislature further finds that the issuance of bonds by
 10 the Michigan finance authority or other issuer to finance the
 11 foregoing payments and to avoid or reduce the imposition of penalty
 12 taxes and solvency taxes will further and facilitate an essential
 13 governmental function and public purpose of this state that will
 14 encourage the development of industry and commerce, foster economic
 15 growth, provide employment opportunities for the ~~citizens and~~
 16 ~~residents~~ **people** of this state and further other economic
 17 development and activities in this state, and in general promote
 18 the public health and general welfare of the people of this state.

19 **(4) As used in this section, "plain language" means language**
 20 **that meets all of the following requirements:**

21 **(a) Is clear and concise.**

22 **(b) Avoids complex vocabulary and contradictory statements.**

23 **(c) Is based on a fourth-grade reading level.**

24 **Sec. 11. (a)** In the administration of this act, the
 25 unemployment agency shall cooperate with the appropriate agency of
 26 the United States under the social security act. The unemployment
 27 agency shall make reports, in a form and containing information as
 28 the appropriate agency of the United States may require, and shall
 29 comply with the provisions that the appropriate agency of the

1 United States prescribes to assure the correctness and verification
2 of the reports. The unemployment agency, subject to this act, shall
3 comply with the regulations prescribed by the appropriate agency of
4 the United States relating to the receipt or expenditure of the
5 sums that are allotted and paid to this state for the purpose of
6 assisting in the administration of this act. As used in this
7 section, "social security act" means the social security act, 42
8 USC 301 to 1397mm.

9 (b) (1) Information obtained from an employing unit or
10 individual pursuant to the administration of this act and
11 determinations as to the benefit rights of any individual are
12 confidential and must not be disclosed or open to public inspection
13 other than to public employees and public officials in the
14 performance of their official duties under this act and to agents
15 or contractors of those public officials, including those described
16 in subparagraph (viii), in a manner that reveals the individual's or
17 the employing unit's identity or any identifying particular about
18 an individual or a past or present employing unit or that could
19 foreseeably be combined with other publicly available information
20 to reveal identifying particulars. However, all of the following
21 apply:

22 (i) Information in the unemployment agency's possession that
23 might affect a claim for worker's disability compensation under the
24 worker's disability compensation act of 1969, 1969 PA 317, MCL
25 418.101 to 418.941, must be available to interested parties as
26 defined in R 421.201 of the Michigan Administrative Code,
27 regardless of whether the unemployment agency is a party to an
28 action or proceeding arising under that act.

29 (ii) Any information in the unemployment agency's possession

1 that might affect a claim for benefits or a charge to an employer's
2 experience account must be available to interested parties as
3 defined in R 421.201 of the Michigan Administrative Code, and to
4 their agents, if their agents provide the unemployment insurance
5 agency with a written authorization of representation from the
6 party represented. A written authorization of representation is not
7 required in any of the following circumstances:

8 (A) If the request is made by an attorney who is retained by
9 an interested party and files an appearance for purposes related to
10 a claim for unemployment benefits.

11 (B) If the request is made by an elected official performing
12 constituent services and the elected official presents reasonable
13 evidence that the identified individual authorized the disclosure.

14 (C) If the request is made by a third party who is not acting
15 as an agent for an interested party and the third party presents a
16 release from an interested party for the information. The release
17 must be signed by an interested party; specify the information to
18 be released and all individuals who may receive the information;
19 and state the specific purpose for which the information is sought,
20 that files of the state may be accessed to obtain the information,
21 and that the information sought will only be used for the purpose
22 indicated. The purpose specified in the release must be limited to
23 that of providing a service or benefit to the individual signing
24 the release or carrying out administration or evaluation of a
25 public program to which the release pertains.

26 (iii) Except as provided in this act, the information and
27 determinations must not be used in any action or proceeding before
28 any court or administrative tribunal unless the unemployment agency
29 is a party to or a complainant in the action or proceeding, or

1 unless used for the prosecution of fraud, civil proceeding, or
2 other legal proceeding in the programs indicated in subdivision
3 (2).

4 (iv) Any report or statement, written or verbal, made by any
5 person to the unemployment agency, any member of the unemployment
6 agency, or any person engaged in administering this act is a
7 privileged communication; and a person, firm, or corporation is not
8 liable for slander or libel on account of a report or statement.
9 The records and reports in the custody of the unemployment agency
10 must be available for examination by the employer or employee
11 affected.

12 (v) Subject to restrictions that the unemployment agency
13 prescribes by rule, information in its possession may be made
14 available to any agency of this state, any other state, or any
15 federal agency charged with the administration of an unemployment
16 compensation law or the maintenance of a system of public
17 employment offices; the Bureau of Internal Revenue of the United
18 States Department of the Treasury; the Bureau of the Census of the
19 Economics and Statistics Administration of the United States
20 Department of Commerce; or the United States Social Security
21 Administration.

22 (vi) Information obtained in connection with the administration
23 of this act may be made available to persons or agencies for
24 purposes appropriate to the operation of a public employment
25 service or unemployment compensation program. Subject to
26 restrictions that it prescribes by rule, the unemployment agency
27 may also make that information available to agencies of other
28 states that are responsible for the administration of public
29 assistance to unemployed workers; to the departments of this state;

1 and to federal, state, and local law enforcement agencies in
2 connection with a criminal investigation involving the health,
3 safety, or welfare of the public. The information released must be
4 used only for purposes not inconsistent with the purposes of this
5 act. The information must only be released upon assurance by the
6 entity receiving the information that it will reimburse the cost of
7 providing the information and will not disclose the information
8 except to the individual or employer that is the subject of the
9 information, an attorney or agent of the individual or employer, or
10 a prosecuting authority for or on behalf of the entity receiving
11 the information.

12 (vii) Upon request, the unemployment agency shall furnish to
13 any agency of the United States charged with the administration of
14 public works or assistance through public employment, and may
15 furnish to any state agency similarly charged, the name, address,
16 ordinary occupation, and employment status of each recipient of
17 benefits and the recipient's rights to further benefits under this
18 act.

19 (viii) Subject to restrictions it prescribes, by rule or
20 otherwise, the unemployment agency may also make information that
21 it obtains available for use in connection with research projects
22 of a public service nature; for course, program, or training
23 program planning, improvement, or evaluation; for grant application
24 or evaluation; for institutional or program accreditation; for
25 economic development or workforce research; for award eligibility;
26 or for federal or state mandated reporting, to a public official,
27 eligible educational institution, or Michigan works agency or to an
28 agency of this state that is acting as a contractor or agent of a
29 public official and conducting research that assists the public

1 official in carrying out the duties of the office. The unemployment
2 agency shall identify online the information that it collects that
3 may be made available to public officials, eligible educational
4 institutions, and Michigan works agencies and shall assist them in
5 the application process required to gain access to that
6 information. A person associated with those institutions or
7 agencies or an agency of this state shall not disclose the
8 information in a manner that would reveal the identity of an
9 individual or employing unit from or concerning whom the
10 information was obtained by the unemployment agency. The
11 unemployment agency shall enter into a written, enforceable
12 agreement with the public official for a period of not more than 10
13 years that holds the public official, eligible educational
14 institution, or Michigan works agency responsible for ensuring that
15 the confidentiality of the information is maintained. If the
16 agreement is violated, the agreement must be terminated and the
17 public official, eligible educational institution, or Michigan
18 works agency may be subject to penalties equivalent to those that
19 apply under section 54(f). The unemployment agency, at the request
20 of an independent educational institution, shall perform data
21 analysis of information that the unemployment agency has obtained
22 and provide the results of the analysis to the independent
23 educational institution. The unemployment agency may perform
24 analysis for course, program, or training program planning,
25 improvement, or evaluation; grant application or evaluation;
26 institutional or program accreditation; economic development or
27 workforce research; award eligibility; or federal or state mandated
28 reporting. The unemployment agency shall not disclose information
29 to an independent educational institution in a manner that would

1 reveal the identity of an individual or employing unit from or
2 concerning whom the information was obtained by the unemployment
3 agency. The unemployment agency shall comply with 20 CFR 603.8. As
4 used in this subparagraph:

5 (a) "Eligible educational institution" means a public
6 community or junior college established under section 7 of article
7 VIII of the state constitution of 1963 or part 25 of the revised
8 school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state
9 university described in section 4, 5, or 6 of article VIII of the
10 state constitution of 1963.

11 (b) "Independent educational institution" means an independent
12 nonprofit college or university located in this state.

13 (c) "Michigan works agency" means an entity described in
14 section 17(a) or (d) of the Michigan works one-stop service center
15 system act, 2006 PA 491, MCL 408.127.

16 (d) "Public official" means that term as defined in 20 CFR
17 603.2 and includes an eligible educational institution and a
18 Michigan works agency.

19 (ix) The unemployment agency may request the Comptroller of the
20 Currency of the United States to cause an examination of the
21 correctness of any return or report of any national banking
22 association rendered under this act, and may, in connection with
23 the request, transmit the report or return to the Comptroller of
24 the Currency of the United States as provided in section 3305(c) of
25 the internal revenue code of 1986, 26 USC 3305(c).

26 (2) The unemployment agency shall disclose to qualified
27 requesting agencies, upon request, with respect to an identified
28 individual, information in its records pertaining to the
29 individual's name; social security number; gross wages paid during

1 each quarter; the name, address, and federal and state employer
2 identification number of the individual's employer; any other wage
3 information; whether an individual is receiving, has received, or
4 has applied for unemployment benefits; the amount of unemployment
5 benefits the individual is receiving or is entitled to receive; the
6 individual's current or most recent home address; whether the
7 individual has refused an offer of work and if so a description of
8 the job offered including the terms, conditions, and rate of pay;
9 and any other information that the qualified requesting agency
10 considers useful in verifying eligibility for, and the amount of,
11 benefits. For purposes of this subdivision, "qualified requesting
12 agency" means any state or local child support enforcement agency
13 responsible for enforcing child support obligations under a plan
14 approved under part d of title IV of the social security act, 42
15 USC 651 to 669b; the United States Social Security Administration
16 for purposes of establishing or verifying eligibility or benefit
17 amounts under titles II and XVI of the social security act, 42 USC
18 401 to 434 and 42 USC 1381 to 1383f; the United States Department
19 of Agriculture for the purposes of determining eligibility for, and
20 amount of, benefits under the food stamp program established under
21 the food stamp act of 1977, 7 USC 2011 to 2036c; and any other
22 state or local agency of this or any other state responsible for
23 administering the following programs:

24 (i) The aid to families with dependent children program under
25 part a of title IV of the social security act, 42 USC 601 to 619.

26 (ii) The Medicaid program under title XIX of the social
27 security act, 42 USC 1396 to 1396w-5.

28 (iii) The unemployment compensation program under section 3304
29 of the internal revenue code of 1986, 26 USC 3304.

1 (iv) The food stamp program under the food stamp act of 1977, 7
2 USC 2011 to 2036c.

3 (v) Any state program under a plan approved under title I, X,
4 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
5 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

6 (vi) Any program administered under the social welfare act,
7 1939 PA 280, MCL 400.1 to 400.119b.

8 The information must be disclosed only if the qualified
9 requesting agency has executed an agreement with the unemployment
10 agency to obtain the information and the information is requested
11 for the purpose of determining the eligibility of applicants for
12 benefits, or the type and amount of benefits for which applicants
13 are eligible, under any of the programs listed above or under title
14 II and XVI of the social security act, 42 USC 401 to 434 and 42 USC
15 1381 to 1383f; for establishing and collecting child support
16 obligations from, and locating individuals owing such obligations
17 that are being enforced under a plan described in section 454 of
18 the social security act, 42 USC 654; or for investigating or
19 prosecuting alleged fraud under any of these programs.

20 The unemployment agency shall cooperate with this state's
21 department of health and human services in establishing the
22 computer data matching system authorized in section 83 of the
23 social welfare act, 1939 PA 280, MCL 400.83, to transmit the
24 information requested on at least a quarterly basis. The
25 information must not be released unless the qualified requesting
26 agency agrees to reimburse the unemployment agency for the costs
27 incurred in furnishing the information.

28 In addition to the requirements of this section, except as
29 later provided in this subdivision, all other requirements with

1 respect to confidentiality of information obtained in the
2 administration of this act apply to the use of the information by
3 the officers and employees of the qualified requesting agencies,
4 and the sanctions imposed under this act for improper disclosure of
5 the information apply to those officers and employees. A qualified
6 requesting agency may redisclose information only to the individual
7 who is the subject of the information, an attorney or other duly
8 authorized agent representing the individual if the information is
9 needed in connection with a claim for benefits against the
10 requesting agency, or any criminal or civil prosecuting authority
11 acting for or on behalf of the requesting agency.

12 The unemployment agency may enter into an agreement with any
13 qualified requesting agency for the purposes described in this
14 subdivision. The agreement or agreements must comply with all
15 federal laws and regulations applicable to those agreements.

16 (3) The unemployment agency shall enable the United States
17 Department of Health and Human Services to obtain prompt access to
18 any wage and unemployment benefit claims information, including any
19 information that may be useful in locating an absent parent or an
20 absent parent's employer for purposes of section 453 of the social
21 security act, 42 USC 653, or in carrying out the child support
22 enforcement program under title IV of the social security act, 42
23 USC 601 to 679c. The unemployment agency shall not provide the
24 requesting agency access to the information unless the requesting
25 agency agrees to reimburse the unemployment agency for the costs
26 incurred in furnishing the information.

27 (4) Upon request accompanied by presentation of a consent to
28 the release of information signed by an individual, the
29 unemployment agency shall disclose to the United States Department

1 of Housing and Urban Development, any state or local public housing
2 agency, or an entity contracting with a state or local public
3 housing agency to provide public housing, or any other agency
4 responsible for verifying an applicant's or participant's
5 eligibility for, or level of benefits in, any housing assistance
6 program administered by the United States Department of Housing and
7 Urban Development, the name; address; wage information; whether an
8 individual is receiving, has received, or has applied for
9 unemployment benefits; and the amount of unemployment benefits the
10 individual is receiving or is entitled to receive under this act.
11 This information must be used only to determine an individual's
12 eligibility for benefits or the amount of benefits to which an
13 individual is entitled under a housing assistance program of the
14 United States Department of Housing and Urban Development. The
15 unemployment agency shall not release the information unless the
16 requesting agency agrees to reimburse the unemployment agency for
17 the costs incurred in furnishing the information. For purposes of
18 this subdivision, "public housing agency" means an agency described
19 in section 3(b)(6) of the United States housing act of 1937, 42 USC
20 1437a(b)(6).

21 (5) The unemployment agency may make available to the
22 department of treasury information collected for the income and
23 eligibility verification system begun on October 1, 1988 for the
24 purpose of detecting potential tax fraud in other areas.

25 (6) A recipient of confidential information under this act
26 shall use the disclosed information only for purposes authorized by
27 law and consistent with an agreement entered into with the
28 unemployment agency. The recipient shall not redisclose the
29 information to any other individual or entity without the written

1 permission of the unemployment agency.

2 (c) The unemployment agency may enter into agreements with the
3 appropriate agencies of other states or the federal government
4 under which potential rights to benefits accumulated under the
5 unemployment compensation laws of other states or of the federal
6 government, or both, may constitute the basis for the payment of
7 benefits through a single appropriate agency under plans that the
8 unemployment agency finds will be fair and reasonable to all
9 affected interests and will not result in substantial loss to the
10 unemployment compensation fund.

11 (d) (1) The unemployment agency may enter into reciprocal
12 agreements with the appropriate agencies of other states or of the
13 federal government that adjust the collection and payment of
14 contributions by employers with respect to employment not localized
15 within this state.

16 (2) The unemployment agency may enter into reciprocal
17 agreements with agencies of other states administering unemployment
18 compensation under which contributions paid by an employer to any
19 other state may be received by the other state as an agent acting
20 for and on behalf of this state to the same extent as if the
21 contributions had been paid directly to this state if the payment
22 is remitted to this state. Contributions so received by another
23 state are considered contributions, required and paid under this
24 act as of the date the contributions were received by the other
25 state. The unemployment agency may collect contributions in a like
26 manner for agencies of other states administering unemployment
27 compensation and remit the contributions to the agencies under the
28 terms of the reciprocal agreements.

29 (e) The unemployment agency may make this state's records

1 relating to the administration of this act available and may
2 furnish to the Railroad Retirement Board or any other state or
3 federal agency administering an unemployment compensation law, at
4 the expense of that board or agency, copies of the records as the
5 Railroad Retirement Board considers necessary for its purpose.

6 (f) The unemployment agency may cooperate with or enter into
7 agreements with any agency of another state or of the United States
8 charged with the administration of any unemployment insurance or
9 public employment service law.

10 The unemployment agency may investigate, secure, and transmit
11 information, make available services and facilities, and exercise
12 other powers provided in this act with respect to the
13 administration of this act as it considers necessary or appropriate
14 to facilitate the administration of any unemployment compensation
15 or public employment service law, and may accept and utilize
16 information, services, and facilities made available to this state
17 by the agency charged with the administration of any other
18 unemployment compensation or public employment service law.

19 On request of an agency that administers an employment
20 security law of another state or a foreign government and that has
21 found, in accordance with that law, that a claimant is liable to
22 repay benefits received under that law, the unemployment agency may
23 collect the amount of the benefits from the claimant to be refunded
24 to that agency.

25 In a case in which under this subsection a claimant is liable
26 to repay an amount to the agency of another state or a foreign
27 government, the amount may be collected by civil action in the name
28 of the unemployment agency acting as agent for that agency. Court
29 costs must be paid or guaranteed by the agency of that state.

1 To the extent permissible under the laws and constitution of
2 the United States, the unemployment agency may enter into or
3 cooperate in arrangements under which facilities and services
4 provided under this act and facilities and services provided under
5 the unemployment compensation law of Canada may be utilized for the
6 taking of claims and the payment of benefits under the unemployment
7 compensation law of this state or under a similar law of Canada.

8 Any employer who is not a resident of this state and who
9 exercises the privilege of having 1 or more individuals perform
10 service for him or her within this state, and any resident employer
11 who exercises that privilege and thereafter leaves this state, is
12 considered to have appointed the secretary of state as his or her
13 agent and attorney for the acceptance of process in any civil
14 action under this act. In instituting an action, the unemployment
15 agency shall cause process or notice to be filed with the secretary
16 of state, and the service is sufficient and of the same force and
17 validity as if served upon the nonresident or absent employer
18 personally within this state. The unemployment agency shall
19 immediately send a notice and copy of the service of process or
20 notice by certified mail, return receipt requested, to the employer
21 at his or her last known address. The return receipt, the
22 unemployment agency's affidavit of compliance with this section,
23 and a copy of the notice of service must be attached to the
24 original of the process filed in the court in which the civil
25 action is pending.

26 The courts of this state shall recognize and enforce
27 liabilities, as provided in this act, for unemployment compensation
28 contributions, penalties, and interest imposed by other states that
29 extend a like comity to this state.

1 The attorney general may commence action in the appropriate
2 court of any other state or any other jurisdiction of the United
3 States by and in the name of the unemployment agency to collect
4 unemployment compensation contributions, penalties, and interest
5 finally determined, redetermined, or decided under this act to be
6 legally due to this state. The officials of other states that
7 extend a like comity to this state may sue in the courts of this
8 state for the collection of unemployment compensation
9 contributions, penalties, and interest, the liability for which has
10 been similarly established under the laws of the other state or
11 jurisdiction. A certificate by the secretary of another state under
12 the great seal of that state attesting the authority of the
13 official or officials to collect unemployment compensation
14 contributions, penalties, and interest is conclusive evidence of
15 that authority.

16 The attorney general may commence action in this state as
17 agent for or on behalf of any other state to enforce judgments and
18 established liabilities for unemployment compensation taxes or
19 contributions, penalties, and interest due the other state if the
20 other state extends a like comity to this state.

21 (g) The unemployment agency may enter into reciprocal
22 agreements with the appropriate and authorized agencies of other
23 states or of the federal government under which remuneration and
24 services that determine entitlement to benefits under the
25 unemployment compensation law of another state or of the federal
26 government are considered wages and employment for the purposes of
27 sections 27 and 46, if the other state or federal agency has agreed
28 to reimburse the fund for that portion of benefits paid under this
29 act upon the basis of the remuneration and services as the

1 unemployment agency finds will be fair and reasonable as to all
2 affected interests. A reciprocal agreement may provide that wages
3 and employment that determine entitlement to benefits under this
4 act are considered wages or services on the basis of which
5 unemployment compensation under the law of another state or of the
6 federal government is payable; that services performed by an
7 individual for a single employing unit for which services are
8 customarily performed by the individual in more than 1 state are
9 considered services performed entirely within any 1 of the states
10 in which any part of the individual's service is performed, in
11 which the individual has his or her residence, or in which the
12 employing unit maintains a place of business, if there is in
13 effect, as to those services, an election approved by the agency
14 charged with the administration of the state's unemployment
15 compensation law, under which all the services performed by the
16 individual for the employing unit are considered to be performed
17 entirely within this state; and that the unemployment agency will
18 reimburse other state or federal agencies charged with the
19 administration of unemployment compensation laws with the
20 reasonable portion of benefits, paid under the law of any other
21 state or of the federal government upon the basis of employment and
22 wages, as the unemployment agency finds will be fair and reasonable
23 as to all affected interests. Reimbursements payable under this
24 subsection are considered benefits for the purpose of limiting
25 duration of benefits and for the purposes of sections 20(a) and 26,
26 and the payments are chargeable to the contributing employer's
27 experience account for the purposes of sections 17, 18, 19, and 20,
28 or the reimbursing employer's account under section 13c, 13g, 13i,
29 or 13l, as applicable. Benefits paid under a combined wage plan must

1 be allocated and charged to each employer involved in the quarter
2 in which the paying state requires reimbursement. Benefits charged
3 to this state must be allocated to each employer of this state who
4 has employed the claimant during the base period of the paying
5 state in the same ratio that the wages earned by the claimant
6 during the base period of the paying state in the employ of the
7 employer bears to the total amount of wages earned by the claimant
8 in the base period of the paying state in the employ of all
9 employers of the state. The unemployment agency may make to and
10 receive from other state or federal agencies reimbursements from or
11 to the fund, pursuant to arrangements made under this section.

12 (h) The unemployment agency may enter into any agreement
13 necessary to cooperate with any agency of the United States charged
14 with the administration of any program for the payment of primary
15 or supplemental benefits to individuals recently discharged from
16 the military services of the United States and to assist in the
17 establishing of eligibility and in the payments of benefits under
18 those programs. The unemployment agency may, for those purposes,
19 accept and administer funds made available by the federal
20 government and may accept and exercise any delegated function under
21 those programs. The unemployment agency shall not enter into an
22 agreement providing for, or exercise any function connected with,
23 the disbursement of this state's unemployment trust fund for
24 purposes not authorized by this act.

25 (i) The unemployment agency may enter into agreements with the
26 appropriate agency of the United States under which, in accordance
27 with the laws of the United States, the unemployment agency, as
28 agent of the United States or from funds provided by the United
29 States, provides for the payment of unemployment compensation or

1 unemployment allowances of any kind, including the payment of any
2 benefits and allowances that are made available for manpower
3 development, training, retraining, readjustment, and relocation.
4 The unemployment agency may receive and disburse funds from the
5 United States or any appropriate agency of the United States
6 pursuant to those agreements.

7 If the federal enactment providing for unemployment
8 compensation, training allowance, or relocation payments requires
9 joint federal-state financing of those payments, the unemployment
10 agency may participate in the programs by using funds appropriated
11 by the legislature to the extent provided by the legislature for
12 those programs.

13 (j) The unemployment agency shall participate in any
14 arrangement that provides for the payment of compensation on the
15 basis of combining an individual's wages and employment covered
16 under this act with his or her wages and employment covered under
17 the unemployment compensation laws of other states, if the
18 arrangement is approved by the United States Secretary of Labor in
19 consultation with the state unemployment compensation agencies as
20 reasonably calculated to assure the prompt and full payment of
21 compensation. An arrangement must include provisions for both of
22 the following:

23 (i) Applying the base period of a single state law to a claim
24 involving the combining of an individual's wages and employment
25 covered under 2 or more state unemployment compensation laws.

26 (ii) Avoiding the duplicate use of wages and employment as a
27 result of the combining.

28 (k) The attorney general of this state or attorneys designated
29 by the attorney general shall represent the unemployment agency and

1 this state in a proceeding before any court. Only the attorney
2 general or other attorneys designated by the attorney general shall
3 act as legal counsel for the unemployment agency.

4 **(l) Notwithstanding any other provision of this act, the**
5 **unemployment agency shall not implement, or assist the federal**
6 **government in implementing, any portion of the American Rescue Plan**
7 **Act of 2021, Public Law 117-2, if doing so would result in a**
8 **claimant receiving federal pandemic unemployment compensation.**

9 Sec. 32b. (1) The unemployment agency shall establish and
10 provide access to a secure internet site to enable employers to
11 determine if correspondence sent to the unemployment agency by the
12 employer has been received.

13 (2) Within 10 days of receiving a protest or appeal from an
14 employer or employing unit, the unemployment agency shall post a
15 statement confirming receipt of the protest or appeal from that
16 employer or employing unit on the internet site required under
17 subsection (1).

18 (3) A protest or appeal ~~shall~~**must** be signed or verified in a
19 manner prescribed by administrative rule and ~~shall~~**must** be
20 transmitted to the **unemployment** agency by mail ~~or~~ facsimile ~~or~~
21 other electronic method approved by the **unemployment** agency. If a
22 party submits an unsigned or unverified protest or appeal, the
23 unemployment agency shall notify the party of the defect that
24 prevents the agency from accepting the protest or appeal.

25 **(4) The unemployment agency shall include all of the following**
26 **in each determination and redetermination the unemployment agency**
27 **provides to a claimant or employer:**

28 **(a) A clear, concise, and factual reason for the determination**
29 **or redetermination that includes particularized facts specific to**

1 the claimant's or employer's claim.

2 (b) A summary of the claimant's or employer's right to appeal
3 determinations and redeterminations, including the length of time
4 the claimant or employer has to file an appeal, as provided for in
5 section 32a.

6 (c) A summary of the claimant's or employer's right to request
7 a reconsideration of a determination or redetermination within 1
8 year after the mailing date of the determination or redetermination
9 as provided for in section 32a.

10 (d) A summary list of all of the determinations and
11 redeterminations related to the claimant's or employer's claim. The
12 list must include all of the following information for each
13 determination and redetermination:

14 (i) The outcome.

15 (ii) The date of issuance.

16 (iii) The date by which the claimant or employer must file an
17 appeal under section 32a.

18 (iv) The date by which the claimant must request a
19 reconsideration of the determination or redetermination under
20 section 32a.

21 (5) The unemployment agency shall consolidate all
22 determinations related to an issue into 1 determination.

23 (6) The unemployment agency shall consolidate all
24 redeterminations related to an issue into 1 redetermination.

25 Sec. 32e. Except as otherwise provided in section 32b(4), the
26 unemployment agency shall include both of the following in the
27 notification it provides to an employer or a claimant regarding a
28 denial, modification, or cessation of benefits:

29 (a) A clear and concise statement of the reason for the

1 denial, modification, or cessation. The statement must include both
2 of the following:

3 (i) The particularized facts specific to the claimant's or
4 employer's claim that support the denial, modification, or
5 cessation.

6 (ii) The legal reason for the denial, modification, or
7 cessation.

8 (b) If applicable, the appeal rights that the employer or
9 claimant has with respect to the denial, modification, or
10 cessation.