

HOUSE BILL NO. 4508

March 11, 2021, Introduced by Reps. Hood, O'Neal, Kuppa, Aiyash, Young, Cavanagh, Haadsma, Weiss, Morse, Hope, Sabo, Breen, Steckloff, Tyrone Carter, Brixie, Scott, Brabec, Sowerby, Shannon, Cherry, Stone, Manoogian, Tate, Rabhi and Yancey and referred to the Committee on Government Operations.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 29 (MCL 421.29), as amended by 2020 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 29. (1) Except as provided in subsection (5), an
2 individual is disqualified from receiving benefits if he or she:
3 (a) Left work voluntarily without good cause attributable to
4 the employer or employing unit. An individual who left work is
5 presumed to have left work voluntarily without good cause

1 attributable to the employer or employing unit. An individual who
2 is absent from work for a period of 3 consecutive work days or more
3 without contacting the employer in a manner acceptable to the
4 employer and of which the individual was informed at the time of
5 hire is considered to have voluntarily left work without good cause
6 attributable to the employer. An individual who becomes unemployed
7 as a result of negligently losing a requirement for the job of
8 which he or she was informed at the time of hire is considered to
9 have voluntarily left work without good cause attributable to the
10 employer. An individual claiming benefits under this act has the
11 burden of proof to establish that he or she left work involuntarily
12 or for good cause that was attributable to the employer or
13 employing unit. An individual claiming to have left work
14 involuntarily for medical reasons must have done all of the
15 following before the leaving: secured a statement from a medical
16 professional that continuing in the individual's current job would
17 be harmful to the individual's physical or mental health,
18 unsuccessfully attempted to secure alternative work with the
19 employer, and unsuccessfully attempted to be placed on a leave of
20 absence with the employer to last until the individual's mental or
21 physical health would no longer be harmed by the current job.
22 Notwithstanding any other provision of this act, with respect to
23 claims for weeks beginning before April 1, 2021, an individual is
24 considered to have left work involuntarily for medical reasons if
25 he or she leaves work to self-isolate or self-quarantine in
26 response to elevated risk from COVID-19 because he or she is
27 immunocompromised, displayed a commonly recognized principal
28 symptom of COVID-19 that was not otherwise associated with a known
29 medical or physical condition of the individual, had contact in the

1 last 14 days with an individual with a confirmed diagnosis of
2 COVID-19, needed to care for an individual with a confirmed
3 diagnosis of COVID-19, or had a family care responsibility that was
4 the result of a government directive regarding COVID-19.
5 Notwithstanding any other provision of this act, with respect to
6 claims for weeks beginning before April 1, 2021, the unemployment
7 agency may consider an individual laid off if the individual became
8 unemployed to self-isolate or self-quarantine in response to
9 elevated risk from COVID-19 because he or she is immunocompromised,
10 displayed a commonly recognized principal symptom of COVID-19 that
11 was not otherwise associated with a known medical or physical
12 condition of the individual, had contact in the last 14 days with
13 an individual with a confirmed diagnosis of COVID-19, needed to
14 care for an individual with a confirmed diagnosis of COVID-19, or
15 had a family care responsibility that was the result of a
16 government directive regarding COVID-19. However, if any of the
17 following conditions are met, the leaving does not disqualify the
18 individual:

19 (i) The individual has an established benefit year in effect
20 and during that benefit year leaves unsuitable work within 60 days
21 after the beginning of that work. Benefits paid after a leaving
22 under this subparagraph must not be charged to the experience
23 account of the employer the individual left, but must be charged
24 instead to the nonchargeable benefits account.

25 (ii) The individual is the spouse of a full-time member of the
26 United States Armed Forces, and the leaving is due to the military
27 duty reassignment of that member of the United States Armed Forces
28 to a different geographic location. Benefits paid after a leaving
29 under this subparagraph must not be charged to the experience

1 account of the employer the individual left, but must be charged
2 instead to the nonchargeable benefits account.

3 (iii) The individual is concurrently working part-time for an
4 employer or employing unit and for another employer or employing
5 unit and voluntarily leaves the part-time work while continuing
6 work with the other employer. The portion of the benefits paid in
7 accordance with this subparagraph that would otherwise be charged
8 to the experience account of the part-time employer that the
9 individual left must not be charged to the account of that employer
10 but must be charged instead to the nonchargeable benefits account.

11 (iv) The individual is a victim of domestic violence who meets
12 the requirements in section 29a. Benefits paid after a leaving
13 under this subparagraph must not be charged to the experience
14 account of the employer the individual left, but must be charged
15 instead to the nonchargeable benefits account. This subparagraph
16 does not apply after March 31, 2021.

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

19 (c) Failed without good cause to apply diligently for
20 available suitable work after receiving notice from the
21 unemployment agency of the availability of that work or failed to
22 apply for work with employers that could reasonably be expected to
23 have suitable work available.

24 (d) Failed without good cause while unemployed to report to
25 the individual's former employer or employing unit within a
26 reasonable time after that employer or employing unit provided
27 notice of the availability of an interview concerning available
28 suitable work with the former employer or employing unit.

29 (e) Failed without good cause to accept suitable work offered

1 to the individual or to return to the individual's customary self-
2 employment, if any, when directed by the employment office or the
3 unemployment agency. An employer that receives a monetary
4 determination under section 32 may notify the unemployment agency
5 regarding the availability of suitable work with the employer on
6 the monetary determination or other form provided by the
7 unemployment agency. Upon receipt of the notice of the availability
8 of suitable work, the unemployment agency shall notify the claimant
9 of the availability of suitable work.

10 (f) Lost his or her job due to absence from work resulting
11 from a violation of law for which the individual was convicted and
12 sentenced to jail or prison. This subdivision does not apply if
13 conviction of an individual results in a sentence to county jail
14 under conditions of day parole as provided in 1962 PA 60, MCL
15 801.251 to 801.258, or if the conviction was for a traffic
16 violation that resulted in an absence of less than 10 consecutive
17 work days from the individual's place of employment.

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

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

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

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

29 (i) Was discharged for theft connected with the individual's

1 work.

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

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

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

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

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

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

26 (ii) The employee did not provide the temporary help firm with
27 notice that the employee had completed his or her services for the
28 client within 7 days after completion of his or her services for
29 the client.

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

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

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

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

25 (n) Theft from the employer that resulted in the employee's
26 conviction, within 2 years of the date of the discharge, of theft
27 or a lesser included offense.

28 (2) A disqualification under subsection (1) begins the week in
29 which the act or discharge that caused the disqualification occurs

1 and continues until the disqualified individual requalifies under
2 subsection (3).

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

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

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

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

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

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

1 the unemployment compensation act of another state an amount equal
2 to, or in excess of, 40 times the state minimum hourly wage times
3 7, whichever is the lesser amount.

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

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

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

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

24 (e) For benefit years beginning on or after October 1, 2000
25 and beginning before April 26, 2002, if the individual is
26 disqualified under subsection (1)(a) or (b), he or she must
27 requalify, after the week in which the disqualifying act or
28 discharge occurred by earning in employment for an employer liable
29 under this act or the unemployment compensation law of another

1 state at least the lesser of the following:

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

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

4 (f) For benefit years beginning on or after April 26, 2002, if
5 the individual is disqualified under subsection (1)(a), he or she
6 must requalify, after the week in which the disqualifying act or
7 discharge occurred by earning in employment for an employer liable
8 under this act or the unemployment compensation law of another
9 state at least ~~12~~4 times the individual's weekly benefit rate.

10 (g) For benefit years beginning on or after April 26, 2002, if
11 the individual is disqualified under subsection (1)(b), he or she
12 must requalify, after the week in which the disqualifying act or
13 discharge occurred by earning in employment for an employer liable
14 under this act or the unemployment compensation law of another
15 state at least ~~17~~6 times the individual's weekly benefit rate.

16 (h) A benefit payable to the individual disqualified or
17 separated under disqualifying circumstances under subsection (1)(a)
18 or (b) must be charged to the nonchargeable benefits account, and
19 not to the account of the employer with whom the individual was
20 involved in the separation. Benefits payable to an individual
21 determined by the unemployment agency to be separated under
22 disqualifying circumstances must not be charged to the account of
23 the employer involved in the disqualification for any period after
24 the employer notifies the unemployment agency of the claimant's
25 possible ineligibility or disqualification. However, an individual
26 filing a new claim for benefits who reports the reason for
27 separation from a base period employer as a voluntary leaving is
28 presumed to have voluntarily left without good cause attributable
29 to the employer and is disqualified unless the individual provides

1 substantial evidence to rebut the presumption. If a disqualifying
2 act or discharge occurs during the individual's benefit year, any
3 benefits that may become payable to the individual in a later
4 benefit year based on employment with the employer involved in the
5 disqualification must be charged to the nonchargeable benefits
6 account.

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

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

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

28 (c) For benefit years established before October 1, 2000, an
29 individual disqualified under subsection (1)(h), (i), (j), (k), or

1 (m) is not entitled to benefits based on wages and credit weeks
2 earned before the disqualifying act or discharge with the employer
3 involved in the disqualification.

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

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

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

14 (i) The number of requalifying weeks required of the individual
15 under this section.

16 (ii) The number of weeks of benefit entitlement remaining on
17 the claim.

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

26 (5) Subject to subsection (11), if an individual leaves work
27 to accept permanent full-time work with another employer or to
28 accept a referral to another employer from the individual's union
29 hiring hall and performs services for that employer, or if an

1 individual leaves work to accept a recall from a former employer,
2 all of the following apply:

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

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

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

16 (6) In determining whether work is suitable for an individual,
17 the unemployment agency shall consider the degree of risk involved
18 to the individual's health, safety, and morals, the individual's
19 physical fitness and prior training, the individual's length of
20 unemployment and prospects for securing local work in the
21 individual's customary occupation, and the distance of the
22 available work from the individual's residence. Additionally, the
23 unemployment agency shall consider the individual's experience and
24 prior earnings, but an unemployed individual who refuses an offer
25 of work determined to be suitable under this section must be denied
26 benefits if the pay rate for that work is at least 70% of the gross
27 pay rate he or she received immediately before becoming unemployed.
28 Beginning January 15, 2012, after an individual has received
29 benefits for 50% of the benefit weeks in the individual's benefit

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

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

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

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

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

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

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

26 (i) A labor dispute in active progress at the place at which
27 the individual is or was last employed, or a shutdown or start-up
28 operation caused by that labor dispute.

29 (ii) A labor dispute, other than a lockout, in active progress

1 or a shutdown or start-up operation caused by that labor dispute in
2 any other establishment within the United States that is both
3 functionally integrated with the establishment described in
4 subparagraph (i) and operated by the same employing unit.

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

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

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

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

27 (iii) At any time a labor dispute in the establishment or
28 department in which the individual was employed does not exist, and
29 the individual voluntarily stops working, other than at the

1 direction of the individual's employing unit, in sympathy with
2 employees in some other establishment or department in which a
3 labor dispute is in progress.

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

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

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

28 (ii) If it is established that 1 of the issues in or purposes
29 of the labor dispute is to obtain a change in the terms and

1 conditions of employment for members of the individual's grade or
2 class of workers in the establishment in which the individual is or
3 was last employed.

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

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

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

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

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

24 (iv) Any functional integration of the work performed by those
25 workers.

26 (v) Whether the resolution of those issues involved in the
27 labor dispute as to some of the workers could directly or
28 indirectly affect the advancement, negotiation, or settlement of
29 the same or similar issues in respect to the remaining workers.

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

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

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

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

25 (11) Beginning on May 1, 2020, and until the effective date of
26 the amendatory act that added this subsection, if an individual
27 leaves work to accept permanent full-time work with another
28 employer, the individual is considered to have met the requirements
29 of subsection (5) regardless of whether the individual actually

1 performed services for the other employer or whether the work was
2 permanent full-time work. Benefits payable to the individual must
3 be charged to the nonchargeable benefits account.