

**SUBSTITUTE FOR
SENATE BILL NO. 886**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 17, 27, 28c, 28d, 29, and 48 (MCL 421.17, 421.27, 421.28c, 421.28d, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28c as amended by 2012 PA 579, section 28d as added by 2012 PA 216, section 29 as amended by 2013 PA 146, and by adding section 32c.

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



1 employer's service prior claims or rights to the amount paid by the
2 employer to the unemployment compensation fund. All contributions
3 to that fund shall be pooled and available to pay benefits to any
4 individual entitled to the benefits under this act, irrespective of
5 the source of the contributions.

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

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

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

15 (c) The proceeds of the nonchargeable benefits component of
16 employers' contribution rates determined as provided in section
17 19(a) (5) .

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

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

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

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

28 (h) The amount of any benefit check, any employer refund
29 check, any claimant restitution refund check, or other payment duly



1 issued that has not been presented for payment within 1 year after
2 the date of issue.

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

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

7 (k) Amounts transferred from the contingent fund under section
8 10.

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

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

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

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

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

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

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



1 (g) All benefits determined to have been improperly paid to
2 claimants that have been credited to employers' accounts in
3 accordance with section 20(a).

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

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

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

15 (k) For benefit years beginning before October 1, 2000, with
16 benefits allocated under section 20(e)(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 be credited to
4 the unemployment compensation fund, and, except as otherwise
5 provided with respect to the proceeds of the nonchargeable benefits
6 component of employers' contribution rates by section 19(a)(5), to
7 the employer's experience account, as of the date when paid.
8 However, those contributions paid during any July shall be credited
9 as of the immediately preceding June 30. Additional contributions
10 paid by an employer as the result of a retroactive contribution
11 rate adjustment, solely for the purpose of this subsection, shall
12 be credited to the employer's experience account as if paid when
13 due, if the payment is received within 30 days after the issuance
14 of the initial assessment that results from the contribution rate
15 adjustment and a written request for the application is filed by
16 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 was transferred to the solvency or
6 nonchargeable benefits account, shall be transferred to the
7 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 not have a
10 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 not be considered a
13 "qualified employer" until the employer has again been subject to
14 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 immediately be credited by
18 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, and the
25 Wagner-Peyser act, 29 USC 49 to 49l-2, are not available or are
26 insufficient. The appropriation shall expire not more than 2 years
27 after the date of enactment and shall provide that any unexpended
28 balance shall then be credited to the nonchargeable benefits
29 account. An appropriation shall not be made under this subsection



1 for an amount that exceeds the "adjusted balance" of the
2 nonchargeable benefits account on the most recent computation date.
3 Appropriations made under this subsection shall limit the total
4 amount that may be obligated by the unemployment agency during a
5 fiscal year to an amount that does not exceed the amount by which
6 the aggregate of the amounts credited to the nonchargeable benefits
7 account under this subsection during the fiscal year and the 24
8 preceding fiscal years, exceeds the aggregate of the amounts
9 obligated by the unemployment agency by appropriation under this
10 subsection and charged against the amounts thus credited to the
11 nonchargeable benefits account during any of the 25 fiscal years
12 and any amounts credited to the nonchargeable benefits account that
13 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 because of COVID-19 must not be charged to the account of**
17 **the employer who otherwise would have been charged but instead must**
18 **be charged to the nonchargeable benefits account. This subsection**
19 **does not apply to an employer determined to have misclassified a**
20 **worker. This subsection does not apply after December 31, 2020.**

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, until December 31,**



1 2020, for each eligible individual filing an initial claim because
2 of COVID-19, not more than 26 weeks of benefits or less than 14
3 weeks of benefits are payable to an individual in a benefit year.

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

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

23 (a) If and to the extent that unemployment benefits payable
24 under this act would be chargeable to an employer who has
25 contributed to the financing of a retirement plan under which the
26 claimant is receiving or will receive a retirement benefit yielding
27 a pro rata weekly amount equal to or larger than the claimant's
28 weekly benefit rate as otherwise established under this act, the
29 claimant must not receive unemployment benefits that would be



1 chargeable to the employer under this act.

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

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

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

27 (2) If an individual's weekly benefit rate under this act was
28 established before the period for which the individual first
29 receives a retirement benefit, any benefits received after a



1 retirement benefit becomes payable must be determined in accordance
2 with the formula stated in this subsection.

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

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

16 (i) Provided as an incident of employment under an established
17 retirement plan, policy, or agreement, including federal social
18 security if subdivision (5) is in effect.

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

26 (b) If a benefit as described in subparagraph (a) is payable
27 or paid to the individual under a plan to which the individual has
28 contributed:

29 (i) Less than 1/2 of the cost of the benefit, then only 1/2 of



1 the benefit is treated as a retirement benefit.

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

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

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

19 (6) For benefit years beginning on or after October 1, 2000,
20 notwithstanding any inconsistent provisions of this act, the weekly
21 benefit rate of each individual who is receiving or will receive a
22 retirement benefit, as defined in subdivision (4), is adjusted as
23 provided in subparagraphs (a), (b), and (c). However, an
24 individual's extended benefit account and an individual's weekly
25 extended benefit rate under section 64 is established without
26 reduction under this subsection, unless subdivision (5) is in
27 effect. Except as otherwise provided in this subsection, all the
28 other provisions of this act apply to the benefit claims of those
29 retired persons. However, if the reduction would impair the full



1 tax credit against the tax imposed by the federal unemployment tax
2 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as
3 provided in subparagraphs (a), (b), and (c) for receipt of any
4 governmental or other pension, retirement or retired pay, annuity,
5 or other similar payment that was not includable in the gross
6 income of the individual for the taxable year in which it was
7 received because it was a part of a rollover distribution.

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

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

23 (c) If no base period or separating employer has contributed
24 to the financing of a retirement plan under which the claimant is
25 receiving or will receive a retirement benefit, then the weekly
26 benefit rate of the claimant as otherwise established under this
27 act shall not be reduced due to receipt of a retirement benefit.

28 (g) Notwithstanding any other provision of this act, an
29 individual pursuing vocational training or retraining pursuant to



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

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

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

23 (1) With respect to service performed in an instructional,
24 research, or principal administrative capacity for an institution
25 of higher education as defined in section 53(2), or for an
26 educational institution other than an institution of higher
27 education as defined in section 53(3), benefits are not payable to
28 an individual based on those services for any week of unemployment
29 beginning after December 31, 1977 that commences during the period



1 between 2 successive academic years or during a similar period
2 between 2 regular terms, whether or not successive, or during a
3 period of paid sabbatical leave provided for in the individual's
4 contract, to an individual if the individual performs the service
5 in the first of the academic years or terms and if there is a
6 contract or a reasonable assurance that the individual will perform
7 service in an instructional, research, or principal administrative
8 capacity for an institution of higher education or an educational
9 institution other than an institution of higher education in the
10 second of the academic years or terms, whether or not the terms are
11 successive.

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

25 (3) With respect to any service described in subdivision (1)
26 or (2), benefits are not payable to an individual based upon
27 service for any week of unemployment that commences during an
28 established and customary vacation period or holiday recess if the
29 individual performs the service in the period immediately before



1 the vacation period or holiday recess and there is a contract or
2 reasonable assurance that the individual will perform the service
3 in the period immediately following the vacation period or holiday
4 recess.

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

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

27 (6) For benefit years established before October 1, 2000, and
28 notwithstanding subdivisions (1), (2), and (3), the denial of
29 benefits does not prevent an individual from completing



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

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



1 for benefits payable to the individual. When a denial of benefits
2 under subdivision (1) is no longer applicable, benefits are paid
3 and charged on the basis of base period wages with each of the base
4 period employers including the educational institution.

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

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

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

28 (k) (1) Benefits are not payable on the basis of services
29 performed by an alien unless the alien is an individual who was



1 lawfully admitted for permanent residence at the time the services
2 were performed, was lawfully present for the purpose of performing
3 the services, or was permanently residing in the United States
4 under color of law at the time the services were performed,
5 including an alien who was lawfully present in the United States
6 under section 212(d)(5) of the immigration and nationality act, 8
7 USC 1182.

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

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

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

25 (2) Notwithstanding section 30, the unemployment agency shall
26 deduct and withhold from any unemployment compensation payable to
27 an individual who owes child support obligations by using whichever
28 of the following methods results in the greatest amount:

29 (a) The amount, if any, specified by the individual to be



1 deducted and withheld under this subdivision.

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

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

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

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

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

21 (6) Provisions concerning deductions under this subsection
22 apply only if the state or local child support enforcement agency
23 agrees in writing to reimburse and does reimburse the unemployment
24 agency for the administrative costs incurred by the unemployment
25 agency under this subsection that are attributable to child support
26 obligations being enforced by the state or local child support
27 enforcement agency. The administrative costs incurred are
28 determined by the unemployment agency. The unemployment agency, in
29 its discretion, may require payment of administrative costs in



1 advance.

2 (7) As used in this subsection:

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

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

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

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

24 (o)(1) For weeks of unemployment beginning after July 1, 1996,
25 unemployment benefits based on services by a seasonal worker
26 performed in seasonal employment are payable only for weeks of
27 unemployment that occur during the normal seasonal work period.
28 Benefits are not payable based on services performed in seasonal
29 employment for any week of unemployment beginning after March 28,



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

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



1 substantial evidence to the contrary is introduced by or on behalf
2 of the claimant.

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

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

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

27 (6) If a seasonal employer informs an employee who received
28 assurance of being rehired that, despite the assurance, the
29 employee will not be rehired at the beginning of the employer's



1 next normal seasonal work period, this subsection does not prevent
2 the employee from receiving unemployment benefits in the same
3 manner and to the same extent he or she would receive benefits
4 under this act from an employer who has not been determined to be a
5 seasonal employer.

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

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

19 (9) As used in this subsection:

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

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

28 (c) "Seasonal employment" means the employment of 1 or more
29 individuals primarily hired to perform services during regularly



1 recurring periods of 26 weeks or less in any 52-week period other
2 than services in the construction industry.

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

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

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

23 (p) Benefits are not payable to an individual based upon his
24 or her services as a school crossing guard for any week of
25 unemployment that begins between 2 successive academic years or
26 terms, if that individual performs the services of a school
27 crossing guard in the first of the academic years or terms and has
28 a reasonable assurance that he or she will perform those services
29 in the second of the academic years or terms.



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

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

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

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

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

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

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

26 (c) The employer's assurance that it will not lay off
27 participating employees during the effective period of the shared-
28 work plan, or reduce participating employees' hours of work by more
29 than the reduction percentage during the effective period of the



1 shared-work plan, except in cases of holidays, designated vacation
2 periods, equipment maintenance, or similar circumstances.

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

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

12 (f) The employer's certification that the implementation of a
13 shared-work plan is in lieu of layoffs that would affect at least
14 **15% or, until December 31, 2020, 10%**, of the employees in the
15 affected unit and would result in an equivalent reduction in work
16 hours.

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

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

23 (i) Any other relevant information required by the
24 unemployment agency.

25 (3) An employer may apply to the unemployment agency for
26 approval of more than 1 shared-work plan.

27 **(4) Notwithstanding any other provision of this act, until**
28 **December 31, 2020, the unemployment agency may approve a shared-**
29 **work plan submitted by an employer during the COVID-19 pandemic**



1 **even if the employer does not meet the requirements of subsection**
 2 **(1) or (2) (b) .**

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

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

6 (b) All employees in the affected unit are participating
 7 employees, except that, ~~the following employees shall not be~~
 8 ~~participating employees:~~

9 ~~(i) An employee who has been employed in the affected unit for~~
 10 ~~less than 3 months before the date the employer applies for~~
 11 ~~approval of the shared-work plan.~~

12 ~~(ii) An~~ **until December 31, 2020, an** employee whose hours of
 13 work per week determined under subdivision (e) are 40 or more hours
 14 **must not be a participating employee.**

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

17 (d) The participating employees are identified by name and
 18 social security number.

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

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

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

28 (h) As a result of a decrease in the number of hours worked by
 29 each participating employee, there is a corresponding reduction in



1 wages.

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

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

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

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

13 (a) The reduction percentage shall be no less than 15% and no
14 more than 45% **or, until December 31, 2020, no less than 10% and no**
15 **more than 60%.**

16 (b) The reduction percentage shall be the same for all
17 participating employees.

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

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

23 (a) Left work voluntarily without good cause attributable to
24 the employer or employing unit. An individual who left work is
25 presumed to have left work voluntarily without good cause
26 attributable to the employer or employing unit. An individual who
27 is absent from work for a period of 3 consecutive work days or more
28 without contacting the employer in a manner acceptable to the
29 employer and of which the individual was informed at the time of



1 hire shall be considered to have voluntarily left work without good
2 cause attributable to the employer. An individual who becomes
3 unemployed as a result of negligently losing a requirement for the
4 job of which he or she was informed at the time of hire shall be
5 considered to have voluntarily left work without good cause
6 attributable to the employer. An individual claiming benefits under
7 this act has the burden of proof to establish that he or she left
8 work involuntarily or for good cause that was attributable to the
9 employer or employing unit. An individual claiming to have left
10 work involuntarily for medical reasons must have done all of the
11 following before the leaving: secured a statement from a medical
12 professional that continuing in the individual's current job would
13 be harmful to the individual's physical or mental health, ~~+~~
14 unsuccessfully attempted to secure alternative work with the
15 employer, ~~+~~and unsuccessfully attempted to be placed on a leave of
16 absence with the employer to last until the individual's mental or
17 physical health would no longer be harmed by the current job.
18 **Notwithstanding any other provision of this act, until December 31,**
19 **2020, an individual is considered to have left work involuntarily**
20 **for medical reasons if he or she leaves work to self-isolate or**
21 **self-quarantine in response to elevated risk from COVID-19 because**
22 **he or she is immunocompromised, displayed a commonly recognized**
23 **principal symptom of COVID-19 that was not otherwise associated**
24 **with a known medical or physical condition of the individual, had**
25 **contact in the last 14 days with an individual with a confirmed**
26 **diagnosis of COVID-19, needed to care for an individual with a**
27 **confirmed diagnosis of COVID-19, or had a family care**
28 **responsibility that was the result of a government directive**
29 **regarding COVID-19. Notwithstanding any other provision of this**



1 act, until December 31, 2020, the unemployment agency may consider
 2 an individual laid off if the individual became unemployed to self-
 3 isolate or self-quarantine in response to elevated risk from COVID-
 4 19 because he or she is immunocompromised, displayed a commonly
 5 recognized principal symptom of COVID-19 that was not otherwise
 6 associated with a known medical or physical condition of the
 7 individual, had contact in the last 14 days with an individual with
 8 a confirmed diagnosis of COVID-19, needed to care for an individual
 9 with a confirmed diagnosis of COVID-19, or had a family care
 10 responsibility that was the result of a government directive
 11 regarding COVID-19. However, if any of the following conditions ~~is~~
 12 **are** met, the leaving does not disqualify the individual:

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

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

27 (iii) The individual is concurrently working part-time for an
 28 employer or employing unit and for another employer or employing
 29 unit and voluntarily leaves the part-time work while continuing



1 work with the other employer. The portion of the benefits paid in
 2 accordance with this subparagraph that would otherwise be charged
 3 to the experience account of the part-time employer that the
 4 individual left shall not be charged to the account of that
 5 employer ~~but~~ shall be charged instead to the nonchargeable
 6 benefits account.

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

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

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

19 (e) Failed without good cause to accept suitable work offered
 20 to the individual or to return to the individual's customary self-
 21 employment, if any, when directed by the employment office or the
 22 unemployment agency. An employer that receives a monetary
 23 determination under section 32 may notify the unemployment agency
 24 regarding the availability of suitable work with the employer on
 25 the monetary determination or other form provided by the
 26 unemployment agency. Upon receipt of the notice of the availability
 27 of suitable work, the unemployment agency shall notify the claimant
 28 of the availability of suitable work. ~~Until 1 year after the~~
 29 ~~effective date of the amendatory act that added this sentence, an~~



~~1 individual is considered to have refused an offer of suitable work
2 if the prospective employer requires as a condition of the offer a
3 drug test that is subject to the same terms and conditions as a
4 drug test administered under subdivision (m), and the employer
5 withdraws the conditional offer after either of the following:~~

~~6 (i) The individual tests positive for a controlled substance
7 and lacks a valid, documented prescription, as defined in section
8 17708 of the public health code, 1978 PA 368, MCL 333.17708, for
9 the controlled substance issued to the individual by his or her
10 treating physician.~~

~~11 (ii) The individual refuses without good cause to submit to the
12 drug test.~~

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

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

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

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



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

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

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

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

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

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

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

23 (B) That a failure to provide the temporary help firm with
24 notice of the employee's completion of services pursuant to sub-
25 subparagraph (A) constitutes a voluntary quit that will affect the
26 employee's eligibility for unemployment compensation should the
27 employee seek unemployment compensation following completion of
28 those services.

29 (ii) The employee did not provide the temporary help firm with



1 notice that the employee had completed his or her services for the
2 client within 7 days after completion of his or her services for
3 the client.

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

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

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

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

28 (n) Theft from the employer that resulted in the employee's
29 conviction, within 2 years of the date of the discharge, of theft



1 or a lesser included offense.

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

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

9 (a) For benefit years established before October 1, 2000, the
10 individual shall complete 6 requalifying weeks if he or she was
11 disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or
12 13 requalifying weeks if he or she was disqualified under
13 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
14 required under this subdivision is each week in which the
15 individual does any of the following:

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

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

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

24 (b) For benefit years established before October 1, 2000, if
25 the individual is disqualified under subsection (1)(a) or (b), he
26 or she shall requalify, after the week in which the disqualifying
27 discharge occurred by earning in employment for an employer liable
28 under this act or the unemployment compensation act of another
29 state an amount equal to, or in excess of, 7 times the individual's



1 potential weekly benefit rate, calculated on the basis of
 2 employment with the employer involved in the disqualification, or
 3 by earning in employment for an employer liable under this act or
 4 the unemployment compensation act of another state an amount equal
 5 to, or in excess of, 40 times the state minimum hourly wage times
 6 7, whichever is the lesser amount.

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

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

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

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

27 (e) For benefit years beginning on or after October 1, 2000
 28 and beginning before April 26, 2002, if the individual is
 29 disqualified under subsection (1)(a) or (b), he or she shall



1 requalify, after the week in which the disqualifying act or
2 discharge occurred by earning in employment for an employer liable
3 under this act or the unemployment compensation law of another
4 state at least the lesser of the following:

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

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

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

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

19 (h) A benefit payable to the individual disqualified or
20 separated under disqualifying circumstances under subsection (1)(a)
21 or (b) shall be charged to the nonchargeable benefits account,
22 and not to the account of the employer with whom the individual was
23 involved in the separation. Benefits payable to an individual
24 determined by the unemployment agency to be separated under
25 disqualifying circumstances shall not be charged to the account of
26 the employer involved in the disqualification for any period after
27 the employer notifies the unemployment agency of the claimant's
28 possible ineligibility or disqualification. However, an individual
29 filing a new claim for benefits who reports the reason for



1 separation from a base period employer as a voluntary leaving shall
2 be presumed to have voluntarily left without good cause
3 attributable to the employer and shall be disqualified unless the
4 individual provides substantial evidence to rebut the presumption.
5 If a disqualifying act or discharge occurs during the individual's
6 benefit year, any benefits that may become payable to the
7 individual in a later benefit year based on employment with the
8 employer involved in the disqualification shall be charged to the
9 nonchargeable benefits account.

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

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

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

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

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



1 with the employer before the disqualifying act or discharge.

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

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

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

12 (f) For benefit years established on or after October 1, 2000,
13 if the individual is disqualified under subsection (1)(c), (d),
14 (e), (f), (g), or (l), the maximum number of weeks otherwise
15 applicable in calculating benefits for the individual under section
16 27(d) shall be reduced by the lesser of the following:

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

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

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

29 (5) If an individual leaves work to accept permanent full-time



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

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

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

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

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



1 unemployed. Beginning January 15, 2012, after an individual has
2 received benefits for 50% of the benefit weeks in the individual's
3 benefit year, work shall not be considered unsuitable because it is
4 outside of the individual's training or experience or unsuitable as
5 to pay rate if the pay rate for that work meets or exceeds the
6 minimum wage; is at least the prevailing mean wage for similar work
7 in the locality for the most recent full calendar year for which
8 data are available as published by the department of technology,
9 management, and budget as "wages by job title", by standard
10 metropolitan statistical area; and is 120% or more of the
11 individual's weekly benefit amount.

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

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

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

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

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

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

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



1 operation caused by that labor dispute.

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

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

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

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

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

29 (iii) At any time a labor dispute in the establishment or



1 department in which the individual was employed does not exist, and
2 the individual voluntarily stops working, other than at the
3 direction of the individual's employing unit, in sympathy with
4 employees in some other establishment or department in which a
5 labor dispute is in progress.

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

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

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



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

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

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

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

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

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

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

28 (v) Whether the resolution of those issues involved in the
29 labor dispute as to some of the workers could directly or



1 indirectly affect the advancement, negotiation, or settlement of
2 the same or similar issues in respect to the remaining workers.

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

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

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

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

27 **Sec. 32c. Notwithstanding any other provision of this act, if**
28 **a claim filed after March 15, 2020, but before the effective date**
29 **of the amendatory act that added this section is determined by the**



1 unemployment agency to be valid, that claim is considered to be
2 valid unless the unemployment agency determines that the claim is
3 fraudulent.

4 Sec. 48. (1) An individual shall be considered unemployed for
5 any week during which he or she performs no services and for which
6 remuneration is not payable to the individual, or for any week of
7 less than full-time work if the remuneration payable to the
8 individual is less than 1-1/2 times his or her weekly benefit rate,
9 except that for payable weeks of benefits beginning after the
10 effective date of the amendatory act that added section 15a and
11 before October 1, 2015, an individual is considered unemployed for
12 any week or less of full-time work if the remuneration payable to
13 the individual is less than 1-3/5 times his or her weekly benefit
14 rate. However, any loss of remuneration incurred by an individual
15 during any week resulting from any cause other than the failure of
16 the individual's employing unit to furnish full-time, regular
17 employment shall be included as remuneration earned for purposes of
18 this section and section 27(c). The total amount of remuneration
19 lost shall be determined pursuant to regulations prescribed by the
20 unemployment agency. For the purposes of this act, an individual's
21 weekly benefit rate means the weekly benefit rate determined
22 pursuant to section 27(b).

23 (2) All amounts paid to a claimant by an employing unit or
24 former employing unit for a vacation or a holiday, and amounts paid
25 in the form of retroactive pay, pay in lieu of notice, severance
26 payments, salary continuation, or other remuneration intended by
27 the employing unit as continuing wages or other monetary
28 consideration as the result of the separation, excluding SUB
29 payments as described in section 44, shall be considered



1 remuneration in determining whether an individual is unemployed
2 under this section and also in determining his or her benefit
3 payments under section 27(c), for the period designated by the
4 contract or agreement providing for the payment, or if there is no
5 contractual specification of the period to which payments shall be
6 allocated, then for the period designated by the employing unit or
7 former employing unit. However, payments for a vacation or holiday,
8 or the right to which has irrevocably vested, after 14 days
9 following a vacation or holiday shall not be considered wages or
10 remuneration within the meaning of this section.

11 (3) An individual shall not be considered to be unemployed
12 during any leave of absence from work granted by an employer either
13 at the request of the individual or pursuant to an agreement with
14 the individual's duly authorized bargaining agent, or in accordance
15 with law. An individual shall neither be considered not unemployed
16 nor on a leave of absence solely because the individual elects to
17 be laid off, pursuant to an option provided under a collective
18 bargaining agreement or written employer plan that permits an
19 election, if there is a temporary layoff because of lack of work
20 and the employer has consented to the election. **Notwithstanding any**
21 **other provision of this act, until December 31, 2020, an individual**
22 **on a leave of absence because the individual self-isolated or self-**
23 **quarantined in response to elevated risk from COVID-19 because he**
24 **or she is immunocompromised, displayed a commonly recognized**
25 **principal symptom of COVID-19 that was not otherwise associated**
26 **with a known medical or physical condition of the individual, had**
27 **contact in the last 14 days with an individual with a confirmed**
28 **diagnosis of COVID-19, or needed to care for an individual with a**
29 **confirmed diagnosis of COVID-19, must be considered to be**



- 1 unemployed unless the individual is already on sick leave or
- 2 receives a disability benefit.