

# HOUSE BILL NO. 5001

September 18, 2025, Introduced by Reps. Young, Weiss, Breen, T. Carter, Tsernoglou, Xiong, Longjohn, McKinney, Koleszar, Rheingans, Hoskins, Price, Skaggs, Mentzer, Rogers, Pohutsky, Morgan, Scott, Miller, Andrews, Wooden and Wegela 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

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

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

7 (b)(1) Subject to subsection (f), for benefit years beginning  
8 on or after October 1, 2000, an individual's weekly benefit rate is  
9 4.1% of the individual's wages paid in the calendar quarter of the  
10 base period in which the individual was paid the highest total  
11 wages, plus \$6.00 for each dependent as defined in subdivision (4),  
12 except as otherwise provided in this subdivision, up to a maximum  
13 of 5 dependents, claimed by the individual at the time the  
14 individual files a new claim for benefits, except that the  
15 individual's maximum weekly benefit rate must not exceed \$362.00  
16 before January 1, 2025. The unemployment **insurance** agency shall  
17 establish the procedures necessary to verify the number of  
18 dependents claimed. An individual who fraudulently claims a  
19 dependent is subject to the penalties set forth in sections 54 and  
20 54c. For benefit years beginning on or after October 2, 1983, the  
21 weekly benefit rate must be adjusted to the next lower multiple of  
22 \$1.00. Beginning January 1, 2025, an individual's weekly benefit  
23 rate must be calculated in accordance with this subdivision using  
24 the following monetary amounts for each dependent, if any, and must  
25 not exceed the following maximum weekly benefit rates:

26 (a) For a claim filed on or after January 1, 2025, \$12.66 for  
27 each dependent, and the maximum weekly benefit rate must not exceed  
28 \$446.00.

29 (b) For a claim filed on or after January 1, 2026, \$19.33 for

1 each dependent, and the maximum weekly benefit rate must not exceed  
2 \$530.00.

3 (c) For a claim filed on or after January 1, 2027, \$26.00 for  
4 each dependent, and the maximum weekly benefit rate must not exceed  
5 \$614.00.

6 (d) For a claim filed on or after January 1, 2028, the  
7 adjusted monetary amount established under subsection (r) for each  
8 dependent, and the maximum weekly benefit rate must not exceed the  
9 adjusted maximum weekly benefit rate established under subsection  
10 (r).

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

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

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

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

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

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

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

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

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

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

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

14 (5) The number of dependents established for an individual at  
15 the beginning of the benefit year remains in effect during the  
16 entire benefit year.

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

20 Failure on the part of an individual, because of  
21 misinformation or lack of information, to furnish all information  
22 material for determination of the number of the individual's  
23 dependents is good cause to issue a redetermination as to the  
24 amount of benefits based on the number of the individual's  
25 dependents as of the beginning of the benefit year.

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

28 (1) Each eligible individual must be paid a weekly benefit  
29 rate for a week that the individual earns or receives no

1 remuneration. Notwithstanding the definition of week in section 50,  
2 if within 2 consecutive weeks in which an individual was not  
3 unemployed within the meaning of section 48 there was a period of 7  
4 or more consecutive days for which the individual did not earn or  
5 receive remuneration, that period is considered a week for benefit  
6 purposes under this act if a claim for benefits for that period is  
7 filed not later than 30 days after the end of the period.

8 (2) ~~An~~ **Except as otherwise provided in subdivision (3), an**  
9 eligible individual's weekly benefit rate is reduced at the rate of  
10 50 cents for each whole \$1.00 of remuneration in which the eligible  
11 individual earns or receives remuneration in that benefit week. The  
12 weekly benefit rate is not reduced under this subdivision for  
13 remuneration received for on-call or training services as a  
14 volunteer firefighter, if the volunteer firefighter receives less  
15 than \$10,000.00 in a calendar year for services as a volunteer  
16 firefighter.

17 (3) The total benefits and earnings for an individual who  
18 receives or earns partial remuneration may not exceed 1-1/2 times  
19 ~~his or her~~ **the individual's** weekly benefit amount. The individual's  
20 benefits are reduced by \$1.00 for each dollar by which the total  
21 benefits and earnings exceed 1-1/2 times the individual's weekly  
22 benefit amount. **Beginning January 1, 2026, all of the following**  
23 **apply:**

24 (a) **The total benefits and earnings for an individual who**  
25 **receives or earns partial remuneration may not exceed 2-1/2 times**  
26 **the individual's weekly benefit amount.**

27 (b) **An individual who receives or earns partial remuneration**  
28 **may earn up to 1/2 of the individual's weekly benefit amount**  
29 **without a reduction to the individual's benefits.**

1           (c) An individual's benefits are reduced by 50 cents for each  
2 dollar by which the remuneration received or earned by the  
3 individual exceeds 1/2 of the individual's weekly benefit amount.

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

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

12           (6) The unemployment **insurance** agency shall report annually to  
13 the legislature the following information with regard to  
14 subdivisions (2) and (3):

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

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

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

27           (d) Subject to subsection (f) and this subsection, the maximum  
28 benefit amount payable to an individual in a benefit year for  
29 purposes of this section and section 20(d) is the number of weeks

1 of benefits payable to an individual during the benefit year,  
 2 multiplied by the individual's weekly benefit rate. The number of  
 3 weeks of benefits payable to an individual is calculated by taking  
 4 43% of the individual's base period wages and dividing the result  
 5 by the individual's weekly benefit rate. If the quotient is not a  
 6 whole or half number, the result is rounded down to the nearest  
 7 half number. For each eligible individual filing an initial claim  
 8 on or after January 15, 2012, not more than 20 weeks of benefits or  
 9 less than 14 weeks of benefits are payable to an individual in a  
 10 benefit year. For each eligible individual filing an initial claim  
 11 on or after ~~the effective date of the amendatory act that added~~  
 12 ~~this sentence,~~ **April 2, 2025**, not more than 26 weeks of benefits or  
 13 less than 14 weeks of benefits are payable to an individual in a  
 14 benefit year. The limitation of total benefits set forth in this  
 15 subsection does not apply to claimants declared eligible for  
 16 training benefits in accordance with subsection (g).  
 17 Notwithstanding any other provision of this act, and subject to  
 18 subsection (q), with respect to benefit years and claims for weeks  
 19 beginning before April 1, 2021, for each eligible individual who  
 20 files a claim for benefits and establishes a benefit year, not more  
 21 than 26 weeks of benefits or less than 14 weeks of benefits may be  
 22 payable to an individual in a benefit year.

23 (e) ~~When~~ **If** a claimant dies or is judicially declared insane  
 24 or mentally incompetent, unemployment compensation benefits accrued  
 25 and payable to that claimant for weeks of unemployment before  
 26 death, insanity, or incompetency, but not paid, become due and  
 27 payable to the person ~~who~~ **that** is the legal heir or guardian of the  
 28 claimant or to any other person found by the unemployment **insurance**  
 29 agency to be equitably entitled to the benefits by reason of having



1 incurred expense in behalf of the claimant for the claimant's  
2 burial or other necessary expenses.

3 (f) (1) For benefit years beginning before October 1, 2000, and  
4 notwithstanding any inconsistent provisions of this act, the weekly  
5 benefit rate of each individual who is receiving or will receive a  
6 ~~"retirement benefit", as defined in subdivision (4),~~ **retirement**  
7 **benefit** is adjusted as provided in subparagraphs (a), (b), and (c).  
8 However, an individual's extended benefit account and an  
9 individual's weekly extended benefit rate under section 64 is  
10 established without reduction under this subsection unless  
11 subdivision (5) is in effect. Except as otherwise provided in this  
12 subsection, all other provisions of this act continue to apply in  
13 connection with the benefit claims of those retired individuals.

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

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

1 pro rata weekly amount, adjusted to the next lower multiple of  
2 \$1.00, which the claimant is receiving or will receive as a  
3 retirement benefit.

4 (c) If the unemployment benefit payable under this act would  
5 be chargeable to an employer ~~who~~**that** has not contributed to the  
6 financing of a retirement plan under which the claimant is  
7 receiving or will receive a retirement benefit, then the weekly  
8 benefit rate of the claimant as otherwise established under this  
9 act is not reduced because the claimant is receiving or will  
10 receive a retirement benefit.

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

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

24 (3) When necessary to ~~assure~~**ensure** prompt payment of  
25 benefits, the unemployment **insurance** agency shall determine the pro  
26 rata weekly amount yielded by an individual's retirement benefit  
27 based on the best information currently available to it. In the  
28 absence of fraud, a determination must not be reconsidered unless  
29 it is established that the individual's actual retirement benefit

1 in fact differs from the amount determined by \$2.00 or more per  
2 week. The reconsideration applies only to benefits that may be  
3 claimed after the information on which the reconsideration is based  
4 was received by the unemployment **insurance** agency.

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

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

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

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

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

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

27 (c) The burden of establishing the extent of an individual's  
28 contribution to the cost of ~~his or her~~ **the individual's** retirement  
29 benefit for the purpose of subparagraph (b) is upon the employer

1 ~~who~~**that** has contributed to the plan under which a benefit is  
2 provided.

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

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

1 received because it was a part of a rollover distribution.

2 (a) If any base period employer or chargeable employer has  
3 contributed to the financing of a retirement plan under which the  
4 claimant is receiving or will receive a retirement benefit yielding  
5 a pro rata weekly amount equal to or larger than the claimant's  
6 weekly benefit rate as otherwise established under this act, the  
7 claimant is not eligible to receive unemployment benefits.

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

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

23 (g) Notwithstanding any other provision of this act, an  
24 individual pursuing vocational training or retraining pursuant to  
25 section 28(2) who has exhausted all benefits available under  
26 subsection (d) may be paid for each week of approved vocational  
27 training pursued beyond the date of exhaustion of a benefit amount  
28 in accordance with subsection (c), but not in excess of the  
29 individual's most recent weekly benefit rate. However, an

1 individual must not be paid training benefits totaling more than 18  
2 times the individual's most recent weekly benefit rate. The  
3 expiration or termination of a benefit year does not stop or  
4 interrupt payment of training benefits if the training for which  
5 the benefits were granted began before expiration or termination of  
6 the benefit year.

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

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

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

1 will perform service in an instructional, research, or principal  
2 administrative capacity for an institution of higher education or  
3 an educational institution other than an institution of higher  
4 education in the second of the academic years or terms, whether or  
5 not the terms are successive.

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

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

27 (4) If benefits are denied to an individual for any week  
28 solely as a result of subdivision (2) and the individual was not  
29 offered an opportunity to perform in the second academic year or

1 term the service for which reasonable assurance had been given, the  
2 individual is entitled to a retroactive payment of benefits for  
3 each week for which the individual had previously filed a timely  
4 claim for benefits. An individual entitled to benefits under this  
5 subdivision may apply for those benefits by mail in accordance with  
6 R 421.210 of the Michigan Administrative Code.

7 (5) The unemployment **insurance** agency shall not deny benefits  
8 based on services in other than an instructional, research, or  
9 principal administrative capacity for an institution of higher  
10 education for any week of unemployment commencing during the period  
11 between 2 successive academic years or terms solely because the  
12 individual had performed the service in the first of the academic  
13 years or terms and there is reasonable assurance that the  
14 individual will perform the service for an institution of higher  
15 education or an educational institution other than an institution  
16 of higher education in the second of the academic years or terms,  
17 unless a denial is required as a condition for full tax credit  
18 against the tax imposed by the federal unemployment tax act, 26 USC  
19 3301 to 3311.

20 (6) For benefit years established before October 1, 2000, and  
21 notwithstanding subdivisions (1), (2), and (3), the denial of  
22 benefits does not prevent an individual from completing  
23 requalifying weeks in accordance with section 29(3) nor does the  
24 denial prevent an individual from receiving benefits based on  
25 service with an employer other than an educational institution for  
26 any week of unemployment occurring between academic years or terms,  
27 whether or not successive, or during an established and customary  
28 vacation period or holiday recess, even though the employer is not  
29 the most recent chargeable employer in the individual's base



1 period. However, in that case section 20(b) applies to the sequence  
2 of benefit charging, except for the employment with the educational  
3 institution. When a denial of benefits under subdivision (1) no  
4 longer applies, benefits are charged in accordance with the normal  
5 sequence of charging as provided in section 20(b).

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

26 (8) For the purposes of this subsection, "academic year" means  
27 that period, as defined by the educational institution, when  
28 classes are in session for that length of time required for  
29 students to receive sufficient instruction or earn sufficient

1 credit to complete academic requirements for a particular grade  
2 level or to complete instruction in a noncredit course.

3 (9) In accordance with subdivisions (1), (2), and (3),  
4 benefits for any week of unemployment are denied to an individual  
5 who performed services described in subdivision (1), (2), or (3) in  
6 an educational institution while in the employ of an educational  
7 service agency. For the purpose of this subdivision, "educational  
8 service agency" means a governmental agency or governmental entity  
9 that is established and operated exclusively for the purpose of  
10 providing the services to 1 or more educational institutions.

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

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

29 (2) Any data or information required of individuals applying

1 for benefits to determine whether benefits are payable because of  
2 their alien status are uniformly required from all applicants for  
3 benefits.

4 (3) If an individual's application for benefits would  
5 otherwise be approved, a determination that benefits to that  
6 individual are not payable because of the individual's alien status  
7 must be made upon a preponderance of the evidence.

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

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

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

24 (b) The amount, if any, determined pursuant to an agreement  
25 submitted to the unemployment **insurance** agency under 42 USC  
26 654(19)(B)(i), by the state or local child support enforcement  
27 agency.

28 (c) Any amount otherwise required to be deducted and withheld  
29 from unemployment compensation by legal process, as that term is

1 defined in 42 USC 659(i)(5), properly served upon the unemployment  
2 **insurance** agency.

3 (3) The amount of unemployment compensation subject to  
4 deduction under subdivision (2) is that portion that remains  
5 payable to the individual after application of the recovery  
6 provisions of section 62(a) and the reduction provisions of  
7 subsections (c) and (f).

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

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

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

26 (7) As used in this subsection:

27 (a) "Unemployment compensation", for purposes of subdivisions  
28 (1) to (5), means any compensation payable under this act,  
29 including amounts payable by the unemployment **insurance** agency

1 pursuant to an agreement under any federal law providing for  
2 compensation, assistance, or allowances with respect to  
3 unemployment.

4 (b) "Child support obligations" includes only obligations that  
5 are being enforced pursuant to a plan described in 42 USC 654 that  
6 has been approved by the Secretary of Health and Human Services  
7 under 42 USC 651 to 669b.

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

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

20 (o)(1) Benefits based on services by a seasonal worker  
21 performed in seasonal employment are payable only for weeks of  
22 unemployment that occur during the normal seasonal work period.  
23 Benefits are not payable based on services performed in seasonal  
24 employment for any week of unemployment that begins during the  
25 period between 2 successive normal seasonal work periods to any  
26 individual if that individual performs the service in the first of  
27 the normal seasonal work periods and if there is a reasonable  
28 assurance that the individual will perform the service for a  
29 seasonal employer in the second of the normal seasonal work

1 periods. If benefits are denied to an individual for any week  
2 solely as a result of this subsection and the individual is not  
3 offered an opportunity to perform in the second normal seasonal  
4 work period for which reasonable assurance of employment had been  
5 given, the individual is entitled to a retroactive payment of  
6 benefits under this subsection for each week that the individual  
7 previously filed a timely claim for benefits. An individual may  
8 apply for any retroactive benefits under this subsection in  
9 accordance with R 421.210 of the Michigan Administrative Code.

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

28 (3) If the unemployment **insurance** agency determines that an  
29 employer is a seasonal employer, the employer shall conspicuously

1 display on its premises a notice that includes the determination,  
2 the beginning and ending dates of the employer's normal seasonal  
3 work periods, and a statement that an employee must timely apply  
4 for unemployment benefits at the end of a first seasonal work  
5 period to preserve ~~his or her~~ **the employee's** right to receive  
6 retroactive unemployment benefits if ~~he or she~~ **the employee** is not  
7 reemployed by the seasonal employer in the second of the normal  
8 seasonal work periods. The unemployment **insurance** agency shall  
9 provide the notice to the employer.

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

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

25 (6) If a seasonal employer informs an employee who received  
26 assurance of being rehired that, despite the assurance, the  
27 employee will not be rehired at the beginning of the employer's  
28 next normal seasonal work period, this subsection does not prevent  
29 the employee from receiving unemployment benefits in the same

1 manner and to the same extent ~~he or she~~ **the employee** would receive  
2 benefits under this act from an employer ~~who~~ **that** has not been  
3 determined to be a seasonal employer.

4 (7) A successor of a seasonal employer is considered to be a  
5 seasonal employer unless the successor provides the unemployment  
6 **insurance** agency, within 120 days after the transfer, with a  
7 written request for termination of its status as a seasonal  
8 employer in accordance with subdivision (4).

9 (8) At the time an employee is hired by a seasonal employer,  
10 the employer shall notify the employee in writing if the employee  
11 will be a seasonal worker. The employer shall provide the worker  
12 with written notice of any subsequent change in the employee's  
13 status as a seasonal worker. If an employee of a seasonal employer  
14 is denied benefits because that employee is a seasonal worker, the  
15 employee may contest that designation in accordance with section  
16 32a.

17 (9) As used in this subsection:

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

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

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



(d) "Seasonal employer" means an employer, other than an employer in the construction industry, ~~who~~**that** applies to the unemployment **insurance** agency for designation as a seasonal employer and ~~who~~**that** the unemployment **insurance** agency determines is an employer ~~whose~~**that has** operations and business **that** require employees engaged in seasonal employment. A seasonal employer designation under this act need not correspond to a category assigned under the North American Classification System - United States Office of Management and Budget.

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

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

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

(q) The extension of benefits for claims for weeks beginning

1 after January 1, 2021 but before April 1, 2021 as described in  
2 subsection (d) does not take effect unless \$220,000,000.00 or more  
3 is appropriated as provided for in Senate Bill No. 748 of the 100th  
4 Legislature for deposit into the unemployment compensation fund to  
5 cover the extension of benefits. After March 1, 2021, from the  
6 funds appropriated in Senate Bill No. 748 of the 100th Legislature  
7 for Michigan unemployment compensation funds, \$220,000,000.00 shall  
8 be deposited into the unemployment compensation fund for the sole  
9 purpose of funding the extension of benefits for claims for weeks  
10 beginning after January 1, 2021 but before April 1, 2021 as  
11 described in subsection (d). If federal funds are available and  
12 expenditures are allowable under federal law, expenditures of  
13 federal funds under this subsection shall occur before the  
14 expenditure of state general fund appropriations made for the same  
15 purpose described in this subsection. State general fund  
16 appropriations replaced by federal expenditures authorized under  
17 this subsection shall revert to the general fund.

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