

SENATE BILL NO. 176

February 24, 2021, Introduced by Senators ALEXANDER, ANANICH, BRINKS, GEISS, IRWIN, WOJNO, SANTANA, CHANG, POLEHANKI, MCCANN, BAYER, MOSS, HERTEL and HOLLIER and referred to the Committee on Economic and Small Business Development.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 32 (MCL 421.32), as amended by 2020 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (a) Claims for benefits shall be made pursuant to
2 regulations prescribed by the unemployment agency. The unemployment
3 agency shall designate representatives who shall promptly examine
4 claims and make a determination on the facts. The unemployment
5 agency may establish rules providing for the examination of claims,
6 the determination of the validity of the claims, and the amount and

1 duration of benefits to be paid. The claimant and other interested
2 parties shall be promptly notified of the determination and the
3 reasons for the determination.

4 (b) The unemployment agency shall mail to the claimant, to
5 each base period employer or employing unit, and to the separating
6 employer or employing unit, a monetary determination. The monetary
7 determination shall notify each of these employers or employing
8 units that the claimant has filed an application for benefits and
9 the amount the claimant reported as earned with the separating
10 employer or employing unit, and shall state the name of each
11 employer or employing unit in the base period and the name of the
12 separating employer or employing unit. The monetary determination
13 shall also state the claimant's weekly benefit rate, the amount of
14 base period wages paid by each base period employer, the maximum
15 benefit amount that could be charged to each employer's account or
16 experience account, and the reason for separation reported by the
17 claimant. The monetary determination shall also state whether the
18 claimant is monetarily eligible to receive unemployment benefits.
19 Except for separations under section 29(1)(a), no further
20 reconsideration of a separation from any base period employer will
21 be made unless the base period employer notifies the unemployment
22 agency of a possible disqualifying separation within 30 days of the
23 separation in accordance with this subsection. Charges to the
24 employer and payments to the claimant shall be as described in
25 section 20(a). New, additional, or corrected information received
26 by the unemployment agency more than 10 days after mailing the
27 monetary determination shall be considered a request for
28 reconsideration by the employer of the monetary determination and
29 shall be reviewed as provided in section 32a.

1 (c) For the purpose of determining a claimant's nonmonetary
2 eligibility and qualification for benefits, if the claimant's most
3 recent base period or benefit year separation was for a reason
4 other than the lack of work, then a determination shall be issued
5 concerning that separation to the claimant and to the separating
6 employer. If a claimant is not disqualified based on his or her
7 most recent separation from employment and has satisfied the
8 requirements of section 29, the unemployment agency shall issue a
9 nonmonetary determination as to that separation only. If a claimant
10 is not disqualified based on his or her most recent separation from
11 employment and has not satisfied the requirements of section 29,
12 the unemployment agency shall issue 1 or more nonmonetary
13 determinations necessary to establish the claimant's qualification
14 for benefits based on any prior separation in inverse chronological
15 order. ~~The unemployment agency shall consider all base period~~
16 ~~separations involving disqualifications under section 29(1) (h),~~
17 ~~(i), (j), (k), (m), or (n) in determining a claimant's nonmonetary~~
18 ~~eligibility and qualification for benefits.~~ An employer may
19 designate in writing to the unemployment agency an individual or
20 another employer or an employing unit to receive any notice
21 required to be given by the unemployment agency to that employer or
22 to represent that employer in any proceeding before the
23 unemployment agency as provided in section 31. Notwithstanding any
24 other provision of this act, beginning May 1, 2020, and until the
25 effective date of the amendatory act that added this subsection, in
26 determining a claimant's nonmonetary eligibility to qualify for
27 benefits, the unemployment agency shall not issue a determination
28 with respect to the claimant's separation from a base period or
29 benefit year employer other than the separating employer, and the

1 unemployment agency shall consider the claimant to have satisfied
2 the requirements of section 29(2) and (3).

3 (d) If the unemployment agency requests additional monetary or
4 nonmonetary information from an employer or employing unit and the
5 unemployment agency fails to receive a written response from the
6 employer or employing unit within 10 calendar days after the date
7 of mailing the request for information, the unemployment agency
8 shall make a determination based upon the available information at
9 the time the determination is made. Charges to the employer and
10 payments to the claimant shall be as described in section 20(a).

11 (e) The claimant or interested party may file an application
12 with an office of the unemployment agency for a redetermination in
13 accordance with section 32a.

14 (f) The issuance of each benefit check shall be considered a
15 determination by the unemployment agency that the claimant
16 receiving the check was covered during the compensable period, and
17 eligible and qualified for benefits. A chargeable employer, upon
18 receipt of a listing of the check as provided in section 21(a), may
19 protest by requesting a redetermination of the claimant's
20 eligibility or qualification as to that period and a determination
21 as to later weeks and benefits still unpaid that are affected by
22 the protest. Upon receipt of the protest or request, the
23 unemployment agency shall investigate and redetermine whether the
24 claimant is eligible and qualified as to that period. If, upon the
25 redetermination, the claimant is found ineligible or not qualified,
26 the unemployment agency shall proceed as described in section 62.
27 In addition, the unemployment agency shall investigate and
28 determine whether the claimant obtained benefits for 1 or more
29 preceding weeks within the series of consecutive weeks that

1 includes the week covered by the redetermination and, if so, shall
2 proceed as described in section 62 as to those weeks.

3 Notwithstanding any other provision of this act, for benefits
4 charged after March 15, 2020 but before January 1, 2021, an
5 employer has 1 year after the date a benefit payment is charged
6 against the employer's account to protest that charge.

7 (g) If a claimant commences to file continued claims through a
8 different state claim office in this state or elsewhere, the
9 unemployment agency promptly shall issue written notice of that
10 fact to the chargeable employer.

11 (h) If a claimant refuses an offer of work, or fails to apply
12 for work of which the claimant has been notified, as provided in
13 section 29(1)(c) or (e), the unemployment agency shall promptly
14 make a written determination as to whether or not the refusal or
15 failure requires disqualification under section 29. Notice of the
16 determination, specifying the name and address of the employing
17 unit offering or giving notice of the work and of the chargeable
18 employer, shall be sent to the claimant, the employing unit
19 offering or giving notice of the work, and the chargeable employer.

20 (i) The unemployment agency shall issue a notification to the
21 claimant of claimant rights and responsibilities within 2 weeks
22 after the initial benefit payment on a claim and 6 months after the
23 initial benefit payment on the claim. If the claimant selected a
24 preferred form of communication, the notification must be conveyed
25 by that form. Issuing the notification must not delay or interfere
26 with the claimant's benefit payment. The notification must contain
27 clear and understandable information pertaining to all of the
28 following:

29 (i) Determinations as provided in section 62.

- 1 (ii) Penalties and other sanctions as provided in this act.
- 2 (iii) Legal right to protest the determination and the right to
- 3 appeal through the administrative hearing system.
- 4 (iv) Other information needed to understand and comply with
- 5 agency rules and regulations not specified in this section.