

HOUSE BILL NO. 5000

September 18, 2025, Introduced by Reps. McKinney, Weiss, Breen, T. Carter, Tsernoglou, Xiong, Young, Longjohn, Koleszar, Rheingans, Hoskins, Price, Wegela, Skaggs, Mentzer, Morgan, Scott, Andrews, Pohutsky and Wooden and referred to Committee on Economic Competitiveness.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 27 (MCL 421.27), as amended by 2024 PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (a) (1) When a determination, redetermination, or
2 decision is made that benefits are due an unemployed individual,
3 the benefits become payable from the fund and continue to be
4 payable to the unemployed individual, subject to the limitations
5 imposed by the individual's monetary entitlement, if the individual
6 continues to be unemployed and to file claims for benefits, until
7 the determination, redetermination, or decision is reversed or a

determination, redetermination, or decision on a new issue holding the individual disqualified or ineligible is made.

(2) Benefits are payable in person or by mail through employment security offices in accordance with rules promulgated by the unemployment **insurance** agency.

(b)(1) Subject to subsection (f), for benefit years beginning ~~on or after October 1, 2000, before~~ **January 1, 2026**, an individual's weekly benefit rate is 4.1% of the individual's wages paid in the calendar quarter of the base period in which the individual was paid the highest total wages, plus \$6.00 for each dependent as defined in subdivision (4), except as otherwise provided in this subdivision, up to a maximum of 5 dependents, claimed by the individual at the time the individual files a new claim for benefits, except that the individual's maximum weekly benefit rate must not exceed \$362.00 before January 1, 2025. **For benefit years beginning on or after January 1, 2026, subject to the maximum weekly benefit rate established in this section, an individual's weekly benefit rate is 5.1% of the individual's wages paid in the calendar quarter of the base period in which the individual was paid the highest total wages plus the applicable monetary amount for each dependent up to a maximum of 5 dependents claimed by the individual at the time the individual files a new claim for benefits.** The unemployment **insurance** agency shall establish the procedures necessary to verify the number of dependents claimed. An individual who fraudulently claims a dependent is subject to the penalties set forth in sections 54 and 54c. For benefit years beginning on or after October 2, 1983, the weekly benefit rate must be adjusted to the next lower multiple of \$1.00. Beginning January 1, 2025, an individual's weekly benefit

1 rate must be calculated in accordance with this subdivision using
2 the following monetary amounts for each dependent, if any, and must
3 not exceed the following maximum weekly benefit rates:

4 (a) For a claim filed on or after January 1, 2025, \$12.66 for
5 each dependent, and the maximum weekly benefit rate must not exceed
6 \$446.00.

7 (b) For a claim filed on or after January 1, 2026, \$19.33 for
8 each dependent, and the maximum weekly benefit rate must not exceed
9 \$530.00.

10 (c) For a claim filed on or after January 1, 2027, \$26.00 for
11 each dependent, and the maximum weekly benefit rate must not exceed
12 \$614.00.

13 (d) For a claim filed on or after January 1, 2028, the
14 adjusted monetary amount established under subsection (r) for each
15 dependent, and the maximum weekly benefit rate must not exceed the
16 adjusted maximum weekly benefit rate established under subsection
17 (r).

18 (2) For benefit years beginning before October 1, 2000, the
19 state average weekly wage for a calendar year is computed on the
20 basis of the 12 months ending the June 30 immediately preceding
21 that calendar year.

22 (3) For benefit years beginning before October 1, 2000, a
23 dependent means any of the following individuals who are receiving
24 and for at least 90 consecutive days immediately before the week
25 for which benefits are claimed, or, in the case of a dependent
26 ~~husband, wife,~~ **spouse** or child, for the duration of the marital or
27 parental relationship, if the relationship has existed less than 90
28 days, has received more than 1/2 the cost of ~~his or her~~ **the**
29 **spouse's or child's** support from the individual claiming benefits:

1 (a) A child, including stepchild, adopted child, or grandchild
2 of the individual who is under 18 years of age, or 18 years of age
3 or over if, because of physical or mental infirmity, the child is
4 unable to engage in a gainful occupation, or is a full-time student
5 as defined by the particular educational institution, at a high
6 school, vocational school, community or junior college, or college
7 or university and has not attained the age of 22.

8 (b) The ~~husband or wife~~ **spouse** of the individual.

9 (c) The legal ~~father or mother~~ **parent** of the individual if
10 that parent is either more than 65 years of age or is permanently
11 disabled from engaging in a gainful occupation.

12 (d) A ~~brother or sister~~ **sibling** of the individual if the
13 ~~brother or sister~~ **sibling** is orphaned or the living parents are
14 dependent parents of an individual, and the ~~brother or sister~~
15 **sibling** is under 18 years of age, or 18 years of age or over if,
16 because of physical or mental infirmity, the ~~brother or sister~~
17 **sibling** is unable to engage in a gainful occupation, or is a full-
18 time student as defined by the particular educational institution,
19 at a high school, vocational school, community or junior college,
20 or college or university and is less than 22 years of age.

21 (4) For benefit years beginning on or after October 1, 2000, a
22 dependent means any of the following individuals who received for
23 at least 90 consecutive days immediately before the first week of
24 the benefit year or, in the case of a dependent ~~husband, wife,~~
25 **spouse** or child, for the duration of the marital or parental
26 relationship if the relationship existed less than 90 days before
27 the beginning of the benefit year, has received more than 1/2 the
28 cost of ~~his or her~~ **the spouse's or child's** support from the
29 individual claiming the benefits:

1 (a) A child, including stepchild, adopted child, or grandchild
2 of the individual who is under 18 years of age, or 18 years of age
3 and over if, because of physical or mental infirmity, the child is
4 unable to engage in a gainful occupation, or is a full-time student
5 as defined by the particular educational institution, at a high
6 school, vocational school, community or junior college, or college
7 or university and has not attained the age of 22.

8 (b) The ~~husband or wife~~ **spouse** of the individual.

9 (c) The legal ~~father or mother~~ **parent** of the individual if
10 that parent is either more than 65 years of age or is permanently
11 disabled from engaging in a gainful occupation.

12 (d) A ~~brother or sister~~ **sibling** of the individual if the
13 ~~brother or sister~~ **sibling** is orphaned or the living parents are
14 dependent parents of an individual, and the ~~brother or sister~~
15 **sibling** is under 18 years of age, or 18 years of age and over if,
16 because of physical or mental infirmity, the ~~brother or sister~~
17 **sibling** is unable to engage in a gainful occupation, or is a full-
18 time student as defined by the particular educational institution,
19 at a high school, vocational school, community or junior college,
20 or college or university and is less than 22 years of age.

21 (5) The number of dependents established for an individual at
22 the beginning of the benefit year remains in effect during the
23 entire benefit year.

24 (6) Dependency status of a dependent, child or otherwise, once
25 established or fixed in favor of an individual is not transferable
26 to or usable by another individual with respect to the same week.

27 Failure on the part of an individual, because of
28 misinformation or lack of information, to furnish all information
29 material for determination of the number of the individual's

1 dependents is good cause to issue a redetermination as to the
2 amount of benefits based on the number of the individual's
3 dependents as of the beginning of the benefit year.

4 (c) Subject to subsection (f), all of the following apply to
5 eligible individuals:

6 (1) Each eligible individual must be paid a weekly benefit
7 rate for a week that the individual earns or receives no
8 remuneration. Notwithstanding the definition of week in section 50,
9 if within 2 consecutive weeks in which an individual was not
10 unemployed within the meaning of section 48 there was a period of 7
11 or more consecutive days for which the individual did not earn or
12 receive remuneration, that period is considered a week for benefit
13 purposes under this act if a claim for benefits for that period is
14 filed not later than 30 days after the end of the period.

15 (2) An eligible individual's weekly benefit rate is reduced at
16 the rate of 50 cents for each whole \$1.00 of remuneration in which
17 the eligible individual earns or receives remuneration in that
18 benefit week. The weekly benefit rate is not reduced under this
19 subdivision for remuneration received for on-call or training
20 services as a volunteer firefighter, if the volunteer firefighter
21 receives less than \$10,000.00 in a calendar year for services as a
22 volunteer firefighter.

23 (3) The total benefits and earnings for an individual who
24 receives or earns partial remuneration may not exceed 1-1/2 times
25 ~~his or her~~ **the individual's** weekly benefit amount. The individual's
26 benefits are reduced by \$1.00 for each dollar by which the total
27 benefits and earnings exceed 1-1/2 times the individual's weekly
28 benefit amount.

29 (4) If the reduction in a claimant's benefit rate for a week

1 in accordance with subdivision (2) or (3) results in a benefit rate
2 greater than zero for that week, the claimant's balance of weeks of
3 benefit payments is reduced by 1 week.

4 (5) All remuneration for work performed during a shift that
5 terminates on 1 day but that began on the preceding day is
6 considered to have been earned by the eligible individual on the
7 preceding day.

8 (6) The unemployment **insurance** agency shall report annually to
9 the legislature the following information with regard to
10 subdivisions (2) and (3):

11 (a) The number of individuals whose weekly benefit rate was
12 reduced at the rate of 50 cents for each whole \$1.00 of
13 remuneration earned or received over the immediately preceding
14 calendar year.

15 (b) The number of individuals who received or earned partial
16 remuneration at or exceeding the applicable limit of 1-1/2 times
17 ~~their~~ **the individuals'** weekly benefit amount prescribed in
18 subdivision (3) for any 1 or more weeks during the immediately
19 preceding calendar year.

20 (7) The unemployment **insurance** agency shall not use prorated
21 quarterly wages to establish a reduction in benefits under this
22 subsection.

23 (d) Subject to subsection (f) and this subsection, the maximum
24 benefit amount payable to an individual in a benefit year for
25 purposes of this section and section 20(d) is the number of weeks
26 of benefits payable to an individual during the benefit year,
27 multiplied by the individual's weekly benefit rate. The number of
28 weeks of benefits payable to an individual is calculated by taking
29 43% of the individual's base period wages and dividing the result

1 by the individual's weekly benefit rate. If the quotient is not a
2 whole or half number, the result is rounded down to the nearest
3 half number. For each eligible individual filing an initial claim
4 on or after January 15, 2012, not more than 20 weeks of benefits or
5 less than 14 weeks of benefits are payable to an individual in a
6 benefit year. For each eligible individual filing an initial claim
7 on or after ~~the effective date of the amendatory act that added~~
8 ~~this sentence,~~ **April 2, 2025**, not more than 26 weeks of benefits or
9 less than 14 weeks of benefits are payable to an individual in a
10 benefit year. The limitation of total benefits set forth in this
11 subsection does not apply to claimants declared eligible for
12 training benefits in accordance with subsection (g).

13 Notwithstanding any other provision of this act, and subject to
14 subsection (q), with respect to benefit years and claims for weeks
15 beginning before April 1, 2021, for each eligible individual who
16 files a claim for benefits and establishes a benefit year, not more
17 than 26 weeks of benefits or less than 14 weeks of benefits may be
18 payable to an individual in a benefit year.

19 (e) ~~When~~ **If** a claimant dies or is judicially declared insane
20 or mentally incompetent, unemployment compensation benefits accrued
21 and payable to that claimant for weeks of unemployment before
22 death, insanity, or incompetency, but not paid, become due and
23 payable to the person ~~who~~ **that** is the legal heir or guardian of the
24 claimant or to any other person found by the unemployment **insurance**
25 agency to be equitably entitled to the benefits by reason of having
26 incurred expense in behalf of the claimant for the claimant's
27 burial or other necessary expenses.

28 (f) (1) For benefit years beginning before October 1, 2000, and
29 notwithstanding any inconsistent provisions of this act, the weekly

1 benefit rate of each individual who is receiving or will receive a
2 ~~"retirement benefit", as defined in subdivision (4),~~ **retirement**
3 **benefit** is adjusted as provided in subparagraphs (a), (b), and (c).
4 However, an individual's extended benefit account and an
5 individual's weekly extended benefit rate under section 64 is
6 established without reduction under this subsection unless
7 subdivision (5) is in effect. Except as otherwise provided in this
8 subsection, all other provisions of this act continue to apply in
9 connection with the benefit claims of those retired individuals.

10 (a) If and to the extent that unemployment benefits payable
11 under this act would be chargeable to an employer ~~who~~**that** has
12 contributed to the financing of a retirement plan under which the
13 claimant is receiving or will receive a retirement benefit yielding
14 a pro rata weekly amount equal to or larger than the claimant's
15 weekly benefit rate as otherwise established under this act, the
16 claimant must not receive unemployment benefits that would be
17 chargeable to the employer under this act.

18 (b) If and to the extent that unemployment benefits payable
19 under this act would be chargeable to an employer ~~who~~**that** has
20 contributed to the financing of a retirement plan under which the
21 claimant is receiving or will receive a retirement benefit yielding
22 a pro rata weekly amount less than the claimant's weekly benefit
23 rate as otherwise established under this act, then the weekly
24 benefit rate otherwise payable to the claimant and chargeable to
25 the employer under this act is reduced by an amount equal to the
26 pro rata weekly amount, adjusted to the next lower multiple of
27 \$1.00, which the claimant is receiving or will receive as a
28 retirement benefit.

29 (c) If the unemployment benefit payable under this act would

1 be chargeable to an employer ~~who~~**that** has not contributed to the
2 financing of a retirement plan under which the claimant is
3 receiving or will receive a retirement benefit, then the weekly
4 benefit rate of the claimant as otherwise established under this
5 act is not reduced because the claimant is receiving or will
6 receive a retirement benefit.

7 (d) If the unemployment benefit payable under this act is
8 computed on the basis of multiemployer credit weeks and a portion
9 of the benefit is allocable under section 20(e) to an employer ~~who~~
10 **that** has contributed to the financing of a retirement plan under
11 which the claimant is receiving or will receive a retirement
12 benefit, the adjustments required by subparagraph (a) or (b) apply
13 only to that portion of the weekly benefit rate that would
14 otherwise be allocable and chargeable to the employer.

15 (2) If an individual's weekly benefit rate under this act was
16 established before the period for which the individual first
17 receives a retirement benefit, any benefits received after a
18 retirement benefit becomes payable must be determined in accordance
19 with the formula stated in this subsection.

20 (3) When necessary to ~~assure~~**ensure** prompt payment of
21 benefits, the unemployment **insurance** agency shall determine the pro
22 rata weekly amount yielded by an individual's retirement benefit
23 based on the best information currently available to it. In the
24 absence of fraud, a determination must not be reconsidered unless
25 it is established that the individual's actual retirement benefit
26 in fact differs from the amount determined by \$2.00 or more per
27 week. The reconsideration applies only to benefits that may be
28 claimed after the information on which the reconsideration is based
29 was received by the unemployment **insurance** agency.

1 (4) (a) As used in this subsection, "retirement benefit" means
2 a benefit, annuity, or pension of any type, or a part thereof as
3 described in subparagraph (b), that is both of the following:

4 (i) Provided as an incident of employment under an established
5 retirement plan, policy, or agreement, including federal Social
6 Security if subdivision (5) is in effect.

7 (ii) Payable to an individual because the individual has
8 qualified on the basis of attained age, length of service, or
9 disability, whether or not the individual retired or was retired
10 from employment. Amounts paid to individuals in the course of
11 liquidation of a private pension or retirement fund because of
12 termination of the business or of a plant or department of the
13 business of the employer involved are not retirement benefits.

14 (b) If a benefit as described in subparagraph (a) is payable
15 or paid to an individual under a plan to which the individual has
16 contributed, the benefit is treated as follows:

17 (i) If the individual has contributed less than 1/2 of the cost
18 of the benefit, then only 1/2 of the benefit is treated as a
19 retirement benefit.

20 (ii) If the individual has contributed 1/2 or more of the cost
21 of the benefit, then none of the benefit is treated as a retirement
22 benefit.

23 (c) The burden of establishing the extent of an individual's
24 contribution to the cost of ~~his or her~~ **the individual's** retirement
25 benefit for the purpose of subparagraph (b) is upon the employer
26 ~~who~~ **that** has contributed to the plan under which a benefit is
27 provided.

28 (5) Notwithstanding any other provision of this subsection,
29 for any week that an individual is receiving a governmental or

1 other pension and claiming unemployment compensation, the weekly
2 benefit amount payable to the individual for those weeks is
3 reduced, but not below zero, by the entire prorated weekly amount
4 of any governmental or other pension, retirement or retired pay,
5 annuity, or any other similar payment that is based on any previous
6 work of the individual. This reduction is made only if it is
7 required as a condition for full tax credit against the tax imposed
8 by the federal unemployment tax act, 26 USC 3301 to 3311.

9 (6) For benefit years beginning on or after October 1, 2000,
10 notwithstanding any inconsistent provisions of this act, the weekly
11 benefit rate of each individual who is receiving or will receive a
12 retirement benefit, as defined in subdivision (4), is adjusted as
13 provided in subparagraphs (a), (b), and (c). However, an
14 individual's extended benefit account and an individual's weekly
15 extended benefit rate under section 64 is established without
16 reduction under this subsection, unless subdivision (5) is in
17 effect. Except as otherwise provided in this subsection, all the
18 other provisions of this act apply to the benefit claims of those
19 retired individuals. However, if the reduction would impair the
20 full tax credit against the tax imposed by the federal unemployment
21 tax act, 26 USC 3301 to 3311, unemployment benefits are not reduced
22 as provided in subparagraphs (a), (b), and (c) for receipt of any
23 governmental or other pension, retirement or retired pay, annuity,
24 or other similar payment that was not includable in the gross
25 income of the individual for the taxable year in which it was
26 received because it was a part of a rollover distribution.

27 (a) If any base period employer or chargeable employer has
28 contributed to the financing of a retirement plan under which the
29 claimant is receiving or will receive a retirement benefit yielding

1 a pro rata weekly amount equal to or larger than the claimant's
2 weekly benefit rate as otherwise established under this act, the
3 claimant is not eligible to receive unemployment benefits.

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

13 (c) If no base period employer or separating employer has
14 contributed to the financing of a retirement plan under which the
15 claimant is receiving or will receive a retirement benefit, then
16 the weekly benefit rate of the claimant as otherwise established
17 under this act is not reduced because the claimant is receiving or
18 will receive a retirement benefit.

19 (g) Notwithstanding any other provision of this act, an
20 individual pursuing vocational training or retraining pursuant to
21 section 28(2) who has exhausted all benefits available under
22 subsection (d) may be paid for each week of approved vocational
23 training pursued beyond the date of exhaustion of a benefit amount
24 in accordance with subsection (c), but not in excess of the
25 individual's most recent weekly benefit rate. However, an
26 individual must not be paid training benefits totaling more than 18
27 times the individual's most recent weekly benefit rate. The
28 expiration or termination of a benefit year does not stop or
29 interrupt payment of training benefits if the training for which

1 the benefits were granted began before expiration or termination of
2 the benefit year.

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

9 (i) Benefits based on service in employment described in
10 section 42(8), (9), and (10) are payable in the same amount, on the
11 same terms, and subject to the same conditions as compensation
12 payable on the basis of other service subject to this act, except
13 that all of the following apply:

14 (1) For service performed in an instructional, research, or
15 principal administrative capacity for an institution of higher
16 education as defined in section 53(2), or for an educational
17 institution other than an institution of higher education as
18 defined in section 53(3), benefits are not payable to an individual
19 based on those services for any week of unemployment that commences
20 during the period between 2 successive academic years or during a
21 similar period between 2 regular terms, whether or not successive,
22 or during a period of paid sabbatical leave provided for in the
23 individual's contract, to an individual if the individual performs
24 the service in the first of the academic years or terms and if
25 there is a contract or a reasonable assurance that the individual
26 will perform service in an instructional, research, or principal
27 administrative capacity for an institution of higher education or
28 an educational institution other than an institution of higher
29 education in the second of the academic years or terms, whether or

1 not the terms are successive.

2 (2) For service performed in other than an instructional,
3 research, or principal administrative capacity for an institution
4 of higher education as defined in section 53(2) or for an
5 educational institution other than an institution of higher
6 education as defined in section 53(3), benefits are not payable
7 based on those services for any week of unemployment that commences
8 during the period between 2 successive academic years or terms to
9 any individual if that individual performs the service in the first
10 of the academic years or terms and if there is a reasonable
11 assurance that the individual will perform the service for an
12 institution of higher education or an educational institution other
13 than an institution of higher education in the second of the
14 academic years or terms.

15 (3) For any service described in subdivision (1) or (2),
16 benefits are not payable to an individual based on service for any
17 week of unemployment that commences during an established and
18 customary vacation period or holiday recess if the individual
19 performs the service in the period immediately before the vacation
20 period or holiday recess and there is a contract or reasonable
21 assurance that the individual will perform the service in the
22 period immediately following the vacation period or holiday recess.

23 (4) If benefits are denied to an individual for any week
24 solely as a result of subdivision (2) and the individual was not
25 offered an opportunity to perform in the second academic year or
26 term the service for which reasonable assurance had been given, the
27 individual is entitled to a retroactive payment of benefits for
28 each week for which the individual had previously filed a timely
29 claim for benefits. An individual entitled to benefits under this

1 subdivision may apply for those benefits by mail in accordance with
2 R 421.210 of the Michigan Administrative Code.

3 (5) The unemployment **insurance** agency shall not deny benefits
4 based on services in other than an instructional, research, or
5 principal administrative capacity for an institution of higher
6 education for any week of unemployment commencing during the period
7 between 2 successive academic years or terms solely because the
8 individual had performed the service in the first of the academic
9 years or terms and there is reasonable assurance that the
10 individual will perform the service for an institution of higher
11 education or an educational institution other than an institution
12 of higher education in the second of the academic years or terms,
13 unless a denial is required as a condition for full tax credit
14 against the tax imposed by the federal unemployment tax act, 26 USC
15 3301 to 3311.

16 (6) For benefit years established before October 1, 2000, and
17 notwithstanding subdivisions (1), (2), and (3), the denial of
18 benefits does not prevent an individual from completing
19 requalifying weeks in accordance with section 29(3) nor does the
20 denial prevent an individual from receiving benefits based on
21 service with an employer other than an educational institution for
22 any week of unemployment occurring between academic years or terms,
23 whether or not successive, or during an established and customary
24 vacation period or holiday recess, even though the employer is not
25 the most recent chargeable employer in the individual's base
26 period. However, in that case section 20(b) applies to the sequence
27 of benefit charging, except for the employment with the educational
28 institution. When a denial of benefits under subdivision (1) no
29 longer applies, benefits are charged in accordance with the normal

1 sequence of charging as provided in section 20(b).

2 (7) For benefit years beginning on or after October 1, 2000,
3 and notwithstanding subdivisions (1), (2), and (3), the denial of
4 benefits does not prevent an individual from completing
5 requalifying weeks in accordance with section 29(3) and does not
6 prevent an individual from receiving benefits based on service with
7 another base period employer other than an educational institution
8 for any week of unemployment occurring between academic years or
9 terms, whether or not successive, or during an established and
10 customary vacation period or holiday recess. However, if benefits
11 are paid based on service with 1 or more base period employers
12 other than an educational institution, the individual's weekly
13 benefit rate is calculated in accordance with subsection (b)(1) but
14 during the denial period the individual's weekly benefit payment is
15 reduced by the portion of the payment attributable to base period
16 wages paid by an educational institution and the account or
17 experience account of the educational institution is not charged
18 for benefits payable to the individual. When a denial of benefits
19 under subdivision (1) is no longer applicable, benefits are paid
20 and charged on the basis of base period wages with each of the base
21 period employers including the educational institution.

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

28 (9) In accordance with subdivisions (1), (2), and (3),
29 benefits for any week of unemployment are denied to an individual

1 who performed services described in subdivision (1), (2), or (3) in
2 an educational institution while in the employ of an educational
3 service agency. For the purpose of this subdivision, "educational
4 service agency" means a governmental agency or governmental entity
5 that is established and operated exclusively for the purpose of
6 providing the services to 1 or more educational institutions.

7 (j) Benefits are not payable to an individual on the basis of
8 any base period services, substantially all of which consist of
9 participating in sports or athletic events or training or preparing
10 to participate, for a week that commences during the period between
11 2 successive sport seasons or similar periods if the individual
12 performed the services in the first of the seasons or similar
13 periods and there is a reasonable assurance that the individual
14 will perform the services in the later of the seasons or similar
15 periods.

16 (k) (1) Benefits are not payable on the basis of services
17 performed by an alien unless the alien is an individual who was
18 lawfully admitted for permanent residence at the time the services
19 were performed, was lawfully present for the purpose of performing
20 the services, or was permanently residing in the United States
21 under color of law at the time the services were performed,
22 including an alien who was lawfully present in the United States
23 under section 212(d) (5) of the immigration and nationality act, 8
24 USC 1182.

25 (2) Any data or information required of individuals applying
26 for benefits to determine whether benefits are payable because of
27 their alien status are uniformly required from all applicants for
28 benefits.

29 (3) If an individual's application for benefits would

1 otherwise be approved, a determination that benefits to that
2 individual are not payable because of the individual's alien status
3 must be made upon a preponderance of the evidence.

4 (m)(1) An individual filing a new claim for unemployment
5 compensation under this act, at the time of filing the claim, shall
6 disclose whether the individual owes child support obligations as
7 defined in this subsection. If an individual discloses that ~~he or~~
8 ~~she~~**the individual** owes child support obligations and is determined
9 to be eligible for unemployment compensation, the unemployment
10 **insurance** agency shall notify the state or local child support
11 enforcement agency enforcing the obligation that the individual has
12 been determined to be eligible for unemployment compensation.

13 (2) Notwithstanding section 30, the unemployment **insurance**
14 agency shall deduct and withhold from any unemployment compensation
15 payable to an individual who owes child support obligations by
16 using whichever of the following methods results in the greatest
17 amount:

18 (a) The amount, if any, specified by the individual to be
19 deducted and withheld under this subdivision.

20 (b) The amount, if any, determined pursuant to an agreement
21 submitted to the unemployment **insurance** agency under 42 USC
22 654(19)(B)(i), by the state or local child support enforcement
23 agency.

24 (c) Any amount otherwise required to be deducted and withheld
25 from unemployment compensation by legal process, as that term is
26 defined in 42 USC 659(i)(5), properly served upon the unemployment
27 **insurance** agency.

28 (3) The amount of unemployment compensation subject to
29 deduction under subdivision (2) is that portion that remains

1 payable to the individual after application of the recovery
2 provisions of section 62(a) and the reduction provisions of
3 subsections (c) and (f).

4 (4) The unemployment **insurance** agency shall pay any amount
5 deducted and withheld under subdivision (2) to the appropriate
6 state or local child support enforcement agency.

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

12 (6) Provisions concerning deductions under this subsection
13 apply only if the state or local child support enforcement agency
14 agrees in writing to reimburse and does reimburse the unemployment
15 **insurance** agency for the administrative costs incurred by the
16 unemployment **insurance** agency under this subsection that are
17 attributable to child support obligations being enforced by the
18 state or local child support enforcement agency. The administrative
19 costs incurred are determined by the unemployment **insurance** agency.
20 The unemployment **insurance** agency, in its discretion, may require
21 payment of administrative costs in advance.

22 (7) As used in this subsection:

23 (a) "Unemployment compensation", for purposes of subdivisions
24 (1) to (5), means any compensation payable under this act,
25 including amounts payable by the unemployment **insurance** agency
26 pursuant to an agreement under any federal law providing for
27 compensation, assistance, or allowances with respect to
28 unemployment.

29 (b) "Child support obligations" includes only obligations that

1 are being enforced pursuant to a plan described in 42 USC 654 that
2 has been approved by the Secretary of Health and Human Services
3 under 42 USC 651 to 669b.

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

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

16 (o)(1) Benefits based on services by a seasonal worker
17 performed in seasonal employment are payable only for weeks of
18 unemployment that occur during the normal seasonal work period.
19 Benefits are not payable based on services performed in seasonal
20 employment for any week of unemployment that begins during the
21 period between 2 successive normal seasonal work periods to any
22 individual if that individual performs the service in the first of
23 the normal seasonal work periods and if there is a reasonable
24 assurance that the individual will perform the service for a
25 seasonal employer in the second of the normal seasonal work
26 periods. If benefits are denied to an individual for any week
27 solely as a result of this subsection and the individual is not
28 offered an opportunity to perform in the second normal seasonal
29 work period for which reasonable assurance of employment had been

1 given, the individual is entitled to a retroactive payment of
2 benefits under this subsection for each week that the individual
3 previously filed a timely claim for benefits. An individual may
4 apply for any retroactive benefits under this subsection in
5 accordance with R 421.210 of the Michigan Administrative Code.

6 (2) Not less than 20 days before the estimated beginning date
7 of a normal seasonal work period, an employer may apply to the
8 unemployment **insurance** agency in writing for designation as a
9 seasonal employer. At the time of application, the employer shall
10 conspicuously display a copy of the application on the employer's
11 premises. Within 90 days after receipt of the application, the
12 unemployment **insurance** agency shall determine if the employer is a
13 seasonal employer. A determination or redetermination of the
14 unemployment **insurance** agency concerning the status of an employer
15 as a seasonal employer, or a decision of an administrative law
16 judge, the Michigan compensation appellate commission, or the
17 courts of this state concerning the status of an employer as a
18 seasonal employer, that has become final, together with the record
19 thereof, may be introduced in any proceeding involving a claim for
20 benefits, and the facts found and decision issued in the
21 determination, redetermination, or decision are conclusive unless
22 substantial evidence to the contrary is introduced by or on behalf
23 of the claimant.

24 (3) If the unemployment **insurance** agency determines that an
25 employer is a seasonal employer, the employer shall conspicuously
26 display on its premises a notice that includes the determination,
27 the beginning and ending dates of the employer's normal seasonal
28 work periods, and a statement that an employee must timely apply
29 for unemployment benefits at the end of a first seasonal work

1 period to preserve ~~his or her~~ **the employee's** right to receive
2 retroactive unemployment benefits if ~~he or she~~ **the employee** is not
3 reemployed by the seasonal employer in the second of the normal
4 seasonal work periods. The unemployment **insurance** agency shall
5 provide the notice to the employer.

6 (4) The unemployment **insurance** agency may issue a
7 determination terminating an employer's status as a seasonal
8 employer on the unemployment **insurance** agency's own motion for good
9 cause, or upon the written request of the employer. A termination
10 determination under this subdivision terminates an employer's
11 status as a seasonal employer, and becomes effective on the
12 beginning date of the normal seasonal work period that would have
13 immediately followed the date the unemployment **insurance** agency
14 issues the determination. A determination under this subdivision is
15 subject to review in the same manner and to the same extent as any
16 other determination under this act.

17 (5) An employer ~~whose~~ **that has its** status as a seasonal
18 employer ~~is~~ terminated under subdivision (4) may not reapply for a
19 seasonal employer status determination until after a regularly
20 recurring normal seasonal work period has begun and ended.

21 (6) If a seasonal employer informs an employee who received
22 assurance of being rehired that, despite the assurance, the
23 employee will not be rehired at the beginning of the employer's
24 next normal seasonal work period, this subsection does not prevent
25 the employee from receiving unemployment benefits in the same
26 manner and to the same extent ~~he or she~~ **the employee** would receive
27 benefits under this act from an employer ~~who~~ **that** has not been
28 determined to be a seasonal employer.

29 (7) A successor of a seasonal employer is considered to be a

1 seasonal employer unless the successor provides the unemployment
2 **insurance** agency, within 120 days after the transfer, with a
3 written request for termination of its status as a seasonal
4 employer in accordance with subdivision (4).

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

13 (9) As used in this subsection:

14 (a) "Construction industry" means the work activity designated
15 in sector group 23 - construction of the North American
16 Classification System - United States Office of Management and
17 Budget, 1997 edition.

18 (b) "Normal seasonal work period" means that period or those
19 periods of time determined under rules promulgated by the
20 unemployment **insurance** agency during which an individual is
21 employed in seasonal employment.

22 (c) "Seasonal employment" means the employment of 1 or more
23 individuals primarily hired to perform services during regularly
24 recurring periods of 26 weeks or less in any 52-week period other
25 than services in the construction industry.

26 (d) "Seasonal employer" means an employer, other than an
27 employer in the construction industry, ~~who~~**that** applies to the
28 unemployment **insurance** agency for designation as a seasonal
29 employer and ~~who~~**that** the unemployment **insurance** agency determines

1 is an employer ~~whose~~**that has** operations and business **that** require
 2 employees engaged in seasonal employment. A seasonal employer
 3 designation under this act need not correspond to a category
 4 assigned under the North American Classification System - United
 5 States Office of Management and Budget.

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

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

18 (p) Benefits are not payable to an individual based ~~upon his~~
 19 ~~or her~~**on the individual's** services as a school crossing guard for
 20 any week of unemployment that begins between 2 successive academic
 21 years or terms, if the individual performs the services of a school
 22 crossing guard in the first of the academic years or terms and has
 23 a reasonable assurance that ~~he or she~~**the individual** will perform
 24 those services in the second of the academic years or terms.

25 (q) The extension of benefits for claims for weeks beginning
 26 after January 1, 2021 but before April 1, 2021 as described in
 27 subsection (d) does not take effect unless \$220,000,000.00 or more
 28 is appropriated as provided for in Senate Bill No. 748 of the 100th
 29 Legislature for deposit into the unemployment compensation fund to

1 cover the extension of benefits. After March 1, 2021, from the
2 funds appropriated in Senate Bill No. 748 of the 100th Legislature
3 for Michigan unemployment compensation funds, \$220,000,000.00 shall
4 be deposited into the unemployment compensation fund for the sole
5 purpose of funding the extension of benefits for claims for weeks
6 beginning after January 1, 2021 but before April 1, 2021 as
7 described in subsection (d). If federal funds are available and
8 expenditures are allowable under federal law, expenditures of
9 federal funds under this subsection shall occur before the
10 expenditure of state general fund appropriations made for the same
11 purpose described in this subsection. State general fund
12 appropriations replaced by federal expenditures authorized under
13 this subsection shall revert to the general fund.

14 (r) At the end of each calendar year after December 31, 2026,
15 the state treasurer shall adjust the monetary amount for each
16 dependent and the maximum weekly benefit rate in subsection (b)(1)
17 by an amount determined by the state treasurer to reflect the
18 cumulative annual percentage change in the Consumer Price Index. As
19 used in this subsection, "Consumer Price Index" means the most
20 comprehensive index of consumer prices available for this state
21 from the Bureau of Labor Statistics of the United States Department
22 of Labor.