HOUSE BILL NO. 5179

June 29, 2021, Introduced by Reps. VanWoerkom, Meerman, Outman, Hall, Posthumus, Damoose, Borton, Maddock and Brann and referred to the Committee on Workforce, Trades, and Talent.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act,"
by amending sections 28 and 29 (MCL 421.28 and 421.29), section 28 as amended by 2020 PA 229 and section 29 as amended by 2020 PA 258, and by adding section 67c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 28. (1) An unemployed individual is eligible to receive benefits with respect to any week only if the unemployment agency finds all of the following:
(a) The individual has registered for work with a Michigan works agency within 21 days after applying for benefits, has continued to report pursuant to unemployment agency rules, and is actively engaged in seeking work. The requirements that the individual must report, must register for work, must be available to perform suitable full-time work, and must seek work may be waived by the unemployment agency if the individual is laid off and the employer who laid the individual off notifies the unemployment agency in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared number of days, not to exceed 45 calendar days following the last day the individual worked. This waiver is not effective unless the notification from the employer is received by the unemployment agency before the individual has completed his or her first compensable week following layoff. If the individual is not recalled within the specified period, the waiver ceases to be operative with respect to that layoff. Except for a period of disqualification, the requirement that the individual shall seek work may be waived by the unemployment agency if it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned wages during or after the base period. This waiver does not apply to a claimant enrolled and attending classes as a full-time student. An individual is considered to have satisfied the requirement of personal reporting at an employment office, as applied to a week in a period during which the requirements of registration and seeking work have been waived by the unemployment agency pursuant to this subdivision, if the individual has satisfied the personal reporting requirement with
respect to a preceding week in that period and the individual has
reported with respect to the week by mail pursuant to the rules
promulgated by the unemployment agency.

(b) The individual has made a claim for benefits pursuant to
section 32 and has provided the unemployment agency with all of the
following:

(i) His or her Social Security number.

(ii) His or her driver license number, and the state that
issued the license, or state identification card number, and the
state that issued the identification card, or copies of the
acceptable documents as provided in the Form I-9.

(iii) If the unemployment agency has requested them, copies of
the acceptable documents as provided in the Form I-9. As used in
this subdivision, "Form I-9" means the employment verification form
that fulfills the employment verification obligations under 8 CFR
274a.2.

(c) The individual is able and available to appear at a
location of the unemployment agency's choosing for evaluation of
eligibility for benefits, if required, and to perform suitable
full-time work of a character that the individual is qualified to
perform by past experience or training, which is of a character
generally similar to work for which the individual has previously
received wages, and for which the individual is available, full
time, either at a locality at which the individual earned wages for
insured work during his or her base period or at a locality where
it is found by the unemployment agency that such work is available.
An individual is considered unavailable for work under any of the
following circumstances:

(i) The individual fails during a benefit year to notify or
update a chargeable employer with telephone, electronic mail, email, or other information sufficient to allow the employer to contact the individual about available work.

(ii) The individual fails, without good cause, to respond to the unemployment agency within 14 calendar days of the later of the mailing of a notice to the address of record requiring the individual to contact the unemployment agency or of the leaving of a telephone message requesting a return call and providing a return name and telephone number on an automated answering device or with an individual answering the telephone number of record.

(iii) Unless the claimant shows good cause for failure to respond, mail sent to the individual's address of record is returned as undeliverable and the telephone number of record has been disconnected or changed or is otherwise no longer associated with the individual.

(d) In the event of the death of an individual's immediate family member, the eligibility requirements of availability and reporting are waived for the day of the death and for 4 consecutive calendar days thereafter. As used in this subdivision, "immediate family member" means a spouse, child, stepchild, adopted child, grandchild, parent, grandparent, brother, or sister of the individual or his or her spouse. It shall also include the spouse of any of the persons specified in the previous sentence.

(e) The individual participates in reemployment services, such as job search assistance services, if the individual has been determined or redetermined by the unemployment agency to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling system established by the unemployment agency.

(2) The unemployment agency may authorize an individual with
an unexpired benefit year to pursue vocational training or retraining only if the unemployment agency finds all of the following:

(a) Reasonable opportunities for employment in occupations for which the individual is fitted by training and experience do not exist in the locality in which the individual is claiming benefits.

(b) The vocational training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities.

(c) The training course has been approved by a local advisory council on which both management and labor are represented, or if there is no local advisory council, by the unemployment agency.

(d) The individual has the required qualifications and aptitudes to complete the course successfully.

(e) The vocational training course has been approved by the state board of education and is maintained by a public or private school or by the unemployment agency.

(3) Notwithstanding any other provision of this act, an otherwise eligible individual is not ineligible for benefits because he or she is participating in training with the approval of the unemployment agency. For each week that the unemployment agency finds that an individual who is claiming benefits under this act and who is participating in training with the approval of the unemployment agency is satisfactorily pursuing an approved course of vocational training, it shall waive the requirements that he or she be available for work and be seeking work as prescribed in subsection (1)(a) and (c), and it shall find good cause for his or her failure to apply for suitable work, report to a former employer for an interview concerning suitable work, or accept suitable work
as required in section 29(1)(c), (d), and (e).

(4) Notwithstanding any other provisions of this act, an otherwise eligible individual must not be denied benefits solely because the individual is in training approved under section 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the individual be denied benefits by reason of leaving work to enter such training if the work left is not suitable employment.

Furthermore, an otherwise eligible individual must not be denied benefits because of the application to any such week in training of provisions of this act, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subsection, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the trade act of 1974, 19 USC 2101 to 2497b, and wages for that work at not less than 80% of the individual's average weekly wage as determined for the purposes of the trade act of 1974, 19 USC 2101 to 2497b.

(5) Except as otherwise provided in subsections (6) and (7), for purposes of this section, for benefit years beginning on or after January 1, 2013, to be actively engaged in seeking work, an individual must conduct a systematic and sustained search for work in each week the individual is claiming benefits, using any of the following methods to report the details of the work search:

(a) Reporting at monthly intervals on the unemployment agency's online reporting system the name of each employer and physical or online location of each employer where work was sought.
and the date and method by which work was sought with each employer.

(b) Filing a written report with the unemployment agency by mail or facsimile transmission not later than the end of the fourth calendar week after the end of the week in which the individual engaged in the work search, on a form approved by the unemployment agency, indicating the name of each employer and physical or online location of each employer where work was sought and the date and method by which work was sought with each employer.

(c) Appearing at least monthly in person at a Michigan works agency office to report the name and physical or online location of each employer where the individual sought work during the previous month and the date and method by which work was sought with each employer.

(6) Except as otherwise provided in subsection (7), for purposes of this section, beginning on April 2, 2020, to be actively engaged in seeking work, an individual must conduct a systematic and sustained search for work in each week the individual is claiming benefits and must report to the unemployment agency the details of the work search at least once every 2 weeks or, if the unemployment agency prescribes a shorter reporting period, the reporting period prescribed by the unemployment agency. An individual may conduct a systematic and sustained search for work by doing any of the following:

(a) Using resources available at a Michigan works agency office to do any of the following:

(i) Participate in reemployment services and eligibility assessment activities.

(ii) Identify the skills the individual possesses that are
consistent with target or demand occupations in the local workforce development area.

(iii) Obtain job postings and seek employment for suitable positions needed by local employers.

(b) Attending job search seminars or other employment workshops that offer instruction in improving an individual's skills for finding and obtaining employment.

(c) Creating a user profile on a professional networking site or using an online career tool. Creating duplicate user profiles or resubmitting or reuploading the same resume to the same professional networking site does not satisfy the requirements of this subdivision.

(d) Applying for an available position with, submitting a resume to, or interviewing with employers. Applying for the same position within a 4-week period or contacting an employer to determine whether a position is available does not satisfy the requirements of this subdivision, unless the individual uses his or her union hiring hall to conduct a search for work.

(e) Registering for work with a private employment agency or, if it is available to the individual in his or her occupation or profession, the placement facility of a school, college, or university.

(f) Taking an examination that is required for a position in the state civil service.

(7) For purposes of this section, beginning on September 1, 2021, to be actively engaged in seeking work, an individual must search for work by doing any of the following at least 3 times in each week the individual is claiming benefits and must report to the unemployment agency the details of the work search at least 1
time each week:

   (a) Applying for a job.
   (b) Interviewing for a job.
   (c) Enrolling or participating in a workforce development program.
   (d) Enrolling or participating in a program that assists the individual in obtaining a high school diploma or a high school equivalency certificate as defined in section 4 of the state school aid act of 1979, 1979 PA 94, MCL 388.1604.
   (e) Obtaining professional assistance to create or update the individual's resume.

An individual must include all of the following information, as applicable, in each of the individual's reports required under subsection (7):

   (a) The name and contact information of the employer.
   (b) The date the individual submitted the job application.
   (c) A copy of the job application the individual submitted.
   (d) The date the job interview was conducted.
   (e) The name of the individual who conducted the interview.
   (f) Verification from the program described in subsection (7)(c) that the individual enrolled or is participating in the program.
   (g) Verification from the program described in subsection (7)(d) that the individual enrolled or is participating in the program.
   (h) The contact information for the person who provided assistance under subsection (7)(e) and the date the assistance was provided.

(9) The work search conducted by the claimant is subject
to audit by the unemployment agency. For a claimant that has received benefits for 10 weeks or more, the unemployment agency shall conduct an audit of every work search conducted by the claimant.

(10) The unemployment agency shall request but shall not require an individual who is applying for benefits to submit his or her base period employer's unemployment agency account number and federal employer identification number.

(11) The unemployment agency shall use all of the documentation and information provided by an individual applying for benefits to verify the identity of the individual before making an initial payment on the individual's claim.

(12) When the unemployment agency determines that an individual is eligible to receive benefits, the unemployment agency shall notify the individual of work search assistance entities, including the Michigan works agencies.

(13) Except as otherwise provided in this section, the unemployment agency shall not waive any of the provisions of this section.

Sec. 29. (1) Except as provided in subsection (5), an individual is disqualified from receiving benefits if he or she:

(a) Left work voluntarily without good cause attributable to the employer or employing unit. An individual who left work is presumed to have left work voluntarily without good cause attributable to the employer or employing unit. An individual who is absent from work for a period of 3 consecutive work days or more without contacting the employer in a manner acceptable to the employer and of which the individual was informed at the time of hire is considered to have voluntarily left work without good cause
attributable to the employer. An individual who becomes unemployed
as a result of negligently losing a requirement for the job of
which he or she was informed at the time of hire is considered to
have voluntarily left work without good cause attributable to the
employer. An individual claiming benefits under this act has the
burden of proof to establish that he or she left work involuntarily
or for good cause that was attributable to the employer or
employing unit. An individual claiming to have left work
involuntarily for medical reasons must have done all of the
following before the leaving: secured a statement from a medical
professional that continuing in the individual's current job would
be harmful to the individual's physical or mental health,
unsuccessfully attempted to secure alternative work with the
employer, and unsuccessfully attempted to be placed on a leave of
absence with the employer to last until the individual's mental or
physical health would no longer be harmed by the current job.
Notwithstanding any other provision of this act, with respect to
claims for weeks beginning before April 1, 2021, an individual is
considered to have left work involuntarily for medical reasons if
he or she leaves work to self-isolate or self-quarantine in
response to elevated risk from COVID-19 because he or she is
immunocompromised, displayed a commonly recognized principal
symptom of COVID-19 that was not otherwise associated with a known
medical or physical condition of the individual, had contact in the
last 14 days with an individual with a confirmed diagnosis of
COVID-19, needed to care for an individual with a confirmed
diagnosis of COVID-19, or had a family care responsibility that was
the result of a government directive regarding COVID-19.
Notwithstanding any other provision of this act, with respect to
claims for weeks beginning before April 1, 2021, the unemployment agency may consider an individual laid off if the individual became unemployed to self-isolate or self-quarantine in response to elevated risk from COVID-19 because he or she is immunocompromised, displayed a commonly recognized principal symptom of COVID-19 that was not otherwise associated with a known medical or physical condition of the individual, had contact in the last 14 days with an individual with a confirmed diagnosis of COVID-19, or had a family care responsibility that was the result of a government directive regarding COVID-19. However, if any of the following conditions are met, the leaving does not disqualify the individual:

(i) The individual has an established benefit year in effect and during that benefit year leaves unsuitable work within 60 days after the beginning of that work. Benefits paid after a leaving under this subparagraph must not be charged to the experience account of the employer the individual left, but must be charged instead to the nonchargeable benefits account.

(ii) The individual is the spouse of a full-time member of the United States Armed Forces, and the leaving is due to the military duty reassignment of that member of the United States Armed Forces to a different geographic location. Benefits paid after a leaving under this subparagraph must not be charged to the experience account of the employer the individual left, but must be charged instead to the nonchargeable benefits account.

(iii) The individual is concurrently working part-time for an employer or employing unit and for another employer or employing unit and voluntarily leaves the part-time work while continuing
work with the other employer. The portion of the benefits paid in accordance with this subparagraph that would otherwise be charged to the experience account of the part-time employer that the individual left must not be charged to the account of that employer but must be charged instead to the nonchargeable benefits account.

(iv) The individual is a victim of domestic violence who meets the requirements in section 29a. Benefits paid after a leaving under this subparagraph must not be charged to the experience account of the employer the individual left, but must be charged instead to the nonchargeable benefits account. This subparagraph does not apply after March 31, 2021.

(b) Was suspended or discharged for misconduct connected with the individual's work or for intoxication while at work.

(c) Failed without good cause to apply diligently for available suitable work after receiving notice from the unemployment agency of the availability of that work or failed to apply for work with employers that could reasonably be expected to have suitable work available.

(d) Failed without good cause while unemployed to report to the individual's former employer or employing unit within a reasonable time after that employer or employing unit provided notice of the availability of an interview concerning available suitable work with the former employer or employing unit.

(e) Failed without good cause to accept suitable work offered to the individual or to return to the individual's customary self-employment, if any, when directed by the employment office or the unemployment agency. An employer that receives a monetary determination under section 32 may notify the unemployment agency regarding the availability of suitable work with the employer on
the monetary determination or other form provided by the unemployment agency. Upon receipt of the notice of the availability of suitable work, the unemployment agency shall notify the claimant of the availability of suitable work.

(f) Lost his or her job due to absence from work resulting from a violation of law for which the individual was convicted and sentenced to jail or prison. This subdivision does not apply if conviction of an individual results in a sentence to county jail under conditions of day parole as provided in 1962 PA 60, MCL 801.251 to 801.258, or if the conviction was for a traffic violation that resulted in an absence of less than 10 consecutive work days from the individual's place of employment.

(g) Is discharged, whether or not the discharge is subsequently reduced to a disciplinary layoff or suspension, for participation in either of the following:

(i) A strike or other concerted action in violation of an applicable collective bargaining agreement that results in curtailment of work or restriction of or interference with production.

(ii) A wildcat strike or other concerted action not authorized by the individual's recognized bargaining representative.

(h) Was discharged for an act of assault and battery connected with the individual's work.

(i) Was discharged for theft connected with the individual's work.

(j) Was discharged for willful destruction of property connected with the individual's work.

(k) Committed a theft after receiving notice of a layoff or discharge, but before the effective date of the layoff or
discharge, resulting in loss or damage to the employer who would otherwise be chargeable for the benefits, regardless of whether the individual qualified for the benefits before the theft.

(l) Was employed by a temporary help firm, which as used in this section means an employer whose primary business is to provide a client with the temporary services of 1 or more individuals under contract with the employer, to perform services for a client of that firm if each of the following conditions is met:

(i) The temporary help firm provided the employee with a written notice before the employee began performing services for the client stating in substance both of the following:

(A) That within 7 days after completing services for a client of the temporary help firm, the employee is under a duty to notify the temporary help firm of the completion of those services.

(B) That a failure to provide the temporary help firm with notice of the employee's completion of services pursuant to sub-subparagraph (A) constitutes a voluntary quit that will affect the employee's eligibility for unemployment compensation if the employee seeks unemployment compensation following completion of those services.

(ii) The employee did not provide the temporary help firm with notice that the employee had completed his or her services for the client within 7 days after completion of his or her services for the client.

(m) Was discharged for illegally ingesting, injecting, inhaling, or possessing a controlled substance on the premises of the employer; refusing to submit to a drug test that was required to be administered in a nondiscriminatory manner; or testing positive on a drug test, if the test was administered in a
nondiscriminatory manner. If the worker disputes the result of the
testing, and if a generally accepted confirmatory test has not been
administered on the same sample previously tested, then a generally
accepted confirmatory test must be administered on that sample. If
the confirmatory test also indicates a positive result for the
presence of a controlled substance, the worker who is discharged as
a result of the test result will be disqualified under this
subdivision. A report by a drug testing facility showing a positive
result for the presence of a controlled substance is conclusive
unless there is substantial evidence to the contrary. As used in
this subdivision:

(i) "Controlled substance" means that term as defined in
section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(ii) "Drug test" means a test designed to detect the illegal
use of a controlled substance.

(iii) "Nondiscriminatory manner" means administered impartially
and objectively in accordance with a collective bargaining
agreement, rule, policy, a verbal or written notice, or a labor-
management contract.

(n) Theft from the employer that resulted in the employee's
conviction, within 2 years of the date of the discharge, of theft
or a lesser included offense.

(2) A disqualification under subsection (1) begins the week in
which the act or discharge that caused the disqualification occurs
and continues until the disqualified individual requalifies under
subsection (3).

(3) After the week in which the disqualifying act or discharge
described in subsection (1) occurs, an individual who seeks to
requalify for benefits is subject to all of the following:
(a) For benefit years established before October 1, 2000, the individual must complete 6 requalifying weeks if he or she was disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or 13 requalifying weeks if he or she was disqualified under subsection (1)(h), (i), (j), (k), or (m). A requalifying week required under this subdivision is each week in which the individual does any of the following:

(i) Earns or receives remuneration in an amount at least equal to an amount needed to earn a credit week, as that term is defined in section 50.

(ii) Otherwise meets all of the requirements of this act to receive a benefit payment if the individual were not disqualified under subsection (1).

(iii) Receives a benefit payment based on credit weeks subsequent to the disqualifying act or discharge.

(b) For benefit years established before October 1, 2000, if the individual is disqualified under subsection (1)(a) or (b), he or she must requalify, after the week in which the disqualifying discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation act of another state an amount equal to, or in excess of, 7 times the individual's potential weekly benefit rate, calculated on the basis of employment with the employer involved in the disqualification, or by earning in employment for an employer liable under this act or the unemployment compensation act of another state an amount equal to, or in excess of, 40 times the state minimum hourly wage times 7, whichever is the lesser amount.

(c) For benefit years established before October 1, 2000, a benefit payable to an individual disqualified under subsection
(a) or (b) must be charged to the nonchargeable benefits account, and not to the account of the employer with whom the individual was involved in the disqualification.

(d) For benefit years beginning on or after October 1, 2000, after the week in which the disqualifying act or discharge occurred, an individual must complete 13 requalifying weeks if he or she was disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or 26 requalifying weeks if he or she was disqualified under subsection (1)(h), (i), (j), (k), (m), or (n). A requalifying week required under this subdivision is each week in which the individual does any of the following:

(i) Earns or receives remuneration in an amount equal to at least 1/13 of the minimum amount needed in a calendar quarter of the base period for an individual to qualify for benefits, rounded down to the nearest whole dollar.

(ii) Otherwise meets all of the requirements of this act to receive a benefit payment if the individual was not disqualified under subsection (1).

(e) For benefit years beginning on or after October 1, 2000 and beginning before April 26, 2002, if the individual is disqualified under subsection (1)(a) or (b), he or she must requalify, after the week in which the disqualifying act or discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation law of another state at least the lesser of the following:

(i) Seven times the individual's weekly benefit rate.

(ii) Forty times the state minimum hourly wage times 7.

(f) For benefit years beginning on or after April 26, 2002, if the individual is disqualified under subsection (1)(a), he or she
must requalify, after the week in which the disqualifying act or discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation law of another state at least 12 times the individual's weekly benefit rate.

(g) For benefit years beginning on or after April 26, 2002, if the individual is disqualified under subsection (1)(b), he or she must requalify, after the week in which the disqualifying act or discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation law of another state at least 17 times the individual's weekly benefit rate.

(h) A benefit payable to the individual disqualified or separated under disqualifying circumstances under subsection (1)(a) or (b) must be charged to the nonchargeable benefits account, and not to the account of the employer with whom the individual was involved in the separation. Benefits payable to an individual determined by the unemployment agency to be separated under disqualifying circumstances must not be charged to the account of the employer involved in the disqualification for any period after the employer notifies the unemployment agency of the claimant's possible ineligibility or disqualification. However, an individual filing a new claim for benefits who reports the reason for separation from a base period employer as a voluntary leaving is presumed to have voluntarily left without good cause attributable to the employer and is disqualified unless the individual provides substantial evidence to rebut the presumption. If a disqualifying act or discharge occurs during the individual's benefit year, any benefits that may become payable to the individual in a later benefit year based on employment with the employer involved in the disqualification must be charged to the nonchargeable benefits account.
(4) The maximum amount of benefits otherwise available under section 27(d) to an individual disqualified under subsection (1) is subject to all of the following conditions:

(a) For benefit years established before October 1, 2000, if the individual is disqualified under subsection (1)(c), (d), (e), (f), (g), or (l) and the maximum amount of benefits is based on wages and credit weeks earned from an employer before an act or discharge involving that employer, the amount must be reduced by an amount equal to the individual's weekly benefit rate as to that employer multiplied by the lesser of either of the following:

(i) The number of requalifying weeks required of the individual under this section.

(ii) The number of weeks of benefit entitlement remaining with that employer.

(b) If the individual has insufficient or no potential benefit entitlement remaining with the employer involved in the disqualification in the benefit year in existence on the date of the disqualifying determination, a reduction of benefits described in this subsection applies in a succeeding benefit year with respect to any benefit entitlement based upon credit weeks earned with the employer before the disqualifying act or discharge.

(c) For benefit years established before October 1, 2000, an individual disqualified under subsection (1)(h), (i), (j), (k), or (m) is not entitled to benefits based on wages and credit weeks earned before the disqualifying act or discharge with the employer involved in the disqualification.

(d) The benefit entitlement of an individual disqualified under subsection (1)(a) or (b) is not subject to reduction as a
result of that disqualification.

(e) A denial or reduction of benefits under this subsection does not apply to benefits based upon multiemployer credit weeks.

(f) For benefit years established on or after October 1, 2000, if the individual is disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), the maximum number of weeks otherwise applicable in calculating benefits for the individual under section 27(d) must be reduced by the lesser of the following:

(i) The number of requalifying weeks required of the individual under this section.

(ii) The number of weeks of benefit entitlement remaining on the claim.

(g) For benefit years beginning on or after October 1, 2000, the benefits of an individual disqualified under subsection (1)(h), (i), (j), (k), (m), or (n) must be reduced by 13 weeks and any weekly benefit payments made to the claimant thereafter must be reduced by the portion of the payment attributable to base period wages paid by the base period employer involved in a disqualification under subsection (1)(h), (i), (j), (k), (m), or (n).

(5) Subject to subsection (11), if an individual leaves work to accept permanent full-time work with another employer or to accept a referral to another employer from the individual's union hiring hall and performs services for that employer, or if an individual leaves work to accept a recall from a former employer, all of the following apply:

(a) Subsection (1) does not apply.

(b) Wages earned with the employer whom the individual last left, including wages previously transferred under this subsection
to the last employer, for the purpose of computing and charging
benefits, are wages earned from the employer with whom the
individual accepted work or recall, and benefits paid based upon
those wages must be charged to that employer.

(c) When issuing a determination covering the period of
employment with a new or former employer described in this
subsection, the unemployment agency shall advise the chargeable
employer of the name and address of the other employer, the period
covered by the employment, and the extent of the benefits that may
be charged to the account of the chargeable employer.

(6) In determining whether work is suitable for an individual,
the unemployment agency shall consider the degree of risk involved
to the individual's health, safety, and morals, the individual's
physical fitness and prior training, the individual's length of
unemployment and prospects for securing local work in the
individual's customary occupation, and the distance of the
available work from the individual's residence. Additionally, the
unemployment agency shall consider the individual's experience and
prior earnings, but an unemployed individual who refuses an offer
of work determined to be suitable under this section must be denied
benefits if the pay rate for that work is at least 70% of the gross
pay rate he or she received immediately before becoming unemployed.
Beginning January 15, 2012, after an individual has received
benefits for 50% of the benefit weeks in the individual's benefit
year, work is not considered unsuitable because it is outside of
the individual's training or experience or unsuitable as to pay
rate if the pay rate for that work meets or exceeds the minimum
wage; is at least the prevailing mean wage for similar work in the
locality for the most recent full calendar year for which data are
available as published by the department of technology, management, and budget as "wages by job title", by standard metropolitan statistical area; and is 120% or more of the individual's weekly benefit amount.

(7) Work is not suitable and benefits must not be denied under this act to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(b) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(c) If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.

(8) All of the following apply to an individual who seeks benefits under this act:

(a) An individual is disqualified from receiving benefits for a week in which the individual's total or partial unemployment is due to either of the following:

(i) A labor dispute in active progress at the place at which the individual is or was last employed, or a shutdown or start-up operation caused by that labor dispute.

(ii) A labor dispute, other than a lockout, in active progress or a shutdown or start-up operation caused by that labor dispute in any other establishment within the United States that is both functionally integrated with the establishment described in subparagraph (i) and operated by the same employing unit.

(b) An individual's disqualification imposed or imposable
under this subsection is terminated if the individual performs services in employment with an employer in at least 2 consecutive weeks falling wholly within the period of the individual's total or partial unemployment due to the labor dispute, and in addition earns wages in each of those weeks in an amount equal to or greater than the individual's actual or potential weekly benefit rate.

(c) An individual is not disqualified under this subsection if the individual is not directly involved in the labor dispute. An individual is not directly involved in a labor dispute unless any of the following are established:

(i) At the time or in the course of a labor dispute in the establishment in which the individual was then employed, the individual in concert with 1 or more other employees voluntarily stopped working other than at the direction of the individual's employing unit.

(ii) The individual is participating in, financing, or directly interested in the labor dispute that causes the individual's total or partial unemployment. The payment of regular union dues, in amounts and for purposes established before the inception of the labor dispute, is not financing a labor dispute within the meaning of this subparagraph.

(iii) At any time a labor dispute in the establishment or department in which the individual was employed does not exist, and the individual voluntarily stops working, other than at the direction of the individual's employing unit, in sympathy with employees in some other establishment or department in which a labor dispute is in progress.

(iv) The individual's total or partial unemployment is due to a labor dispute that was or is in progress in a department, unit, or
group of workers in the same establishment.

(d) As used in this subsection, "directly interested" must be construed and applied so as not to disqualify individuals unemployed as a result of a labor dispute the resolution of which may not reasonably be expected to affect their wages, hours, or other conditions of employment, and to disqualify individuals whose wages, hours, or conditions of employment may reasonably be expected to be affected by the resolution of the labor dispute. A "reasonable expectation" of an effect on an individual's wages, hours, or other conditions of employment exists, in the absence of a substantial preponderance of evidence to the contrary, in any of the following situations:

(i) If it is established that there is in the particular establishment or employing unit a practice, custom, or contractual obligation to extend within a reasonable period to members of the individual's grade or class of workers in the establishment in which the individual is or was last employed changes in terms and conditions of employment that are substantially similar or related to some or all of the changes in terms and conditions of employment that are made for the workers among whom there exists the labor dispute that has caused the individual's total or partial unemployment.

(ii) If it is established that 1 of the issues in or purposes of the labor dispute is to obtain a change in the terms and conditions of employment for members of the individual's grade or class of workers in the establishment in which the individual is or was last employed.

(iii) If a collective bargaining agreement covers both the individual's grade or class of workers in the establishment in
which the individual is or was last employed and the workers in
another establishment of the same employing unit who are actively
participating in the labor dispute, and that collective bargaining
agreement is subject by its terms to modification, supplementation,
or replacement, or has expired or been opened by mutual consent at
the time of the labor dispute.

(e) In determining the scope of the grade or class of workers,
evidence of the following is relevant:

(i) Representation of the workers by the same national or
international organization or by local affiliates of that national
or international organization.

(ii) Whether the workers are included in a single, legally
designated, or negotiated bargaining unit.

(iii) Whether the workers are or within the past 6 months have
been covered by a common master collective bargaining agreement
that sets forth all or any part of the terms and conditions of the
workers' employment, or by separate agreements that are or have
been bargained as a part of the same negotiations.

(iv) Any functional integration of the work performed by those
workers.

(v) Whether the resolution of those issues involved in the
labor dispute as to some of the workers could directly or
indirectly affect the advancement, negotiation, or settlement of
the same or similar issues in respect to the remaining workers.

(vi) Whether the workers are currently or have been covered by
the same or similar demands by their recognized or certified
bargaining agent or agents for changes in their wages, hours, or
other conditions of employment.

(vii) Whether issues on the same subject matter as those
involved in the labor dispute have been the subject of proposals or demands made upon the employing unit that would by their terms have applied to those workers.

(9) Notwithstanding subsections (1) to (8), if the employing unit submits notice to the unemployment agency of possible ineligibility or disqualification beyond the time limits prescribed by unemployment agency rule and the unemployment agency concludes that benefits should not have been paid, the claimant shall repay the benefits paid during the entire period of ineligibility or disqualification. The unemployment agency shall not charge interest on repayments required under this subsection.

(10) An individual is disqualified from receiving benefits for any week or part of a week in which the individual has received, is receiving, or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, the disqualification described in this subsection does not apply.

(11) Beginning on May 1, 2020, and until the effective date of the amendatory act that added this subsection, if an individual leaves work to accept permanent full-time work with another employer, the individual is considered to have met the requirements of subsection (5) regardless of whether the individual actually performed services for the other employer or whether the work was permanent full-time work. Benefits payable to the individual must be charged to the nonchargeable benefits account.

(12) An employer may do either of the following:

(a) Notify the unemployment agency that a claimant refused
suitable work with the employer.

(b) Notify the unemployment agency of a job opening with the employer.

(13) Each week, the unemployment agency shall transmit to the Michigan works agencies all of the job openings the unemployment agency received during that week under subsection (12)(b).

(14) Except as otherwise provided in this section, the unemployment agency shall not waive any of the provisions of this section.

Sec. 67c. The unemployment agency shall submit a report to the house of representatives and senate each fiscal quarter that includes all of the following information:

(a) The total number of claimants the unemployment agency determined to have not complied with section 28 or 29.

(b) The total amount of benefits paid to and the total amount of benefits recovered from claimants whom the unemployment agency determined to have done 1 or more of the following:

(i) Committed a violation described in section 54.

(ii) Not complied with section 28 or 29.

(c) The total number of claimants that the unemployment agency determined were ineligible for benefits because the claimants did not comply with section 28 or 29.

(d) The average duration of regular and extended benefits drawn by claimants.

(e) The total number of employers that notified the unemployment agency of a job opening under section 29(12)(b).

(f) The number of claimants that enrolled in a workforce development program.