

HOUSE BILL No. 4239

February 10, 2009, Introduced by Rep. Constan and referred to the Committee on Labor.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (a) In the administration of this act, the commission
2 shall cooperate with the appropriate agency of the United States
3 under the social security act. The commission shall make reports,
4 in a form and containing information as the appropriate agency of
5 the United States may require, and shall comply with the provisions
6 that the appropriate agency of the United States prescribes to
7 assure the correctness and verification of the reports. The
8 commission, subject to this act, shall comply with the regulations
9 prescribed by the appropriate agency of the United States relating
10 to the receipt or expenditure of the sums that are allotted and

1 paid to this state for the purpose of assisting in the
2 administration of this act. As used in this section, "social
3 security act" means the social security act, chapter 531, 49 Stat.
4 620.

5 (b) (1) Information obtained from any employing unit or
6 individual pursuant to the administration of this act ~~and~~
7 determinations as to the benefit rights of any individual ~~shall be~~
8 ~~held~~ **ARE** confidential and shall not be disclosed or open to public
9 inspection other than to public employees **AND PUBLIC OFFICIALS** in
10 the performance of their official duties under this act **AND TO**
11 **AGENTS OR CONTRACTORS OF THOSE PUBLIC OFFICIALS, INCLUDING THOSE**
12 **DESCRIBED IN SUBDIVISION (viii)**, in any manner ~~revealing~~ **THAT REVEALS**
13 the individual's or the employing unit's identity **OR ANY**
14 **IDENTIFYING PARTICULAR ABOUT ANY INDIVIDUAL OR ANY PAST OR PRESENT**
15 **EMPLOYING UNIT OR THAT COULD FORESEEABLY BE COMBINED WITH OTHER**
16 **PUBLICLY AVAILABLE INFORMATION TO REVEAL IDENTIFYING PARTICULARS.**
17 However, all of the following apply:

18 (i) Information in the commission's possession that might
19 affect a claim for worker's disability compensation under the
20 worker's disability compensation act of 1969, 1969 PA 317, MCL
21 418.101 to 418.941, shall be available to interested parties **AS**
22 **DEFINED IN R 421.201 OF THE MICHIGAN ADMINISTRATIVE CODE,**
23 regardless of whether the commission is a party to an action or
24 proceeding arising under that act.

25 (ii) Any information in the commission's possession that may
26 affect a claim for benefits or a charge to an employer's experience
27 account shall be available to interested parties **AS DEFINED IN R**

1 421.201 OF THE MICHIGAN ADMINISTRATIVE CODE, AND TO THEIR AGENTS,
2 IF THEIR AGENTS PROVIDE THE UNEMPLOYMENT INSURANCE AGENCY WITH A
3 WRITTEN AUTHORIZATION OF REPRESENTATION FROM THE PARTY REPRESENTED.
4 A WRITTEN AUTHORIZATION OF REPRESENTATION IS NOT REQUIRED IN ANY OF
5 THE FOLLOWING CIRCUMSTANCES:

6 (A) IF THE REQUEST IS MADE BY AN ATTORNEY WHO IS RETAINED FOR
7 PURPOSES RELATED TO A CLAIM FOR UNEMPLOYMENT BENEFITS, UPON THE
8 ATTORNEY'S ASSERTION THAT THE ATTORNEY REPRESENTS THE INTERESTED
9 PARTY.

10 (B) IF THE REQUEST IS MADE BY AN ELECTED OFFICIAL PERFORMING
11 CONSTITUENT SERVICES AND THE ELECTED OFFICIAL PRESENTS REASONABLE
12 EVIDENCE THAT THE IDENTIFIED INDIVIDUAL AUTHORIZED THE DISCLOSURE.

13 (C) IF THE REQUEST IS MADE BY A THIRD PARTY WHO IS NOT ACTING
14 AS AN AGENT FOR AN INTERESTED PARTY AND THE THIRD PARTY PRESENTS A
15 RELEASE FROM AN INTERESTED PARTY FOR THE INFORMATION. THE RELEASE
16 SHALL BE SIGNED BY AN INTERESTED PARTY; SPECIFY THE INFORMATION TO
17 BE RELEASED AND ALL INDIVIDUALS WHO MAY RECEIVE THE INFORMATION;
18 AND STATE THE SPECIFIC PURPOSE FOR WHICH THE INFORMATION IS SOUGHT,
19 THAT FILES OF THE STATE MAY BE ACCESSED TO OBTAIN THE INFORMATION,
20 AND THAT THE INFORMATION SOUGHT WILL ONLY BE USED FOR THE PURPOSE
21 INDICATED. THE PURPOSE SPECIFIED IN THE RELEASE SHALL BE LIMITED TO
22 THAT OF PROVIDING A SERVICE OR BENEFIT TO THE INDIVIDUAL SIGNING
23 THE RELEASE OR CARRYING OUT ADMINISTRATION OR EVALUATION OF A
24 PUBLIC PROGRAM TO WHICH THE RELEASE PERTAINS.

25 (iii) Except as provided in this act, the information and
26 determinations shall not be used in any action or proceeding before
27 any court or administrative tribunal unless the commission is a

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

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

11 (v) Subject to restrictions that the commission prescribes by
12 rule, information in the commission's possession may be made
13 available to any agency of this ~~ex~~-STATE, any other state, or any
14 federal agency ~~7~~-charged with the administration of an unemployment
15 compensation law or the maintenance of a system of public
16 employment offices; the bureau of internal revenue of the United
17 States department of the treasury; the bureau of the census of the
18 economics and statistics administration of the United States
19 department of commerce; or the social security administration of
20 the United States department of health and human services.

21 (vi) Information obtained in connection with the administration
22 of the employment service may be made available to persons or
23 agencies for purposes appropriate to the operation of a public
24 employment service. Subject to restrictions that the commission
25 prescribes by rule, the commission may also make that information
26 available to agencies of other states that are responsible for the
27 administration of public assistance to unemployed workers, and to

1 the departments of this state. Information so released shall be
2 used only for purposes not inconsistent with the purposes of this
3 act.

4 (vii) Upon request, the commission shall furnish to any agency
5 of the United States charged with the administration of public
6 works or assistance through public employment, and may furnish to
7 any state agency similarly charged, the name, address, ordinary
8 occupation, and employment status of each recipient of benefits and
9 the recipient's rights to further benefits under this act.

10 (viii) Subject to restrictions the commission prescribes, by
11 rule or otherwise, the commission may also make information that it
12 obtains available **FOR USE IN CONNECTION WITH RESEARCH PROJECTS OF A**
13 **PUBLIC SERVICE NATURE** to ~~colleges, universities, and public~~
14 ~~agencies of this state for use in connection with research projects~~
15 ~~of a public service nature~~ **A COLLEGE, UNIVERSITY, OR AGENCY OF THIS**
16 **STATE THAT IS ACTING AS A CONTRACTOR OR AGENT OF A PUBLIC OFFICIAL**
17 **AND CONDUCTING RESEARCH THAT ASSISTS THE PUBLIC OFFICIAL IN**
18 **CARRYING OUT THE DUTIES OF THE OFFICE.** A person associated with
19 those institutions or agencies shall not disclose the information
20 in any manner that would reveal the identity of any individual or
21 employing unit from or concerning whom the information was obtained
22 by the commission. **THE UNEMPLOYMENT INSURANCE AGENCY SHALL ENTER**
23 **INTO A WRITTEN, ENFORCEABLE AGREEMENT WITH THE PUBLIC OFFICIAL THAT**
24 **HOLDS THE OFFICIAL RESPONSIBLE FOR ENSURING THAT THE AGENT OR**
25 **CONTRACTOR MAINTAINS THE CONFIDENTIALITY OF THE INFORMATION. IF THE**
26 **AGREEMENT IS VIOLATED, THE AGREEMENT SHALL BE TERMINATED AND THE**
27 **PUBLIC OFFICIAL MAY BE SUBJECT TO PENALTIES EQUIVALENT TO THOSE**

1 THAT APPLY UNDER SECTION 54(F) TO A PERSON ASSOCIATED WITH A
2 COLLEGE, UNIVERSITY, OR PUBLIC AGENCY WHO DISCLOSES CONFIDENTIAL
3 INFORMATION.

4 (ix) The commission may request the comptroller of the currency
5 of the United States to cause an examination of the correctness of
6 any return or report of any national banking association rendered
7 under this act, and may, in connection with the request, transmit
8 the report or return to the comptroller of the currency of the
9 United States as provided in section 3305(c) of the internal
10 revenue code **OF 1986**, 26 USC ~~3305~~**3305(C)**.

11 (2) The commission shall disclose to qualified requesting
12 agencies, upon request, with respect to an identified individual,
13 information in its records pertaining to the individual's name;
14 social security number; gross wages paid during each quarter; the
15 name, address, and federal and state employer identification number
16 of the individual's employer; any other wage information; whether
17 an individual is receiving, has received, or has applied for
18 unemployment benefits; the amount of unemployment benefits the
19 individual is receiving or is entitled to receive; the individual's
20 current or most recent home address; whether the individual has
21 refused an offer of work and if so a description of the job offered
22 including the terms, conditions, and rate of pay; and any other
23 information which the qualified requesting agency considers useful
24 in verifying eligibility for, and the amount of, benefits. For
25 purposes of this subdivision, "qualified requesting agency" means
26 any state or local child support enforcement agency responsible for
27 enforcing child support obligations under a plan approved under

1 part d of title IV of the social security act, 42 USC 651 to 669b;
2 the United States department of health and human services for
3 purposes of establishing or verifying eligibility or benefit
4 amounts under titles II and XVI of the social security act, 42 USC
5 401 to 434 and 42 USC 1381 to 1383f; the United States department
6 of agriculture for the purposes of determining eligibility for, and
7 amount of, benefits under the food stamp program established under
8 the food stamp act of 1977, 7 USC 2011 to 2036; and any other state
9 or local agency of this or any other state responsible for
10 administering the following programs:

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

13 (ii) The medicaid program under title XIX of the social
14 security act, 42 USC 1396 to 1396v.

15 (iii) The unemployment compensation program under section 3304
16 of the internal revenue code of ~~1954~~—1986, 26 USC 3304.

17 (iv) The food stamp program under the food stamp act of 1977, 7
18 USC 2011 to 2036.

19 (v) Any state program under a plan approved under title I, X,
20 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
21 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

22 (vi) Any program administered under the social welfare act,
23 1939 PA 280, MCL 400.1 to 400.119b.

24 The information shall be disclosed only if the qualified
25 requesting agency has executed an agreement with the commission to
26 obtain the information and if the information is requested for the
27 purpose of determining the eligibility of applicants for benefits,

1 or the type and amount of benefits for which applicants are
2 eligible, under any of the programs listed above or under title II
3 and XVI of the social security act, **42 USC 401 TO 434 AND 42 USC**
4 **1381 TO 1383F**; for establishing and collecting child support
5 obligations from, and locating individuals owing such obligations
6 ~~which~~**THAT** are being enforced ~~pursuant to~~**UNDER** a plan described in
7 section 454 of the social security act, 42 USC 654; or for
8 investigating or prosecuting alleged fraud under any of these
9 programs.

10 The commission shall cooperate with the department of human
11 services in establishing the computer data matching system
12 authorized in section 83 of the social welfare act, 1939 PA 280,
13 MCL 400.83, to transmit the information requested on at least a
14 quarterly basis. The information shall not be released unless the
15 qualified requesting agency agrees to reimburse the commission for
16 the costs incurred in furnishing the information.

17 In addition to the requirements of this section, except as
18 later provided in this subdivision, all other requirements with
19 respect to confidentiality of information obtained in the
20 administration of this act ~~shall apply~~ to the use of the
21 information by the officers and employees of the qualified
22 requesting agencies, and the sanctions imposed under this act for
23 improper disclosure of the information ~~shall be applicable~~**APPLY** to
24 those officers and employees. A qualified requesting agency may
25 redisclose information only to the individual who is the subject of
26 the information, an attorney or other duly authorized agent
27 representing the individual if the information is needed in

1 connection with a claim for benefits against the requesting agency,
2 or any criminal or civil prosecuting authority acting for or on
3 behalf of the requesting agency.

4 The commission is authorized to enter into an agreement with
5 any qualified requesting agency for the purposes described in this
6 subdivision. The agreement or agreements ~~must~~**SHALL** comply with all
7 federal laws and regulations applicable to such agreements.

8 (3) The commission shall enable the United States department
9 of health and human services to obtain prompt access to any wage
10 and unemployment benefit claims information, including any
11 information that ~~might~~**MAY** be useful in locating an absent parent
12 or an absent parent's employer, for purposes of section 453 of the
13 social security act, 42 USC 653, in carrying out the child support
14 enforcement program under title IV of ~~that~~**THE SOCIAL SECURITY** act,
15 **42 USC 601 TO 679B**. Access to the information shall not be provided
16 unless the requesting agency agrees to reimburse the commission for
17 the costs incurred in furnishing the information.

18 (4) Upon request accompanied by presentation of a consent to
19 the release of information signed by an individual, the commission
20 shall disclose to the United States department of housing and urban
21 development and any state or local public housing agency
22 responsible for verifying an applicant's or participant's
23 eligibility for, or level of benefits in, any housing assistance
24 program administered by the United States department of housing and
25 urban development, the name, address, wage information, whether an
26 individual is receiving, has received, or has ~~made application~~
27 **APPLIED** for unemployment benefits, and the amount of unemployment

1 benefits the individual is receiving or is entitled to receive
2 under this act. This information shall be used only to determine an
3 individual's eligibility for benefits or the amount of benefits to
4 which an individual is entitled under a housing assistance program
5 of the United States department of housing and urban development.
6 The information shall not be released unless the requesting agency
7 agrees to reimburse the commission for the costs incurred in
8 furnishing the information. For purposes of this ~~subsection~~
9 **SUBDIVISION**, "public housing agency" means an agency described in
10 section 3(b)(6) of the United States housing act of 1937, 42 USC
11 ~~1437a-1437A(B)(6)~~.

12 (5) The commission may make available to the department of
13 treasury information collected for the income and eligibility
14 verification system begun on October 1, 1988 for the purpose of
15 ~~detection of~~ **DETECTING** potential tax fraud in other areas.

16 (6) **A RECIPIENT OF CONFIDENTIAL INFORMATION UNDER THIS ACT**
17 **SHALL USE THE DISCLOSED INFORMATION ONLY FOR PURPOSES AUTHORIZED BY**
18 **LAW AND CONSISTENT WITH AN AGREEMENT ENTERED INTO WITH THE**
19 **UNEMPLOYMENT INSURANCE AGENCY. THE RECIPIENT SHALL NOT REDISCLOSE**
20 **THE INFORMATION TO ANY OTHER INDIVIDUAL OR ENTITY WITHOUT THE**
21 **WRITTEN PERMISSION OF THE UNEMPLOYMENT INSURANCE AGENCY.**

22 (c) The commission ~~is authorized to~~ **MAY** enter into agreements
23 with the appropriate agencies of other states or the federal
24 government whereby potential rights to benefits accumulated under
25 the unemployment compensation laws of other states or of the
26 federal government, or both, may constitute the basis for the
27 payment of benefits through a single appropriate agency under plans

1 that the commission finds will be fair and reasonable to all
2 affected interests and will not result in substantial loss to the
3 unemployment compensation fund.

4 (d) (1) The commission ~~is authorized to~~ **MAY** enter into
5 reciprocal agreements with the appropriate agencies of other states
6 or of the federal government adjusting the collection and payment
7 of contributions by employers with respect to employment not
8 localized within this state.

9 (2) The commission ~~is authorized to~~ **MAY** enter into reciprocal
10 agreements with agencies of other states administering unemployment
11 compensation, whereby contributions paid by an employer to any
12 other state may be received by the other state as an agent acting
13 for and on behalf of this state to the same extent as if the
14 contributions had been paid directly to this state if the payment
15 is remitted to this state. Contributions so received by another
16 state shall be ~~deemed~~ **CONSIDERED** contributions, required and paid
17 under this act as of the date the contributions were received by
18 the other state. The commission may collect contributions in a like
19 manner for agencies of other states administering unemployment
20 compensation and remit the contributions to the agencies under the
21 terms of the reciprocal agreements.

22 (e) The commission may make the state's records relating to
23 the administration of this act available and may furnish to the
24 railroad retirement board or any other state or federal agency
25 administering an unemployment compensation law, at the expense of
26 that board, state, or agency, copies of the records as the railroad
27 retirement board ~~deems~~ **CONSIDERS** necessary for its purpose.

1 (f) The commission may cooperate with or enter into agreements
2 with any agency of another state or of the United States charged
3 with the administration of any unemployment insurance or public
4 employment service law.

5 The commission may ~~make investigations~~**INVESTIGATE**, secure,
6 and transmit information, make available services and facilities,
7 and exercise other powers provided in this act with respect to the
8 administration of this act as it ~~deems~~**CONSIDERS** necessary or
9 appropriate to facilitate the administration of any unemployment
10 compensation or public employment service law, and may accept and
11 utilize information, services, and facilities made available to
12 this state by the agency charged with the administration of any
13 other unemployment compensation or public employment service law.

14 On request of an agency that administers an employment
15 security law of another state or foreign government and that has
16 found, in accordance with that law, that a claimant is liable to
17 repay benefits received under that law, the commission may collect
18 the amount of the benefits from the claimant to be refunded to the
19 agency.

20 In any case in which under this subsection a claimant is
21 liable to repay any amount to the agency of another state or
22 foreign government, the amount may be collected by civil action in
23 the name of the commission acting as agent for the agency. Court
24 costs shall be paid or guaranteed by the agency of that state.

25 To the extent permissible under the laws and constitution of
26 the United States, the commission ~~is authorized to~~**MAY** enter into
27 or cooperate in arrangements whereby facilities and services

1 provided under this act and facilities and services provided under
2 the unemployment compensation law of ~~the Dominion of~~ Canada may be
3 utilized for the taking of claims and the payment of benefits under
4 the unemployment compensation law of this state or under a similar
5 law of ~~the Dominion of~~ Canada.

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

24 The courts of this state shall recognize and enforce
25 liabilities, as provided in this act, for unemployment compensation
26 contributions, penalties, and interest imposed by other states
27 ~~which~~**THAT** extend a like comity to this state.

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

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

20 (g) The commission may also enter into reciprocal agreements
21 with the appropriate and authorized agencies of other states or of
22 the federal government whereby remuneration and services ~~—~~that
23 determine entitlement to benefits under the unemployment
24 compensation law of another state or of the federal government ~~—~~
25 are considered wages and employment for the purposes of sections 27
26 and 46, if the other state agency or agency of the federal
27 government has agreed to reimburse the fund for that portion of

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

1 experience account for the purposes of sections 17, 18, 19, and 20,
2 or the reimbursing employer's account under section 13c, 13g, 13i,
3 or 13l, as applicable. Benefits paid under a combined wage plan
4 shall be allocated and charged to each employer involved in the
5 quarter in which the paying state requires reimbursement. Benefits
6 charged to this state shall be allocated to each employer of this
7 state who has employed the claimant during the base period of the
8 paying state in the same ratio that the wages earned by the
9 claimant during the base period of the paying state in the employ
10 of the employer bears to the total amount of wages earned by the
11 claimant in the base period of the paying state in the employ of
12 all employers of the state. The commission is authorized to make to
13 other state or federal agencies and receive from other state or
14 federal agencies reimbursements from or to the fund, in accordance
15 with arrangements made ~~pursuant to~~ **UNDER** this section.

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

1 act.

2 (i) The commission may enter into agreements with the
3 appropriate agency of the United States under which, in accordance
4 with the laws of the United States, the commission, as agent of the
5 United States or from funds provided by the United States, provides
6 for the payment of unemployment compensation or unemployment
7 allowances of any kind, including the payment of any benefits and
8 allowances that are made available for manpower development,
9 training, retraining, readjustment, and relocation. The commission
10 may receive and disburse funds from the United States or any
11 appropriate agency of the United States in accordance with any such
12 agreements.

13 If the federal enactment providing for unemployment
14 compensation, training allowance, or relocation payments requires
15 joint federal-state financing of such payments, the commission may
16 participate in the programs by using funds appropriated by the
17 legislature to the extent provided by the legislature for such
18 programs.

19 (j) The commission shall participate in any arrangement ~~which~~
20 **THAT** provides for the payment of compensation on the basis of
21 combining an individual's wages and employment covered under this
22 act with his or her wages and employment covered under the
23 unemployment compensation laws of other states, if the arrangement
24 is approved by the United States secretary of labor in consultation
25 with the state unemployment compensation agencies as reasonably
26 calculated to assure the prompt and full payment of compensation.
27 An arrangement shall include provisions for both of the following:

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

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

6 (k) In a proceeding before any court, the commission and the
7 state shall be represented by the attorney general of this state or
8 attorneys designated by the attorney general. Only the attorney
9 general or other attorneys designated by the attorney general shall
10 act as legal counsel for the commission.