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Senate Bill 445 (as introduced 5-13-21)
Sponsor: Senator Jeff Irwin
Committee: Economic and Small Business Development

Date Completed: 6-3-21

CONTENT

The bill would amend the Michigan Employment Security Act to require the Unemployment Insurance Agency (UIA), for all claims filed after March 1, 2020, to waive an evaluation requirement for unemployment benefits for an individual who was a covered individual under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and who was able and available to work as determined under Federal regulations.

Under the Act, an unemployed individual is eligible to receive benefits with respect to any week only if the UIA finds, among other things, that the individual is able and available to appear at a location of the UIA's choosing for evaluation of eligibility for benefits, if required, and to perform suitable full-time work of a character that the individual is qualified to perform by past experience or training, which is of a character generally similar to work for which the individual is available, full-time, either at a locality at which the individual earned wages for insured work during his or her base period or at a locality where it is found by the UIA that such work is available.

Under the bill, notwithstanding any other provision of the Act, for all claims filed after March 1, 2020, the UIA would have to waive the requirements described above for an individual who was a covered individual under Section 2102 of the CARES Act and who was able and available for work as determined under 20 CFR 604.5.

(Section 2102 specifies that a covered individual is an individual who is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under the CARES Act, including an individual who has exhausted all rights to regular unemployment or extended benefits, and provides self-certification that the individual is: 1) otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because of certain circumstances related to COVID-19; or 2) is self-employed, is seeking part-time employment, does not have sufficient work history, unemployment, or extended benefits under State or Federal law or pandemic emergency unemployment compensation under the CARES Act and meets the requirement described above.

Under 20 CFR 604.5, a State may consider an individual to be available for work during the week of unemployment claimed if the individual is available for any work for all or a portion of the week claimed, if the individual limits his or her availability to work that is suitable for the individual, or the individual is on temporary lay-off and is available to work only for the

employer that has temporarily laid-off the individual. Any limitation placed by the individual on his or her availability may not constitute a withdrawal from the labor market.)

MCL 421.28

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would maintain the status for UIA claimants who became eligible for benefits from Federal expansions.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.