

SENATE BILL No. 209

February 10, 2009, Introduced by Senators GILBERT, ALLEN, STAMAS and CLARKE and referred to the Committee on Commerce and Tourism.

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

1 prescribed by the appropriate agency of the United States relating
2 to the receipt or expenditure of the sums that are allotted and
3 paid to this state for the purpose of assisting in the
4 administration of this act. As used in this section, "social
5 security act" means the social security act, chapter 531, 49 Stat.
6 620.

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

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

27 (ii) Any information in the commission's possession that may

1 affect a claim for benefits or a charge to an employer's experience
2 account shall be available to interested parties AS DEFINED IN R
3 421.201 OF THE MICHIGAN ADMINISTRATIVE CODE, AND TO THEIR AGENTS,
4 IF THEIR AGENTS PROVIDE THE UNEMPLOYMENT INSURANCE AGENCY WITH A
5 WRITTEN AUTHORIZATION OF REPRESENTATION FROM THE PARTY REPRESENTED.
6 A WRITTEN AUTHORIZATION OF REPRESENTATION IS NOT REQUIRED IN ANY OF
7 THE FOLLOWING CIRCUMSTANCES:

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

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

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

27 (iii) Except as provided in this act, the information and

1 determinations shall not be used in any action or proceeding before
2 any court or administrative tribunal unless the commission is a
3 party to or a complainant in the action or proceeding, or unless
4 used for the prosecution of fraud, civil proceeding, or other legal
5 proceeding in the programs indicated in subdivision (2).

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

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

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

1 available to agencies of other states that are responsible for the
2 administration of public assistance to unemployed workers, and to
3 the departments of this state. Information so released shall be
4 used only for purposes not inconsistent with the purposes of this
5 act.

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

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

1 AGREEMENT IS VIOLATED, THE AGREEMENT SHALL BE TERMINATED AND THE
2 PUBLIC OFFICIAL MAY BE SUBJECT TO PENALTIES EQUIVALENT TO THOSE
3 THAT APPLY UNDER SECTION 54 (F) TO A PERSON ASSOCIATED WITH A
4 COLLEGE, UNIVERSITY, OR PUBLIC AGENCY WHO DISCLOSES CONFIDENTIAL
5 INFORMATION.

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

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

1 means any state or local child support enforcement agency
2 responsible for enforcing child support obligations under a plan
3 approved under part d of title IV of the social security act, 42
4 USC 651 to 669b; the United States department of health and human
5 services for purposes of establishing or verifying eligibility or
6 benefit amounts under titles II and XVI of the social security act,
7 42 USC 401 to 434 and 42 USC 1381 to 1383f; the United States
8 department of agriculture for the purposes of determining
9 eligibility for, and amount of, benefits under the food stamp
10 program established under the food stamp act of 1977, 7 USC 2011 to
11 2036; and any other state or local agency of this or any other
12 state responsible for administering the following programs:

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

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

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

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

21 (v) Any state program under a plan approved under title I, X,
22 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
23 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

24 (vi) Any program administered under the social welfare act,
25 1939 PA 280, MCL 400.1 to 400.119b.

26 The information shall be disclosed only if the qualified
27 requesting agency has executed an agreement with the commission to

1 obtain the information and if the information is requested for the
2 purpose of determining the eligibility of applicants for benefits,
3 or the type and amount of benefits for which applicants are
4 eligible, under any of the programs listed above or under title II
5 and XVI of the social security act; for establishing and collecting
6 child support obligations from, and locating individuals owing such
7 obligations ~~which~~ **THAT** are being enforced pursuant to a plan
8 described in section 454 of the social security act, 42 USC 654; or
9 for investigating or prosecuting alleged fraud under any of these
10 programs.

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

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

1 representing the individual if the information is needed in
2 connection with a claim for benefits against the requesting agency,
3 or any criminal or civil prosecuting authority acting for or on
4 behalf of the requesting agency.

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

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

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

1 ~~application~~ **APPLIED** for unemployment benefits; ~~—~~ and the amount of
2 unemployment benefits the individual is receiving or is entitled to
3 receive under this act. This information shall be used only to
4 determine an individual's eligibility for benefits or the amount of
5 benefits to which an individual is entitled under a housing
6 assistance program of the United States department of housing and
7 urban development. The information shall not be released unless the
8 requesting agency agrees to reimburse the commission for the costs
9 incurred in furnishing the information. For purposes of this
10 ~~subsection~~ **SUBDIVISION**, "public housing agency" means an agency
11 described in section 3(b)(6) of the United States housing act of
12 1937, 42 USC ~~1437a~~ **1437A(B)(6)**.

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

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

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

1 payment of benefits through a single appropriate agency under plans
2 that the commission finds will be fair and reasonable to all
3 affected interests and will not result in substantial loss to the
4 unemployment compensation fund.

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

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

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

1 retirement board ~~deems~~**CONSIDERS** necessary for its purpose.

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

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

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

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

26 To the extent permissible under the laws and constitution of
27 the United States, the commission ~~is authorized to~~**MAY** enter into

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

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

25 The courts of this state shall recognize and enforce
26 liabilities, as provided in this act, for unemployment compensation
27 contributions, penalties, and interest imposed by other states

1 ~~which~~ **THAT** extend a like comity to this state.

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

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

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

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

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

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

1 state's unemployment trust fund for purposes not authorized by this
2 act.

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

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

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

1 An arrangement shall include provisions for both of the following:

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

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

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