

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 604**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28c, 28d, 29, 32, 32c, and 48 (MCL 421.17, 421.27, 421.28c, 421.28d, 421.29, 421.32, 421.32c, and 421.48), sections 17, 27, 28c, 28d, 29, 32, and 48 as amended and section 32c as added by 2020 PA 229, and by adding sections 29a and 39a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) The unemployment agency shall maintain in the
2 unemployment compensation fund a nonchargeable benefits account and
3 a separate experience account for each employer as provided in this
4 section. This act does not give an employer or individuals in the
5 employer's service prior claims or rights to the amount paid by the



1 employer to the unemployment compensation fund. All contributions
2 to that fund ~~shall~~**must** be pooled and available to pay benefits to
3 any individual entitled to the benefits under this act,
4 irrespective of the source of the contributions.

5 (2) The nonchargeable benefits account shall be credited with
6 the following:

7 (a) All net earnings received on money, property, or
8 securities in the fund.

9 (b) Any positive balance remaining in the employer's
10 experience account as of the second June 30 computation date
11 occurring after the employer has ceased to be subject to this act
12 or after the employer has elected to change from a contributing
13 employer to a reimbursing employer.

14 (c) The proceeds of the nonchargeable benefits component of
15 employers' contribution rates determined as provided in section
16 19(a) (5).

17 (d) All reimbursements received under section 11(c).

18 (e) All amounts that may be paid or advanced by the federal
19 government under section 903 or section 1201 of the social security
20 act, 42 USC 1103 and 1321, to the account of the state in the
21 federal unemployment trust fund.

22 (f) All benefits improperly paid to claimants that have been
23 recovered and that were previously charged to an employer's
24 account.

25 (g) Any benefits forfeited by an individual by application of
26 section 62(b).

27 (h) The amount of any benefit check, any employer refund
28 check, any claimant restitution refund check, or other payment duly
29 issued that has not been presented for payment within 1 year after



1 the date of issue.

2 (i) Any other unemployment fund income not creditable to the
3 experience account of any employer.

4 (j) Any negative balance transferred to an employer's new
5 experience account pursuant to this section.

6 (k) Amounts transferred from the contingent fund under section
7 10.

8 (3) The nonchargeable benefits account shall be charged with
9 the following:

10 (a) Any negative balance remaining in an employer's experience
11 account as of the second June 30 computation date occurring after
12 the employer has ceased to be subject to this act or has elected to
13 change from a contributing employer to a reimbursing employer.

14 (b) Refunds of amounts erroneously collected due to the
15 nonchargeable benefits component of an employer's contribution
16 rate.

17 (c) All training benefits paid under section 27(g) not
18 reimbursable by the federal government and based on service with a
19 contributing employer.

20 (d) Any positive balance credited or transferred to an
21 employer's new experience account under this subsection.

22 (e) Repayments to the federal government of amounts advanced
23 by it under section 1201 of the social security act, 42 USC 1321,
24 to the unemployment compensation fund established by this act.

25 (f) The amounts received by the unemployment compensation fund
26 under section 903 of the social security act, 42 USC 1103, that may
27 be appropriated to the unemployment agency in accordance with
28 subsection (8).

29 (g) All benefits determined to have been improperly paid to



1 claimants that have been credited to employers' accounts in
2 accordance with section 20(a).

3 (h) The amount of any substitute check or other payment issued
4 to replace an uncashed benefit check, employer refund check,
5 claimant restitution refund check, or other payment previously
6 credited to this account.

7 (i) The amount of any benefit check or other payment issued
8 that would be chargeable to the experience account of an employer
9 who has ceased to be subject to this act, and who has had a balance
10 transferred from the employer's experience account to the solvency
11 or nonchargeable benefits account.

12 (j) All benefits that become nonchargeable to an employer
13 under section 19(b) or (c), ~~29(1)(a)(ii) or (iii)~~ **29(1)(a)(i) to (iv)**
14 or (3), or 42a.

15 (k) For benefit years ~~beginning before October 1, 2000, with~~
16 ~~benefits allocated under section 20(c)(2) for a week of~~
17 ~~unemployment in which a claimant earns remuneration with a~~
18 ~~contributing employer that equals or exceeds the amount of benefits~~
19 ~~allocated to that contributing employer, and for benefit years~~
20 ~~beginning on or after October 1, 2000, with~~ benefits allocated
21 under section 20(f) for a week of unemployment in which a claimant
22 earns remuneration with a contributing employer that equals or
23 exceeds the amount of benefits allocated to that contributing
24 employer.

25 (l) Benefits that are nonchargeable to an employer's account in
26 accordance with section 20(i) or (j).

27 (m) Benefits otherwise chargeable to the account of an
28 employer when the benefits are payable solely on the basis of
29 combining wages paid by a Michigan employer with wages paid by a



1 non-Michigan employer under the interstate arrangement for
2 combining employment and wages under 20 CFR 616.1 to 616.11.

3 (4) All contributions paid by an employer ~~shall~~**must** be
4 credited to the unemployment compensation fund, and, except as
5 otherwise provided with respect to the proceeds of the
6 nonchargeable benefits component of employers' contribution rates
7 by section 19(a)(5), to the employer's experience account, as of
8 the date when paid. However, ~~these~~**the** contributions paid during
9 any July shall be credited as of the immediately preceding June 30.
10 Additional contributions paid by an employer as the result of a
11 retroactive contribution rate adjustment, solely for the purpose of
12 this subsection, ~~shall~~**must** be credited to the employer's
13 experience account as if paid when due, if the payment is received
14 within 30 days after the issuance of the initial assessment that
15 results from the contribution rate adjustment and a written request
16 for the application is filed by the employer during this period.

17 (5) If an employer who has ceased to be subject to this act,
18 and who has had a positive or negative balance transferred as
19 provided in subsection (2) or (3) from the employer's experience
20 account to the solvency or nonchargeable benefits account as of the
21 second computation date after the employer has ceased to be subject
22 to this act, becomes subject to this act again within 6 years after
23 that computation date, the unemployment agency shall transfer the
24 positive or negative balance, adjusted by the debits and credits
25 that are made after the date of transfer, to the employer's new
26 experience account.

27 (6) If an employer's status as a reimbursing employer is
28 terminated within 6 years after the date the employer's experience
29 account as a prior contributing employer was transferred to the



1 solvency or nonchargeable benefits account as provided in
 2 subsection (2) or (3) and the employer continues to be subject to
 3 this act as a contributing employer, any positive or negative
 4 balance in the employer's experience account as a prior
 5 contributing employer ~~, which that~~ was transferred to the solvency
 6 or nonchargeable benefits account ~~, shall must~~ be transferred to
 7 the employer's new experience account. However, an employer who is
 8 delinquent with respect to any reimbursement payments in lieu of
 9 contributions for which the employer may be liable ~~shall must~~ not
 10 have a positive balance transferred during the delinquency.

11 (7) If a balance is transferred to an employer's new account
 12 under subsection (5) or (6), the employer ~~shall is~~ not be
 13 considered a "qualified employer" until the employer has again been
 14 subject to this act for the period set forth in section 19(a) (1).

15 (8) All money credited under section 903 of the social
 16 security act, 42 USC 1103, to the account of the state in the
 17 federal unemployment trust fund ~~shall must~~ immediately be credited
 18 by the unemployment agency to the fund's nonchargeable benefits
 19 account. There is authorized to be appropriated to the unemployment
 20 agency from the money credited to the nonchargeable benefits
 21 account under this subsection, an amount determined to be necessary
 22 for the proper and efficient administration by the unemployment
 23 agency of this act for purposes for which federal grants under
 24 title 3 of the social security act, 42 USC 501 to ~~504, 505~~, and the
 25 Wagner-Peyser act, 29 USC 49 to ~~491-2~~, are not available or are
 26 insufficient. The appropriation ~~shall expire~~ **expires** not more than
 27 2 years after the date of enactment and ~~shall must~~ provide that any
 28 unexpended balance ~~shall then be~~ **is** credited to the nonchargeable
 29 benefits account. An appropriation ~~shall not be made~~ under this



1 subsection ~~for an amount that exceeds~~ **must not exceed** the "adjusted
2 balance" of the nonchargeable benefits account on the most recent
3 computation date. Appropriations made under this subsection ~~shall~~
4 **must** limit the total amount that may be obligated by the
5 unemployment agency during a fiscal year to an amount that does not
6 exceed the amount by which the aggregate of the amounts credited to
7 the nonchargeable benefits account under this subsection during the
8 fiscal year and the 24 preceding fiscal years, exceeds the
9 aggregate of the amounts obligated by the unemployment agency by
10 appropriation under this subsection and charged against the amounts
11 thus credited to the nonchargeable benefits account during any of
12 the 25 fiscal years and any amounts credited to the nonchargeable
13 benefits account that have been used for the payment of benefits.

14 (9) Notwithstanding any other provision of this act, any
15 benefit paid to a claimant that is laid off or placed on a leave of
16 absence must not be charged to the account of any employer who
17 otherwise would have been charged but instead must be charged to
18 the nonchargeable benefits account. This subsection does not apply
19 after ~~December 31, 2020~~ **March 31, 2021 or, for a qualified affected**
20 **employer, June 30, 2021.**

21 Sec. 27. (a) (1) When a determination, redetermination, or
22 decision is made that benefits are due an unemployed individual,
23 the benefits become payable from the fund and continue to be
24 payable to the unemployed individual, subject to the limitations
25 imposed by the individual's monetary entitlement, if the individual
26 continues to be unemployed and to file claims for benefits, until
27 the determination, redetermination, or decision is reversed, a
28 determination, redetermination, or decision on a new issue holding
29 the individual disqualified or ineligible is made, or, for benefit



1 years beginning before October 1, 2000, a new separation issue
2 arises resulting from subsequent work.

3 (2) Benefits are payable in person or by mail through
4 employment security offices in accordance with rules promulgated by
5 the unemployment agency.

6 (b)(1) Subject to subsection (f), the weekly benefit rate for
7 an individual, with respect to benefit years beginning before
8 October 1, 2000, is 67% of the individual's average after tax
9 weekly wage, except that the individual's maximum weekly benefit
10 rate must not exceed \$300.00. However, with respect to benefit
11 years beginning on or after October 1, 2000, the individual's
12 weekly benefit rate is 4.1% of the individual's wages paid in the
13 calendar quarter of the base period in which the individual was
14 paid the highest total wages, plus \$6.00 for each dependent as
15 defined in subdivision (4), up to a maximum of 5 dependents,
16 claimed by the individual at the time the individual files a new
17 claim for benefits, except that the individual's maximum weekly
18 benefit rate must not exceed \$300.00 before April 26, 2002 and
19 \$362.00 for claims filed on and after April 26, 2002. The weekly
20 benefit rate for an individual claiming benefits on and after April
21 26, 2002 must be recalculated subject to the \$362.00 maximum weekly
22 benefit rate. The unemployment agency shall establish the
23 procedures necessary to verify the number of dependents claimed. If
24 a person fraudulently claims a dependent, that person is subject to
25 the penalties set forth in sections 54 and 54c. For benefit years
26 beginning on or after October 2, 1983, the weekly benefit rate must
27 be adjusted to the next lower multiple of \$1.00.

28 (2) For benefit years beginning before October 1, 2000, the
29 state average weekly wage for a calendar year is computed on the



1 basis of the 12 months ending the June 30 immediately before that
2 calendar year.

3 (3) For benefit years beginning before October 1, 2000, a
4 dependent means any of the following persons who are receiving and
5 for at least 90 consecutive days immediately before the week for
6 which benefits are claimed, or, in the case of a dependent husband,
7 wife, or child, for the duration of the marital or parental
8 relationship, if the relationship has existed less than 90 days,
9 has received more than 1/2 the cost of his or her support from the
10 individual claiming benefits:

11 (a) A child, including stepchild, adopted child, or grandchild
12 of the individual who is under 18 years of age, or 18 years of age
13 or over if, because of physical or mental infirmity, the child is
14 unable to engage in a gainful occupation, or is a full-time student
15 as defined by the particular educational institution, at a high
16 school, vocational school, community or junior college, or college
17 or university and has not attained the age of 22.

18 (b) The husband or wife of the individual.

19 (c) The legal father or mother of the individual if that
20 parent is either more than 65 years of age or is permanently
21 disabled from engaging in a gainful occupation.

22 (d) A brother or sister of the individual if the brother or
23 sister is orphaned or the living parents are dependent parents of
24 an individual, and the brother or sister is under 18 years of age,
25 or 18 years of age or over if, because of physical or mental
26 infirmity, the brother or sister is unable to engage in a gainful
27 occupation, or is a full-time student as defined by the particular
28 educational institution, at a high school, vocational school,
29 community or junior college, or college or university and is less



1 than 22 years of age.

2 (4) For benefit years beginning on or after October 1, 2000, a
3 dependent means any of the following persons who received for at
4 least 90 consecutive days immediately before the first week of the
5 benefit year or, in the case of a dependent husband, wife, or
6 child, for the duration of the marital or parental relationship if
7 the relationship existed less than 90 days before the beginning of
8 the benefit year, has received more than 1/2 the cost of his or her
9 support from the individual claiming the benefits:

10 (a) A child, including stepchild, adopted child, or grandchild
11 of the individual who is under 18 years of age, or 18 years of age
12 and over if, because of physical or mental infirmity, the child is
13 unable to engage in a gainful occupation, or is a full-time student
14 as defined by the particular educational institution, at a high
15 school, vocational school, community or junior college, or college
16 or university and has not attained the age of 22.

17 (b) The husband or wife of the individual.

18 (c) The legal father or mother of the individual if that
19 parent is either more than 65 years of age or is permanently
20 disabled from engaging in a gainful occupation.

21 (d) A brother or sister of the individual if the brother or
22 sister is orphaned or the living parents are dependent parents of
23 an individual, and the brother or sister is under 18 years of age,
24 or 18 years of age and over if, because of physical or mental
25 infirmity, the brother or sister is unable to engage in a gainful
26 occupation, or is a full-time student as defined by the particular
27 educational institution, at a high school, vocational school,
28 community or junior college, or college or university and is less
29 than 22 years of age.



1 (5) The number of dependents established for an individual at
2 the beginning of the benefit year shall remain in effect during the
3 entire benefit year.

4 (6) Dependency status of a dependent, child or otherwise, once
5 established or fixed in favor of a person is not transferable to or
6 usable by another person with respect to the same week.

7 Failure on the part of an individual, due to misinformation or
8 lack of information, to furnish all information material for
9 determination of the number of the individual's dependents is good
10 cause to issue a redetermination as to the amount of benefits based
11 on the number of the individual's dependents as of the beginning of
12 the benefit year.

13 (c) Subject to subsection (f), all of the following apply to
14 eligible individuals:

15 (1) Each eligible individual must be paid a weekly benefit
16 rate with respect to the week for which the individual earns or
17 receives no remuneration. Notwithstanding the definition of week in
18 section 50, if within 2 consecutive weeks in which an individual
19 was not unemployed within the meaning of section 48 there was a
20 period of 7 or more consecutive days for which the individual did
21 not earn or receive remuneration, that period is considered a week
22 for benefit purposes under this act if a claim for benefits for
23 that period is filed not later than 30 days after the end of the
24 period.

25 (2) The weekly benefit rate is reduced with respect to each
26 week in which the eligible individual earns or receives
27 remuneration at the rate of 40 cents for each whole \$1.00 of
28 remuneration earned or received during that week. Beginning October
29 1, 2015, an eligible individual's weekly benefit rate is reduced at



1 the rate of 50 cents for each whole \$1.00 of remuneration in which
2 the eligible individual earns or receives remuneration in that
3 benefit week. The weekly benefit rate is not reduced under this
4 subdivision for remuneration received for on-call or training
5 services as a volunteer firefighter, if the volunteer firefighter
6 receives less than \$10,000.00 in a calendar year for services as a
7 volunteer firefighter.

8 (3) An individual who receives or earns partial remuneration
9 may not receive a total of benefits and earnings that exceeds 1-3/5
10 times his or her weekly benefit amount. For each dollar of total
11 benefits and earnings that exceeds 1-3/5 times the individual's
12 weekly benefit amount, benefits are reduced by \$1.00. Beginning
13 October 1, 2015, the total benefits and earnings for an individual
14 who receives or earns partial remuneration may not exceed 1-1/2
15 times his or her weekly benefit amount. The individual's benefits
16 are reduced by \$1.00 for each dollar by which the total benefits
17 and earnings exceed 1-1/2 times the individual's weekly benefit
18 amount.

19 (4) If the reduction in a claimant's benefit rate for a week
20 in accordance with subdivision (2) or (3) results in a benefit rate
21 greater than zero for that week, the claimant's balance of weeks of
22 benefit payments is reduced by 1 week.

23 (5) All remuneration for work performed during a shift that
24 terminates on 1 day but that began on the preceding day is
25 considered to have been earned by the eligible individual on the
26 preceding day.

27 (6) The unemployment agency shall report annually to the
28 legislature the following information with regard to subdivisions
29 (2) and (3):



1 (a) The number of individuals whose weekly benefit rate was
 2 reduced at the rate of 40 or 50 cents for each whole \$1.00 of
 3 remuneration earned or received over the immediately preceding
 4 calendar year.

5 (b) The number of individuals who received or earned partial
 6 remuneration at or exceeding the applicable limit of 1-1/2 or 1-3/5
 7 times their weekly benefit amount prescribed in subdivision (3) for
 8 any 1 or more weeks during the immediately preceding calendar year.

9 (7) The unemployment agency shall not use prorated quarterly
 10 wages to establish a reduction in benefits under this subsection.

11 (d) Subject to subsection (f) and this subsection, the maximum
 12 benefit amount payable to an individual in a benefit year for
 13 purposes of this section and section 20(d) is the number of weeks
 14 of benefits payable to an individual during the benefit year,
 15 multiplied by the individual's weekly benefit rate. The number of
 16 weeks of benefits payable to an individual shall be calculated by
 17 taking 43% of the individual's base period wages and dividing the
 18 result by the individual's weekly benefit rate. If the quotient is
 19 not a whole or half number, the result is rounded down to the
 20 nearest half number. However, for each eligible individual filing
 21 an initial claim before January 15, 2012, not more than 26 weeks of
 22 benefits or less than 14 weeks of benefits are payable to an
 23 individual in a benefit year. For each eligible individual filing
 24 an initial claim on or after January 15, 2012, not more than 20
 25 weeks of benefits or less than 14 weeks of benefits are payable to
 26 an individual in a benefit year. The limitation of total benefits
 27 set forth in this subsection does not apply to claimants declared
 28 eligible for training benefits in accordance with subsection (g).
 29 Notwithstanding any other provision of this act, **and subject to**



1 **available federal money or a state appropriation**, with respect to
2 benefit years and claims for weeks beginning before ~~January~~ **April**
3 1, 2021, for each eligible individual who files a claim for
4 benefits and establishes a benefit year, not more than 26 weeks of
5 benefits or less than 14 weeks of benefits may be payable to an
6 individual in a benefit year.

7 (e) When a claimant dies or is judicially declared insane or
8 mentally incompetent, unemployment compensation benefits accrued
9 and payable to that person for weeks of unemployment before death,
10 insanity, or incompetency, but not paid, become due and payable to
11 the person who is the legal heir or guardian of the claimant or to
12 any other person found by the commission to be equitably entitled
13 to the benefits by reason of having incurred expense in behalf of
14 the claimant for the claimant's burial or other necessary expenses.

15 (f)(1) For benefit years beginning before October 1, 2000, and
16 notwithstanding any inconsistent provisions of this act, the weekly
17 benefit rate of each individual who is receiving or will receive a
18 "retirement benefit", as defined in subdivision (4), is adjusted as
19 provided in subparagraphs (a), (b), and (c). However, an
20 individual's extended benefit account and an individual's weekly
21 extended benefit rate under section 64 is established without
22 reduction under this subsection unless subdivision (5) is in
23 effect. Except as otherwise provided in this subsection, all other
24 provisions of this act continue to apply in connection with the
25 benefit claims of those retired persons.

26 (a) If and to the extent that unemployment benefits payable
27 under this act would be chargeable to an employer who has
28 contributed to the financing of a retirement plan under which the
29 claimant is receiving or will receive a retirement benefit yielding



1 a pro rata weekly amount equal to or larger than the claimant's
2 weekly benefit rate as otherwise established under this act, the
3 claimant must not receive unemployment benefits that would be
4 chargeable to the employer under this act.

5 (b) If and to the extent that unemployment benefits payable
6 under this act would be chargeable to an employer who has
7 contributed to the financing of a retirement plan under which the
8 claimant is receiving or will receive a retirement benefit yielding
9 a pro rata weekly amount less than the claimant's weekly benefit
10 rate as otherwise established under this act, then the weekly
11 benefit rate otherwise payable to the claimant and chargeable to
12 the employer under this act is reduced by an amount equal to the
13 pro rata weekly amount, adjusted to the next lower multiple of
14 \$1.00, which the claimant is receiving or will receive as a
15 retirement benefit.

16 (c) If the unemployment benefit payable under this act would
17 be chargeable to an employer who has not contributed to the
18 financing of a retirement plan under which the claimant is
19 receiving or will receive a retirement benefit, then the weekly
20 benefit rate of the claimant as otherwise established under this
21 act is not reduced due to receipt of a retirement benefit.

22 (d) If the unemployment benefit payable under this act is
23 computed on the basis of multiemployer credit weeks and a portion
24 of the benefit is allocable under section 20(e) to an employer who
25 has contributed to the financing of a retirement plan under which
26 the claimant is receiving or will receive a retirement benefit, the
27 adjustments required by subparagraph (a) or (b) apply only to that
28 portion of the weekly benefit rate that would otherwise be
29 allocable and chargeable to the employer.



1 (2) If an individual's weekly benefit rate under this act was
2 established before the period for which the individual first
3 receives a retirement benefit, any benefits received after a
4 retirement benefit becomes payable must be determined in accordance
5 with the formula stated in this subsection.

6 (3) When necessary to assure prompt payment of benefits, the
7 commission shall determine the pro rata weekly amount yielded by an
8 individual's retirement benefit based on the best information
9 currently available to it. In the absence of fraud, a determination
10 must not be reconsidered unless it is established that the
11 individual's actual retirement benefit in fact differs from the
12 amount determined by \$2.00 or more per week. The reconsideration
13 applies only to benefits that may be claimed after the information
14 on which the reconsideration is based was received by the
15 commission.

16 (4) (a) As used in this subsection, "retirement benefit" means
17 a benefit, annuity, or pension of any type or that part thereof
18 that is described in subparagraph (b) that is both:

19 (i) Provided as an incident of employment under an established
20 retirement plan, policy, or agreement, including federal Social
21 Security if subdivision (5) is in effect.

22 (ii) Payable to an individual because the individual has
23 qualified on the basis of attained age, length of service, or
24 disability, whether or not the individual retired or was retired
25 from employment. Amounts paid to individuals in the course of
26 liquidation of a private pension or retirement fund because of
27 termination of the business or of a plant or department of the
28 business of the employer involved are not retirement benefits.

29 (b) If a benefit as described in subparagraph (a) is payable



1 or paid to the individual under a plan to which the individual has
2 contributed:

3 (i) Less than 1/2 of the cost of the benefit, then only 1/2 of
4 the benefit is treated as a retirement benefit.

5 (ii) One-half or more of the cost of the benefit, then none of
6 the benefit is treated as a retirement benefit.

7 (c) The burden of establishing the extent of an individual's
8 contribution to the cost of his or her retirement benefit for the
9 purpose of subparagraph (b) is upon the employer who has
10 contributed to the plan under which a benefit is provided.

11 (5) Notwithstanding any other provision of this subsection,
12 for any week that begins after March 31, 1980, and with respect to
13 which an individual is receiving a governmental or other pension
14 and claiming unemployment compensation, the weekly benefit amount
15 payable to the individual for those weeks is reduced, but not below
16 zero, by the entire prorated weekly amount of any governmental or
17 other pension, retirement or retired pay, annuity, or any other
18 similar payment that is based on any previous work of the
19 individual. This reduction is made only if it is required as a
20 condition for full tax credit against the tax imposed by the
21 federal unemployment tax act, 26 USC 3301 to 3311.

22 (6) For benefit years beginning on or after October 1, 2000,
23 notwithstanding any inconsistent provisions of this act, the weekly
24 benefit rate of each individual who is receiving or will receive a
25 retirement benefit, as defined in subdivision (4), is adjusted as
26 provided in subparagraphs (a), (b), and (c). However, an
27 individual's extended benefit account and an individual's weekly
28 extended benefit rate under section 64 is established without
29 reduction under this subsection, unless subdivision (5) is in



1 effect. Except as otherwise provided in this subsection, all the
2 other provisions of this act apply to the benefit claims of those
3 retired persons. However, if the reduction would impair the full
4 tax credit against the tax imposed by the federal unemployment tax
5 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as
6 provided in subparagraphs (a), (b), and (c) for receipt of any
7 governmental or other pension, retirement or retired pay, annuity,
8 or other similar payment that was not includable in the gross
9 income of the individual for the taxable year in which it was
10 received because it was a part of a rollover distribution.

11 (a) If any base period or chargeable employer has contributed
12 to the financing of a retirement plan under which the claimant is
13 receiving or will receive a retirement benefit yielding a pro rata
14 weekly amount equal to or larger than the claimant's weekly benefit
15 rate as otherwise established under this act, the claimant is not
16 eligible to receive unemployment benefits.

17 (b) If any base period employer or chargeable employer has
18 contributed to the financing of a retirement plan under which the
19 claimant is receiving or will receive a retirement benefit yielding
20 a pro rata weekly amount less than the claimant's weekly benefit
21 rate as otherwise established under this act, then the weekly
22 benefit rate otherwise payable to the claimant is reduced by an
23 amount equal to the pro rata weekly amount, adjusted to the next
24 lower multiple of \$1.00, which the claimant is receiving or will
25 receive as a retirement benefit.

26 (c) If no base period or separating employer has contributed
27 to the financing of a retirement plan under which the claimant is
28 receiving or will receive a retirement benefit, then the weekly
29 benefit rate of the claimant as otherwise established under this



1 act shall not be reduced due to receipt of a retirement benefit.

2 (g) Notwithstanding any other provision of this act, an
3 individual pursuing vocational training or retraining pursuant to
4 section 28(2) who has exhausted all benefits available under
5 subsection (d) may be paid for each week of approved vocational
6 training pursued beyond the date of exhaustion a benefit amount in
7 accordance with subsection (c), but not in excess of the
8 individual's most recent weekly benefit rate. However, an
9 individual must not be paid training benefits totaling more than 18
10 times the individual's most recent weekly benefit rate. The
11 expiration or termination of a benefit year does not stop or
12 interrupt payment of training benefits if the training for which
13 the benefits were granted began before expiration or termination of
14 the benefit year.

15 (h) A payment of accrued unemployment benefits is not payable
16 to an eligible individual or in behalf of that individual as
17 provided in subsection (e) more than 6 years after the ending date
18 of the benefit year covering the payment or 2 calendar years after
19 the calendar year in which there is final disposition of a
20 contested case, whichever is later.

21 (i) Benefits based on service in employment described in
22 section 42(8), (9), and (10) are payable in the same amount, on the
23 same terms, and subject to the same conditions as compensation
24 payable on the basis of other service subject to this act, except
25 that:

26 (1) With respect to service performed in an instructional,
27 research, or principal administrative capacity for an institution
28 of higher education as defined in section 53(2), or for an
29 educational institution other than an institution of higher



1 education as defined in section 53(3), benefits are not payable to
2 an individual based on those services for any week of unemployment
3 beginning after December 31, 1977 that commences during the period
4 between 2 successive academic years or during a similar period
5 between 2 regular terms, whether or not successive, or during a
6 period of paid sabbatical leave provided for in the individual's
7 contract, to an individual if the individual performs the service
8 in the first of the academic years or terms and if there is a
9 contract or a reasonable assurance that the individual will perform
10 service in an instructional, research, or principal administrative
11 capacity for an institution of higher education or an educational
12 institution other than an institution of higher education in the
13 second of the academic years or terms, whether or not the terms are
14 successive.

15 (2) With respect to service performed in other than an
16 instructional, research, or principal administrative capacity for
17 an institution of higher education as defined in section 53(2) or
18 for an educational institution other than an institution of higher
19 education as defined in section 53(3), benefits are not payable
20 based on those services for any week of unemployment beginning
21 after December 31, 1977 that commences during the period between 2
22 successive academic years or terms to any individual if that
23 individual performs the service in the first of the academic years
24 or terms and if there is a reasonable assurance that the individual
25 will perform the service for an institution of higher education or
26 an educational institution other than an institution of higher
27 education in the second of the academic years or terms.

28 (3) With respect to any service described in subdivision (1)
29 or (2), benefits are not payable to an individual based upon



1 service for any week of unemployment that commences during an
2 established and customary vacation period or holiday recess if the
3 individual performs the service in the period immediately before
4 the vacation period or holiday recess and there is a contract or
5 reasonable assurance that the individual will perform the service
6 in the period immediately following the vacation period or holiday
7 recess.

8 (4) If benefits are denied to an individual for any week
9 solely as a result of subdivision (2) and the individual was not
10 offered an opportunity to perform in the second academic year or
11 term the service for which reasonable assurance had been given, the
12 individual is entitled to a retroactive payment of benefits for
13 each week for which the individual had previously filed a timely
14 claim for benefits. An individual entitled to benefits under this
15 subdivision may apply for those benefits by mail in accordance with
16 R 421.210 of the Michigan Administrative Code as promulgated by the
17 commission.

18 (5) Benefits based upon services in other than an
19 instructional, research, or principal administrative capacity for
20 an institution of higher education are not denied for any week of
21 unemployment commencing during the period between 2 successive
22 academic years or terms solely because the individual had performed
23 the service in the first of the academic years or terms and there
24 is reasonable assurance that the individual will perform the
25 service for an institution of higher education or an educational
26 institution other than an institution of higher education in the
27 second of the academic years or terms, unless a denial is required
28 as a condition for full tax credit against the tax imposed by the
29 federal unemployment tax act, 26 USC 3301 to 3311.



1 (6) For benefit years established before October 1, 2000, and
2 notwithstanding subdivisions (1), (2), and (3), the denial of
3 benefits does not prevent an individual from completing
4 requalifying weeks in accordance with section 29(3) nor does the
5 denial prevent an individual from receiving benefits based on
6 service with an employer other than an educational institution for
7 any week of unemployment occurring between academic years or terms,
8 whether or not successive, or during an established and customary
9 vacation period or holiday recess, even though the employer is not
10 the most recent chargeable employer in the individual's base
11 period. However, in that case section 20(b) applies to the sequence
12 of benefit charging, except for the employment with the educational
13 institution, and section 50(b) applies to the calculation of credit
14 weeks. When a denial of benefits under subdivision (1) no longer
15 applies, benefits are charged in accordance with the normal
16 sequence of charging as provided in section 20(b).

17 (7) For benefit years beginning on or after October 1, 2000,
18 and notwithstanding subdivisions (1), (2), and (3), the denial of
19 benefits does not prevent an individual from completing
20 requalifying weeks in accordance with section 29(3) and does not
21 prevent an individual from receiving benefits based on service with
22 another base period employer other than an educational institution
23 for any week of unemployment occurring between academic years or
24 terms, whether or not successive, or during an established and
25 customary vacation period or holiday recess. However, if benefits
26 are paid based on service with 1 or more base period employers
27 other than an educational institution, the individual's weekly
28 benefit rate is calculated in accordance with subsection (b)(1) but
29 during the denial period the individual's weekly benefit payment is



1 reduced by the portion of the payment attributable to base period
 2 wages paid by an educational institution and the account or
 3 experience account of the educational institution is not charged
 4 for benefits payable to the individual. When a denial of benefits
 5 under subdivision (1) is no longer applicable, benefits are paid
 6 and charged on the basis of base period wages with each of the base
 7 period employers including the educational institution.

8 (8) For the purposes of this subsection, "academic year" means
 9 that period, as defined by the educational institution, when
 10 classes are in session for that length of time required for
 11 students to receive sufficient instruction or earn sufficient
 12 credit to complete academic requirements for a particular grade
 13 level or to complete instruction in a noncredit course.

14 (9) In accordance with subdivisions (1), (2), and (3),
 15 benefits for any week of unemployment are denied to an individual
 16 who performed services described in subdivision (1), (2), or (3) in
 17 an educational institution while in the employ of an educational
 18 service agency. For the purpose of this subdivision, "educational
 19 service agency" means a governmental agency or governmental entity
 20 that is established and operated exclusively for the purpose of
 21 providing the services to 1 or more educational institutions.

22 (j) Benefits are not payable to an individual on the basis of
 23 any base period services, substantially all of which consist of
 24 participating in sports or athletic events or training or preparing
 25 to participate, for a week that commences during the period between
 26 2 successive sport seasons or similar periods if the individual
 27 performed the services in the first of the seasons or similar
 28 periods and there is a reasonable assurance that the individual
 29 will perform the services in the later of the seasons or similar



1 periods.

2 (k)(1) Benefits are not payable on the basis of services
 3 performed by an alien unless the alien is an individual who was
 4 lawfully admitted for permanent residence at the time the services
 5 were performed, was lawfully present for the purpose of performing
 6 the services, or was permanently residing in the United States
 7 under color of law at the time the services were performed,
 8 including an alien who was lawfully present in the United States
 9 under section 212(d)(5) of the immigration and nationality act, 8
 10 USC 1182.

11 (2) Any data or information required of individuals applying
 12 for benefits to determine whether benefits are payable because of
 13 their alien status are uniformly required from all applicants for
 14 benefits.

15 (3) If an individual's application for benefits would
 16 otherwise be approved, a determination that benefits to that
 17 individual are not payable because of the individual's alien status
 18 must not be made except upon a preponderance of the evidence.

19 (m)(1) An individual filing a new claim for unemployment
 20 compensation under this act, at the time of filing the claim, shall
 21 disclose whether the individual owes child support obligations as
 22 defined in this subsection. If an individual discloses that he or
 23 she owes child support obligations and is determined to be eligible
 24 for unemployment compensation, the unemployment agency shall notify
 25 the state or local child support enforcement agency enforcing the
 26 obligation that the individual has been determined to be eligible
 27 for unemployment compensation.

28 (2) Notwithstanding section 30, the unemployment agency shall
 29 deduct and withhold from any unemployment compensation payable to



1 an individual who owes child support obligations by using whichever
2 of the following methods results in the greatest amount:

3 (a) The amount, if any, specified by the individual to be
4 deducted and withheld under this subdivision.

5 (b) The amount, if any, determined pursuant to an agreement
6 submitted to the commission under 42 USC 654(19)(B)(i), by the
7 state or local child support enforcement agency.

8 (c) Any amount otherwise required to be deducted and withheld
9 from unemployment compensation by legal process, as that term is
10 defined in 42 USC 659(i)(5), properly served upon the commission.

11 (3) The amount of unemployment compensation subject to
12 deduction under subdivision (2) is that portion that remains
13 payable to the individual after application of the recoupment
14 provisions of section 62(a) and the reduction provisions of
15 subsections (c) and (f).

16 (4) The unemployment agency shall pay any amount deducted and
17 withheld under subdivision (2) to the appropriate state or local
18 child support enforcement agency.

19 (5) Any amount deducted and withheld under subdivision (2) is
20 treated for all purposes as if it were paid to the individual as
21 unemployment compensation and paid by the individual to the state
22 or local child support enforcement agency in satisfaction of the
23 individual's child support obligations.

24 (6) Provisions concerning deductions under this subsection
25 apply only if the state or local child support enforcement agency
26 agrees in writing to reimburse and does reimburse the unemployment
27 agency for the administrative costs incurred by the unemployment
28 agency under this subsection that are attributable to child support
29 obligations being enforced by the state or local child support



1 enforcement agency. The administrative costs incurred are
 2 determined by the unemployment agency. The unemployment agency, in
 3 its discretion, may require payment of administrative costs in
 4 advance.

5 (7) As used in this subsection:

6 (a) "Unemployment compensation", for purposes of subdivisions
 7 (1) to (5), means any compensation payable under this act,
 8 including amounts payable by the unemployment agency pursuant to an
 9 agreement under any federal law providing for compensation,
 10 assistance, or allowances with respect to unemployment.

11 (b) "Child support obligations" includes only obligations that
 12 are being enforced pursuant to a plan described in 42 USC 654 that
 13 has been approved by the Secretary of Health and Human Services
 14 under 42 USC 651 to 669b.

15 (c) "State or local child support enforcement agency" means
 16 any agency of this state or a political subdivision of this state
 17 operating pursuant to a plan described in subparagraph (b).

18 (n) Subsection (i)(2) applies to services performed by school
 19 bus drivers employed by a private contributing employer holding a
 20 contractual relationship with an educational institution, but only
 21 if at least 75% of the individual's base period wages with that
 22 employer are attributable to services performed as a school bus
 23 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies
 24 to other services described in those subdivisions that are
 25 performed by any employees under an employer's contract with an
 26 educational institution or an educational service agency.

27 (o)(1) For weeks of unemployment beginning after July 1, 1996,
 28 unemployment benefits based on services by a seasonal worker
 29 performed in seasonal employment are payable only for weeks of



1 unemployment that occur during the normal seasonal work period.
2 Benefits are not payable based on services performed in seasonal
3 employment for any week of unemployment beginning after March 28,
4 1996 that begins during the period between 2 successive normal
5 seasonal work periods to any individual if that individual performs
6 the service in the first of the normal seasonal work periods and if
7 there is a reasonable assurance that the individual will perform
8 the service for a seasonal employer in the second of the normal
9 seasonal work periods. If benefits are denied to an individual for
10 any week solely as a result of this subsection and the individual
11 is not offered an opportunity to perform in the second normal
12 seasonal work period for which reasonable assurance of employment
13 had been given, the individual is entitled to a retroactive payment
14 of benefits under this subsection for each week that the individual
15 previously filed a timely claim for benefits. An individual may
16 apply for any retroactive benefits under this subsection in
17 accordance with R 421.210 of the Michigan Administrative Code.

18 (2) Not less than 20 days before the estimated beginning date
19 of a normal seasonal work period, an employer may apply to the
20 commission in writing for designation as a seasonal employer. At
21 the time of application, the employer shall conspicuously display a
22 copy of the application on the employer's premises. Within 90 days
23 after receipt of the application, the commission shall determine if
24 the employer is a seasonal employer. A determination or
25 redetermination of the commission concerning the status of an
26 employer as a seasonal employer, or a decision of an administrative
27 law judge, the Michigan compensation appellate commission, or the
28 courts of this state concerning the status of an employer as a
29 seasonal employer, which has become final, together with the record



1 thereof, may be introduced in any proceeding involving a claim for
2 benefits, and the facts found and decision issued in the
3 determination, redetermination, or decision is conclusive unless
4 substantial evidence to the contrary is introduced by or on behalf
5 of the claimant.

6 (3) If the employer is determined to be a seasonal employer,
7 the employer shall conspicuously display on its premises a notice
8 of the determination and the beginning and ending dates of the
9 employer's normal seasonal work periods. The commission shall
10 furnish the notice. The notice must additionally specify that an
11 employee must timely apply for unemployment benefits at the end of
12 a first seasonal work period to preserve his or her right to
13 receive retroactive unemployment benefits if he or she is not
14 reemployed by the seasonal employer in the second of the normal
15 seasonal work periods.

16 (4) The commission may issue a determination terminating an
17 employer's status as a seasonal employer on the commission's own
18 motion for good cause, or upon the written request of the employer.
19 A termination determination under this subdivision terminates an
20 employer's status as a seasonal employer, and becomes effective on
21 the beginning date of the normal seasonal work period that would
22 have immediately followed the date the commission issues the
23 determination. A determination under this subdivision is subject to
24 review in the same manner and to the same extent as any other
25 determination under this act.

26 (5) An employer whose status as a seasonal employer is
27 terminated under subdivision (4) may not reapply for a seasonal
28 employer status determination until after a regularly recurring
29 normal seasonal work period has begun and ended.



1 (6) If a seasonal employer informs an employee who received
2 assurance of being rehired that, despite the assurance, the
3 employee will not be rehired at the beginning of the employer's
4 next normal seasonal work period, this subsection does not prevent
5 the employee from receiving unemployment benefits in the same
6 manner and to the same extent he or she would receive benefits
7 under this act from an employer who has not been determined to be a
8 seasonal employer.

9 (7) A successor of a seasonal employer is considered to be a
10 seasonal employer unless the successor provides the commission,
11 within 120 days after the transfer, with a written request for
12 termination of its status as a seasonal employer in accordance with
13 subdivision (4).

14 (8) At the time an employee is hired by a seasonal employer,
15 the employer shall notify the employee in writing if the employee
16 will be a seasonal worker. The employer shall provide the worker
17 with written notice of any subsequent change in the employee's
18 status as a seasonal worker. If an employee of a seasonal employer
19 is denied benefits because that employee is a seasonal worker, the
20 employee may contest that designation in accordance with section
21 32a.

22 (9) As used in this subsection:

23 (a) "Construction industry" means the work activity designated
24 in sector group 23 - construction of the North American
25 classification system - United States Office of Management and
26 Budget, 1997 edition.

27 (b) "Normal seasonal work period" means that period or those
28 periods of time determined under rules promulgated by the
29 unemployment agency during which an individual is employed in



1 seasonal employment.

2 (c) "Seasonal employment" means the employment of 1 or more
3 individuals primarily hired to perform services during regularly
4 recurring periods of 26 weeks or less in any 52-week period other
5 than services in the construction industry.

6 (d) "Seasonal employer" means an employer, other than an
7 employer in the construction industry, who applies to the
8 unemployment agency for designation as a seasonal employer and who
9 the unemployment agency determines is an employer whose operations
10 and business require employees engaged in seasonal employment. A
11 seasonal employer designation under this act need not correspond to
12 a category assigned under the North American classification system
13 – United States Office of Management and Budget.

14 (e) "Seasonal worker" means a worker who has been paid wages
15 by a seasonal employer for work performed only during the normal
16 seasonal work period.

17 (10) This subsection does not apply if the United States
18 Department of Labor finds it to be contrary to the federal
19 unemployment tax act, 26 USC 3301 to 3311, or the social security
20 act, chapter 531, 49 Stat 620, and if conformity with the federal
21 law is required as a condition for full tax credit against the tax
22 imposed under the federal unemployment tax act, 26 USC 3301 to
23 3311, or as a condition for receipt by the commission of federal
24 administrative grant funds under the social security act, chapter
25 531, 49 Stat 620.

26 (p) Benefits are not payable to an individual based upon his
27 or her services as a school crossing guard for any week of
28 unemployment that begins between 2 successive academic years or
29 terms, if that individual performs the services of a school



1 crossing guard in the first of the academic years or terms and has
2 a reasonable assurance that he or she will perform those services
3 in the second of the academic years or terms.

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

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

12 (b) If the employer is a contributing employer, the employer's
13 reserve in the employer's experience account as of the most recent
14 computation date preceding the date of the employer's application
15 is a positive number.

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

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

21 (a) The employer's assurance that it will provide reports to
22 the unemployment agency relating to the operation of its shared-
23 work plan at the times and in the manner prescribed by the
24 unemployment agency and containing all information required by the
25 unemployment agency.

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

29 (c) The employer's assurance that it will not lay off



1 participating employees during the effective period of the shared-
2 work plan, or reduce participating employees' hours of work by more
3 than the reduction percentage during the effective period of the
4 shared-work plan, except in cases of holidays, designated vacation
5 periods, equipment maintenance, or similar circumstances.

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

10 (e) A list of the week or weeks within the requested effective
11 period of the plan during which participating employees are
12 anticipated to work fewer hours than the number of hours determined
13 under section 28d(1)(e) due to circumstances listed in subdivision
14 (c).

15 (f) The employer's certification that the implementation of a
16 shared-work plan is in lieu of layoffs that would affect at least
17 15% or, until ~~December 31, 2020,~~ **March 31, 2021 or, if the employer**
18 **is a qualified affected employer, June 30, 2021,** 10%, of the
19 employees in the affected unit and would result in an equivalent
20 reduction in work hours.

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

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

27 (i) Any other relevant information required by the
28 unemployment agency.

29 (3) An employer may apply to the unemployment agency for



1 approval of more than 1 shared-work plan.

2 (4) Notwithstanding any other provision of this act, until
 3 ~~December 31, 2020, March 31, 2021 or, if the employer is a~~
 4 **qualified affected employer, June 30, 2021**, the unemployment agency
 5 may approve a shared-work plan submitted by an employer even if the
 6 employer does not meet the requirements of subsection (1) or
 7 (2) (b).

8 Sec. 28d. (1) The unemployment agency shall approve a shared-
 9 work plan only if the plan meets all of the following requirements:

10 (a) The shared-work plan applies to 1 affected unit.

11 (b) All employees in the affected unit are participating
 12 employees, except that, until ~~December 31, 2020, March 31, 2021 or,~~
 13 **if the employer is a qualified affected employer, June 30, 2021**, an
 14 employee whose hours of work per week determined under subdivision
 15 (e) are 40 or more hours must not be a participating employee.

16 (c) There are no fewer than 2 participating employees,
 17 determined without regard to corporate officers.

18 (d) The participating employees are identified by name and
 19 Social Security number.

20 (e) The number of hours a participating employee will work
 21 each week during the effective period of the shared-work plan is
 22 the number of the employee's normal weekly hours of work reduced by
 23 the reduction percentage.

24 (f) The plan includes an estimate of the number of employees
 25 who would have been laid off if the plan were not implemented.

26 (g) The plan indicates the manner in which the employer will
 27 give advance notice, if feasible, to an employee whose hours of
 28 work per week under the plan will be reduced.

29 (h) As a result of a decrease in the number of hours worked by



1 each participating employee, there is a corresponding reduction in
2 wages.

3 (i) The shared-work plan does not affect the fringe benefits
4 of any participating employee.

5 (j) The specified effective period of the shared-work plan is
6 52 consecutive weeks or less and the benefits payable under the
7 shared-work plan will not exceed 20 times the weekly benefit amount
8 for each participating employee, calculated without regard to any
9 existing benefit year.

10 (k) The reduction percentage satisfies the requirements of
11 subsection (2).

12 (2) The reduction percentage under an approved shared-work
13 plan shall meet all of the following requirements:

14 (a) The reduction percentage shall be no less than 15% and no
15 more than 45% or, until ~~December 31, 2020, March 31, 2021~~ or, **if**
16 **the employer is a qualified affected employer, June 30, 2021**, no
17 less than 10% and no more than 60%.

18 (b) The reduction percentage shall be the same for all
19 participating employees.

20 (c) The reduction percentage shall not change during the
21 period of the shared-work plan unless the plan is modified in
22 accordance with section 28i.

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

25 (a) Left work voluntarily without good cause attributable to
26 the employer or employing unit. An individual who left work is
27 presumed to have left work voluntarily without good cause
28 attributable to the employer or employing unit. An individual who
29 is absent from work for a period of 3 consecutive work days or more



1 without contacting the employer in a manner acceptable to the
2 employer and of which the individual was informed at the time of
3 hire ~~shall be~~ **is** considered to have voluntarily left work without
4 good cause attributable to the employer. An individual who becomes
5 unemployed as a result of negligently losing a requirement for the
6 job of which he or she was informed at the time of hire ~~shall be~~ **is**
7 considered to have voluntarily left work without good cause
8 attributable to the employer. An individual claiming benefits under
9 this act has the burden of proof to establish that he or she left
10 work involuntarily or for good cause that was attributable to the
11 employer or employing unit. An individual claiming to have left
12 work involuntarily for medical reasons must have done all of the
13 following before the leaving: secured a statement from a medical
14 professional that continuing in the individual's current job would
15 be harmful to the individual's physical or mental health,
16 unsuccessfully attempted to secure alternative work with the
17 employer, and unsuccessfully attempted to be placed on a leave of
18 absence with the employer to last until the individual's mental or
19 physical health would no longer be harmed by the current job.
20 Notwithstanding any other provision of this act, with respect to
21 claims for weeks beginning before ~~January~~ **April** 1, 2021, an
22 individual is considered to have left work involuntarily for
23 medical reasons if he or she leaves work to self-isolate or self-
24 quarantine in response to elevated risk from COVID-19 because he or
25 she is immunocompromised, displayed a commonly recognized principal
26 symptom of COVID-19 that was not otherwise associated with a known
27 medical or physical condition of the individual, had contact in the
28 last 14 days with an individual with a confirmed diagnosis of
29 COVID-19, needed to care for an individual with a confirmed



1 diagnosis of COVID-19, or had a family care responsibility that was
 2 the result of a government directive regarding COVID-19.
 3 Notwithstanding any other provision of this act, with respect to
 4 claims for weeks beginning before ~~January~~ **April** 1, 2021, the
 5 unemployment agency may consider an individual laid off if the
 6 individual became unemployed to self-isolate or self-quarantine in
 7 response to elevated risk from COVID-19 because he or she is
 8 immunocompromised, displayed a commonly recognized principal
 9 symptom of COVID-19 that was not otherwise associated with a known
 10 medical or physical condition of the individual, had contact in the
 11 last 14 days with an individual with a confirmed diagnosis of
 12 COVID-19, needed to care for an individual with a confirmed
 13 diagnosis of COVID-19, or had a family care responsibility that was
 14 the result of a government directive regarding COVID-19. However,
 15 if any of the following conditions are met, the leaving does not
 16 disqualify the individual:

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

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



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

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

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

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

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

28 (e) Failed without good cause to accept suitable work offered
29 to the individual or to return to the individual's customary self-



1 employment, if any, when directed by the employment office or the
2 unemployment agency. An employer that receives a monetary
3 determination under section 32 may notify the unemployment agency
4 regarding the availability of suitable work with the employer on
5 the monetary determination or other form provided by the
6 unemployment agency. Upon receipt of the notice of the availability
7 of suitable work, the unemployment agency shall notify the claimant
8 of the availability of suitable work.

9 (f) Lost his or her job due to absence from work resulting
10 from a violation of law for which the individual was convicted and
11 sentenced to jail or prison. This subdivision does not apply if
12 conviction of an individual results in a sentence to county jail
13 under conditions of day parole as provided in 1962 PA 60, MCL
14 801.251 to 801.258, or if the conviction was for a traffic
15 violation that resulted in an absence of less than 10 consecutive
16 work days from the individual's place of employment.

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

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

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

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

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



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

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

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

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

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

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

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

29 (m) Was discharged for illegally ingesting, injecting,



1 inhaling, or possessing a controlled substance on the premises of
 2 the employer; refusing to submit to a drug test that was required
 3 to be administered in a nondiscriminatory manner; or testing
 4 positive on a drug test, if the test was administered in a
 5 nondiscriminatory manner. If the worker disputes the result of the
 6 testing, and if a generally accepted confirmatory test has not been
 7 administered on the same sample previously tested, then a generally
 8 accepted confirmatory test ~~shall~~**must** be administered on that
 9 sample. If the confirmatory test also indicates a positive result
 10 for the presence of a controlled substance, the worker who is
 11 discharged as a result of the test result will be disqualified
 12 under this subdivision. A report by a drug testing facility showing
 13 a positive result for the presence of a controlled substance is
 14 conclusive unless there is substantial evidence to the contrary. As
 15 used in this subdivision: ~~and subdivision (e):~~

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

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

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

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

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



1 subsection (3).

2 (3) After the week in which the disqualifying act or discharge
3 described in subsection (1) occurs, an individual who seeks to
4 requalify for benefits is subject to all of the following:

5 (a) For benefit years established before October 1, 2000, the
6 individual ~~shall~~**must** complete 6 requalifying weeks if he or she
7 was disqualified under subsection (1)(c), (d), (e), (f), (g), or
8 (l), or 13 requalifying weeks if he or she was disqualified under
9 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
10 required under this subdivision is each week in which the
11 individual does any of the following:

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

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

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

20 (b) For benefit years established before October 1, 2000, if
21 the individual is disqualified under subsection (1)(a) or (b), he
22 or she ~~shall~~**must** requalify, after the week in which the
23 disqualifying discharge occurred by earning in employment for an
24 employer liable under this act or the unemployment compensation act
25 of another state an amount equal to, or in excess of, 7 times the
26 individual's potential weekly benefit rate, calculated on the basis
27 of employment with the employer involved in the disqualification,
28 or by earning in employment for an employer liable under this act
29 or the unemployment compensation act of another state an amount



1 equal to, or in excess of, 40 times the state minimum hourly wage
2 times 7, whichever is the lesser amount.

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

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

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

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

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



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

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

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

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

17 (h) A benefit payable to the individual disqualified or
18 separated under disqualifying circumstances under subsection (1)(a)
19 or (b) ~~shall~~**must** be charged to the nonchargeable benefits account,
20 and not to the account of the employer with whom the individual was
21 involved in the separation. Benefits payable to an individual
22 determined by the unemployment agency to be separated under
23 disqualifying circumstances ~~shall~~**must** not be charged to the
24 account of the employer involved in the disqualification for any
25 period after the employer notifies the unemployment agency of the
26 claimant's possible ineligibility or disqualification. However, an
27 individual filing a new claim for benefits who reports the reason
28 for separation from a base period employer as a voluntary leaving
29 ~~shall be~~**is** presumed to have voluntarily left without good cause



1 attributable to the employer and ~~shall be~~**is** disqualified unless
2 the individual provides substantial evidence to rebut the
3 presumption. If a disqualifying act or discharge occurs during the
4 individual's benefit year, any benefits that may become payable to
5 the individual in a later benefit year based on employment with the
6 employer involved in the disqualification ~~shall~~**must** be charged to
7 the nonchargeable benefits account.

8 (4) The maximum amount of benefits otherwise available under
9 section 27(d) to an individual disqualified under subsection (1) is
10 subject to all of the following conditions:

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

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

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

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

29 (c) For benefit years established before October 1, 2000, an



1 individual disqualified under subsection (1) (h), (i), (j), (k), or
 2 (m) is not entitled to benefits based on wages and credit weeks
 3 earned before the disqualifying act or discharge with the employer
 4 involved in the disqualification.

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

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

10 (f) For benefit years established on or after October 1, 2000,
 11 if the individual is disqualified under subsection (1) (c), (d),
 12 (e), (f), (g), or (l), the maximum number of weeks otherwise
 13 applicable in calculating benefits for the individual under section
 14 27(d) ~~shall~~**must** be reduced by the lesser of the following:

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

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

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

27 (5) Subject to subsection (11), if an individual leaves work
 28 to accept permanent full-time work with another employer or to
 29 accept a referral to another employer from the individual's union



1 hiring hall and performs services for that employer, or if an
2 individual leaves work to accept a recall from a former employer,
3 all of the following apply:

4 (a) Subsection (1) does not apply.

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

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

17 (6) In determining whether work is suitable for an individual,
18 the unemployment agency shall consider the degree of risk involved
19 to the individual's health, safety, and morals, the individual's
20 physical fitness and prior training, the individual's length of
21 unemployment and prospects for securing local work in the
22 individual's customary occupation, and the distance of the
23 available work from the individual's residence. Additionally, the
24 unemployment agency shall consider the individual's experience and
25 prior earnings, but an unemployed individual who refuses an offer
26 of work determined to be suitable under this section ~~shall~~**must** be
27 denied benefits if the pay rate for that work is at least 70% of
28 the gross pay rate he or she received immediately before becoming
29 unemployed. Beginning January 15, 2012, after an individual has



1 received benefits for 50% of the benefit weeks in the individual's
 2 benefit year, work ~~shall-is~~ not ~~be~~ considered unsuitable because it
 3 is outside of the individual's training or experience or unsuitable
 4 as to pay rate if the pay rate for that work meets or exceeds the
 5 minimum wage; is at least the prevailing mean wage for similar work
 6 in the locality for the most recent full calendar year for which
 7 data are available as published by the department of technology,
 8 management, and budget as "wages by job title", by standard
 9 metropolitan statistical area; and is 120% or more of the
 10 individual's weekly benefit amount.

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

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

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

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

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

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

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



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

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

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

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

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

28 (iii) At any time a labor dispute in the establishment or
29 department in which the individual was employed does not exist, and



1 the individual voluntarily stops working, other than at the
 2 direction of the individual's employing unit, in sympathy with
 3 employees in some other establishment or department in which a
 4 labor dispute is in progress.

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

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

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

29 (ii) If it is established that 1 of the issues in or purposes



1 of the labor dispute is to obtain a change in the terms and
2 conditions of employment for members of the individual's grade or
3 class of workers in the establishment in which the individual is or
4 was last employed.

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

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

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

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

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

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

27 (v) Whether the resolution of those issues involved in the
28 labor dispute as to some of the workers could directly or
29 indirectly affect the advancement, negotiation, or settlement of



1 the same or similar issues in respect to the remaining workers.

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

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

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

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

26 (11) Beginning on May 1, 2020, and until the effective date of
27 the amendatory act that added this subsection, if an individual
28 leaves work to accept permanent full-time work with another
29 employer, the individual is considered to have met the requirements



1 of subsection (5) regardless of whether the individual actually
2 performed services for the other employer or whether the work was
3 permanent full-time work. Benefits payable to the individual must
4 be charged to the nonchargeable benefits account.

5 **Sec. 29a. (1) Notwithstanding any other provision of this act,**
6 **subject to subsection (5), an otherwise eligible individual, as**
7 **described in section 29(1) (a) (iv), is not disqualified from**
8 **receiving benefits if the individual demonstrates to the commission**
9 **that the reason for the individual's leaving work is due to**
10 **domestic violence, including 1 or more of the following:**

11 **(a) The individual's reasonable fear of future domestic**
12 **violence at or en route to or from the individual's place of**
13 **employment.**

14 **(b) The individual's need to relocate to another geographic**
15 **area to avoid future domestic violence.**

16 **(c) The individual's need to address the physical,**
17 **psychological, or legal effects of domestic violence.**

18 **(d) The individual's need to leave employment as a condition**
19 **of receiving services or shelter from an agency that provides**
20 **support services or shelter to victims of domestic violence.**

21 **(e) The individual's reasonable belief that termination of**
22 **employment is necessary for the future safety of the individual or**
23 **the individual's family because of domestic violence.**

24 **(2) An individual may demonstrate to the unemployment agency**
25 **the existence of domestic violence by providing 1 or more**
26 **documents, including, but not limited to, the following:**

27 **(a) A restraining order or other documentation of equitable**
28 **relief issued by a court of competent jurisdiction in a domestic**
29 **violence case.**



1 (b) A police record documenting domestic violence.

2 (c) Documentation that the perpetrator of the domestic
3 violence against the individual making a claim for benefits under
4 this act has been convicted of a crime involving domestic violence.

5 (d) Medical documentation of domestic violence.

6 (e) A statement provided on business or organization
7 letterhead by a counselor, social worker, health worker, member of
8 the clergy, shelter worker, attorney, or other professional who has
9 assisted the individual in addressing the effects of the domestic
10 violence on the individual or the individual's family.

11 (3) The unemployment agency shall not disclose evidence of
12 domestic violence experienced by an individual, including the
13 individual's statement or corroborating evidence.

14 (4) As used in this section:

15 (a) "Domestic violence" means any of the following that are
16 not acts of self-defense:

17 (i) Causing or attempting to cause physical or mental harm to a
18 family or household member.

19 (ii) Placing a family or household member in fear of physical
20 or mental harm.

21 (iii) Causing or attempting to cause a family or household
22 member to engage in involuntary sexual activity by force, threat of
23 force, or duress.

24 (iv) Engaging in activity toward a family or household member
25 that would cause a reasonable person to feel terrorized,
26 frightened, intimidated, threatened, harassed, or molested.

27 (b) "Family or household member" includes any of the
28 following:

29 (i) A spouse or former spouse.



1 (ii) An individual with whom the person resides or has resided.

2 (iii) An individual with whom the person has or has had a dating
3 relationship.

4 (iv) An individual with whom the person is or has engaged in a
5 sexual relationship.

6 (v) An individual to whom the person is related or was
7 formerly related by marriage.

8 (vi) An individual with whom the person has a child in common.

9 (vii) The minor child of an individual described in
10 subparagraphs (i) to (vi).

11 (5) This section does not apply after March 31, 2021.

12 Sec. 32. (a) Claims for benefits shall be made pursuant to
13 regulations prescribed by the unemployment agency. The unemployment
14 agency shall designate representatives who shall promptly examine
15 claims and make a determination on the facts. The unemployment
16 agency may establish rules providing for the examination of claims,
17 the determination of the validity of the claims, and the amount and
18 duration of benefits to be paid. The claimant and other interested
19 parties shall be promptly notified of the determination and the
20 reasons for the determination.

21 (b) The unemployment agency shall mail to the claimant, to
22 each base period employer or employing unit, and to the separating
23 employer or employing unit, a monetary determination. The monetary
24 determination shall notify each of these employers or employing
25 units that the claimant has filed an application for benefits and
26 the amount the claimant reported as earned with the separating
27 employer or employing unit, and shall state the name of each
28 employer or employing unit in the base period and the name of the
29 separating employer or employing unit. The monetary determination



1 shall also state the claimant's weekly benefit rate, the amount of
2 base period wages paid by each base period employer, the maximum
3 benefit amount that could be charged to each employer's account or
4 experience account, and the reason for separation reported by the
5 claimant. The monetary determination shall also state whether the
6 claimant is monetarily eligible to receive unemployment benefits.
7 Except for separations under section 29(1)(a), no further
8 reconsideration of a separation from any base period employer will
9 be made unless the base period employer notifies the unemployment
10 agency of a possible disqualifying separation within 30 days of the
11 separation in accordance with this subsection. Charges to the
12 employer and payments to the claimant shall be as described in
13 section 20(a). New, additional, or corrected information received
14 by the unemployment agency more than 10 days after mailing the
15 monetary determination shall be considered a request for
16 reconsideration by the employer of the monetary determination and
17 shall be reviewed as provided in section 32a.

18 (c) For the purpose of determining a claimant's nonmonetary
19 eligibility and qualification for benefits, if the claimant's most
20 recent base period or benefit year separation was for a reason
21 other than the lack of work, then a determination shall be issued
22 concerning that separation to the claimant and to the separating
23 employer. If a claimant is not disqualified based on his or her
24 most recent separation from employment and has satisfied the
25 requirements of section 29, the unemployment agency shall issue a
26 nonmonetary determination as to that separation only. If a claimant
27 is not disqualified based on his or her most recent separation from
28 employment and has not satisfied the requirements of section 29,
29 the unemployment agency shall issue 1 or more nonmonetary



1 determinations necessary to establish the claimant's qualification
2 for benefits based on any prior separation in inverse chronological
3 order. The unemployment agency shall consider all base period
4 separations involving disqualifications under section 29(1) (h),
5 (i), (j), (k), (m), or (n) in determining a claimant's nonmonetary
6 eligibility and qualification for benefits. An employer may
7 designate in writing to the unemployment agency an individual or
8 another employer or an employing unit to receive any notice
9 required to be given by the unemployment agency to that employer or
10 to represent that employer in any proceeding before the
11 unemployment agency as provided in section 31. Notwithstanding any
12 other provision of this act, beginning May 1, 2020, and until the
13 effective date of the amendatory act that added this subsection, in
14 determining a claimant's nonmonetary eligibility to qualify for
15 benefits, the unemployment agency shall not issue a determination
16 with respect to the claimant's separation from a base period or
17 benefit year employer other than the separating employer, and the
18 unemployment agency shall consider the claimant to have satisfied
19 the requirements of section 29(2) and (3).

20 (d) If the unemployment agency requests additional monetary or
21 nonmonetary information from an employer or employing unit and the
22 unemployment agency fails to receive a written response from the
23 employer or employing unit within 10 calendar days after the date
24 of mailing the request for information, the unemployment agency
25 shall make a determination based upon the available information at
26 the time the determination is made. Charges to the employer and
27 payments to the claimant shall be as described in section 20(a).

28 (e) The claimant or interested party may file an application
29 with an office of the unemployment agency for a redetermination in



1 accordance with section 32a.

2 (f) The issuance of each benefit check shall be considered a
3 determination by the unemployment agency that the claimant
4 receiving the check was covered during the compensable period, and
5 eligible and qualified for benefits. A chargeable employer, upon
6 receipt of a listing of the check as provided in section 21(a), may
7 protest by requesting a redetermination of the claimant's
8 eligibility or qualification as to that period and a determination
9 as to later weeks and benefits still unpaid that are affected by
10 the protest. Upon receipt of the protest or request, the
11 unemployment agency shall investigate and redetermine whether the
12 claimant is eligible and qualified as to that period. If, upon the
13 redetermination, the claimant is found ineligible or not qualified,
14 the unemployment agency shall proceed as described in section 62.
15 In addition, the unemployment agency shall investigate and
16 determine whether the claimant obtained benefits for 1 or more
17 preceding weeks within the series of consecutive weeks that
18 includes the week covered by the redetermination and, if so, shall
19 proceed as described in section 62 as to those weeks.
20 Notwithstanding any other provision of this act, for benefits
21 charged after March 15, 2020 but before ~~January~~ **April 1, 2021 or,**
22 **if the employer is a qualified affected employer, July 1, 2021,** an
23 employer has 1 year after the date a benefit payment is charged
24 against the employer's account to protest that charge.

25 (g) If a claimant commences to file continued claims through a
26 different state claim office in this state or elsewhere, the
27 unemployment agency promptly shall issue written notice of that
28 fact to the chargeable employer.

29 (h) If a claimant refuses an offer of work, or fails to apply



1 for work of which the claimant has been notified, as provided in
 2 section 29(1)(c) or (e), the unemployment agency shall promptly
 3 make a written determination as to whether or not the refusal or
 4 failure requires disqualification under section 29. Notice of the
 5 determination, specifying the name and address of the employing
 6 unit offering or giving notice of the work and of the chargeable
 7 employer, shall be sent to the claimant, the employing unit
 8 offering or giving notice of the work, and the chargeable employer.

9 (i) The unemployment agency shall issue a notification to the
 10 claimant of claimant rights and responsibilities within 2 weeks
 11 after the initial benefit payment on a claim and 6 months after the
 12 initial benefit payment on the claim. If the claimant selected a
 13 preferred form of communication, the notification must be conveyed
 14 by that form. Issuing the notification must not delay or interfere
 15 with the claimant's benefit payment. The notification must contain
 16 clear and understandable information pertaining to all of the
 17 following:

18 (i) Determinations as provided in section 62.

19 (ii) Penalties and other sanctions as provided in this act.

20 (iii) Legal right to protest the determination and the right to
 21 appeal through the administrative hearing system.

22 (iv) Other information needed to understand and comply with
 23 agency rules and regulations not specified in this section.

24 Sec. 32c. (1) Notwithstanding any other provision of this act,
 25 for a claim filed after March 15, 2020, but before the effective
 26 date of the amendatory act that added this section, the
 27 unemployment agency shall not reconsider the claim based solely on
 28 whether an applicable executive order issued by the governor that
 29 was in effect at the time the claim was initially examined did or



1 did not have the force of law.

2 (2) A new, additional, or continued claim for unemployment
3 benefits filed within 28 days after the last day the claimant
4 worked is considered to have been filed on time under this act and
5 the rules promulgated under this act. This subsection does not
6 apply after ~~December 31, 2020~~ **March 31, 2021 or, for an employer**
7 **that is a qualified affected employer, June 30, 2021.**

8 **Sec. 39a. As used in this act, "qualified affected employer"**
9 **means an employer that reduces its business operations as required**
10 **under any of the following that are in effect at the time the**
11 **employer reduces its business operations:**

12 (a) **Executive Order No. 2020-4 or any later executive order**
13 **that declares or extends a state of emergency or disaster to deal**
14 **with COVID-19.**

15 (b) **An executive order that deals with COVID-19.**

16 (c) **A rule or emergency rule promulgated by the department of**
17 **health and human services that deals with COVID-19.**

18 Sec. 48. (1) An individual shall be considered unemployed for
19 any week during which he or she performs no services and for which
20 remuneration is not payable to the individual, or for any week of
21 less than full-time work if the remuneration payable to the
22 individual is less than 1-1/2 times his or her weekly benefit rate,
23 except that for payable weeks of benefits beginning after the
24 effective date of the amendatory act that added section 15a and
25 before October 1, 2015, an individual is considered unemployed for
26 any week or less of full-time work if the remuneration payable to
27 the individual is less than 1-3/5 times his or her weekly benefit
28 rate. However, any loss of remuneration incurred by an individual
29 during any week resulting from any cause other than the failure of



1 the individual's employing unit to furnish full-time, regular
2 employment shall be included as remuneration earned for purposes of
3 this section and section 27(c). The total amount of remuneration
4 lost shall be determined pursuant to regulations prescribed by the
5 unemployment agency. For the purposes of this act, an individual's
6 weekly benefit rate means the weekly benefit rate determined
7 pursuant to section 27(b).

8 (2) All amounts paid to a claimant by an employing unit or
9 former employing unit for a vacation or a holiday, and amounts paid
10 in the form of retroactive pay, pay in lieu of notice, severance
11 payments, salary continuation, or other remuneration intended by
12 the employing unit as continuing wages or other monetary
13 consideration as the result of the separation, excluding SUB
14 payments as described in section 44, shall be considered
15 remuneration in determining whether an individual is unemployed
16 under this section and also in determining his or her benefit
17 payments under section 27(c), for the period designated by the
18 contract or agreement providing for the payment, or if there is no
19 contractual specification of the period to which payments shall be
20 allocated, then for the period designated by the employing unit or
21 former employing unit. However, payments for a vacation or holiday,
22 or the right to which has irrevocably vested, after 14 days
23 following a vacation or holiday shall not be considered wages or
24 remuneration within the meaning of this section.

25 (3) An individual shall not be considered to be unemployed
26 during any leave of absence from work granted by an employer either
27 at the request of the individual or pursuant to an agreement with
28 the individual's duly authorized bargaining agent, or in accordance
29 with law. An individual shall neither be considered not unemployed



1 nor on a leave of absence solely because the individual elects to
2 be laid off, pursuant to an option provided under a collective
3 bargaining agreement or written employer plan that permits an
4 election, if there is a temporary layoff because of lack of work
5 and the employer has consented to the election. Notwithstanding any
6 other provision of this act, with respect to claims for weeks of
7 benefits beginning before ~~January~~**April** 1, 2021, an individual on a
8 leave of absence because the individual self-isolated or self-
9 quarantined in response to elevated risk from COVID-19 because he
10 or she is immunocompromised, displayed a commonly recognized
11 principal symptom of COVID-19 that was not otherwise associated
12 with a known medical or physical condition of the individual, had
13 contact in the last 14 days with an individual with a confirmed
14 diagnosis of COVID-19, or needed to care for an individual with a
15 confirmed diagnosis of COVID-19, may be considered to be unemployed
16 unless the individual is already on sick leave or receives a
17 disability benefit.

