

Legislative Analysis



“ABLE AND AVAILABLE” REQUIREMENT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 445 (H-1) as reported from House committee

Sponsor: Sen. Jeff Irwin

House Committee: Workforce, Trades, and Talent

Senate Committee: Economic and Small Business Development

Complete to 2-16-22

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 18 of 2022)

SUMMARY:

Senate Bill 445 would amend the “able and available” requirement of the Michigan Employment Security Act. Currently, on a weekly basis, unemployed individuals must be able and available for suitable full-time work. Under the bill, for claims under the federal Pandemic Unemployment Assistance (PUA) program,¹ the requirement would instead apply to suitable full-time *or part-time* work.

According to committee testimony, the bill is intended to resolve a conflict between Michigan unemployment law and PUA, which was enacted as an emergency measure in response to the COVID-19 pandemic. Under Michigan law, to be eligible for benefits, a worker must be able and available to perform qualifying full-time work. PUA extends federal benefits to full- and part-time workers, but requires certain compliance with state eligibility requirements. The bill accordingly provides that, for all claims filed after March 1, 2020, and established under PUA, the Michigan “able and available” requirement would apply to full-time *and* part-time work.

MCL 421.28

FISCAL IMPACT:

Senate Bill 445 would not have a fiscal impact on the Unemployment Insurance Agency or any other unit of state or local government.

POSITIONS:

The following entities indicated support for the bill (1-27-22):

- Unemployment Insurance Agency
- Michigan League for Public Policy
- Michigan Association of United Ways
- Michigan United
- Blanchard & Walker, PLLC
- Michigan Manufacturers Association

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ https://www.michigan.gov/documents/leo/Fact_Sheet_172_-_Pandemic_Unemployment_Assistance_4-2020-sec_686888_7.pdf