



SENATE BILL No. 2

January 13, 1993, Introduced by Senators EMMONS and WELBORN and referred to the Committee on Labor.

A bill to amend sections 27, 28, and 50 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," section 27 as amended by Act No. 172 of the Public Acts of 1984, section 28 as amended by Act No. 227 of the Public Acts of 1989, and section 50 as amended by Act No. 535 of the Public Acts of 1982, being sections 421.27, 421.28, and 421.50 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 27, 28, and 50 of Act No. 1 of the
2 Public Acts of the Extra Session of 1936, section 27 as amended
3 by Act No. 172 of the Public Acts of 1984, section 28 as amended
4 by Act No. 227 of the Public Acts of 1989, and section 50 as
5 amended by Act No. 535 of the Public Acts of 1982, being sections

1 421.27, 421.28, and 421.50 of the Michigan Compiled Laws, are
2 amended to read as follows:

3 Sec. 27. (a)(1) When a determination, redetermination, or
4 decision is made that benefits are due an unemployed individual,
5 the benefits shall immediately become payable from the fund —
6 and continue to be payable to the unemployed individual, subject
7 to the limitations imposed by the individual's monetary entitle-
8 ment, as long as the individual continues to be unemployed and to
9 file claims for benefits, until the determination, redetermina-
10 tion, or decision is reversed, a determination, redetermination,
11 or decision on a new issue holding the individual disqualified or
12 ineligible is made, or a new separation issue arises resulting
13 from subsequent work.

14 (2) Benefits shall be paid in person or by mail through
15 employment offices — in accordance with rules promulgated by
16 the commission.

17 (b)(1) Subject to subsection (f), the weekly benefit rate
18 for an individual, with respect to benefit years beginning on or
19 after January 2, 1983, ~~but before January 4, 1987,~~ shall be 65%
20 of the individual's average after tax weekly wage, except that
21 the individual's weekly benefit rate shall not exceed 58% of the
22 state average weekly wage. However, the maximum weekly benefit
23 amount established under this subsection shall not exceed
24 \$283.00. ~~—\$197.00 for weeks of unemployment beginning on or after~~
25 ~~January 2, 1983 through weeks of unemployment beginning prior to~~
26 ~~January 4, 1987. With respect to benefit years beginning on or~~
27 ~~after January 4, 1987, the individual's weekly benefit rate shall~~

1 ~~be 70% of the individual's average after tax weekly wage, except~~
2 ~~that the individual's weekly benefit rate shall not exceed 53% of~~
3 ~~the state average weekly wage, and with respect to benefit years~~
4 ~~beginning on or after January 3, 1988, the individual's weekly~~
5 ~~benefit rate shall not exceed 55% of the state average weekly~~
6 ~~wage, and with respect to benefit years beginning on or after~~
7 ~~January 1, 1989, the individual's weekly benefit rate shall not~~
8 ~~exceed 58% of the state average weekly wage.~~ With respect to
9 benefit years beginning before October 2, 1983, the weekly bene-
10 fit rate shall be adjusted to the next higher multiple of \$1.00.
11 With respect to benefit years beginning on or after October 2,
12 1983, the weekly benefit rate shall be adjusted to the next lower
13 multiple of \$1.00.

14 (2) The state average weekly wage for a calendar year shall
15 be computed on the basis of the 12 months ending the June 30
16 IMMEDIATELY preceding that calendar year. The commission shall
17 prepare a table of weekly benefit rates based on an "average
18 after tax weekly wage" calculated by subtracting, from an
19 individual's average weekly wage as determined in accordance with
20 section 51, a reasonable approximation of the weekly amount
21 required to be withheld by the employer from the remuneration of
22 the individual based on dependents and exemptions for income
23 taxes under chapter 24 OF SUBTITLE C of the internal revenue code
24 OF 1986, 26 U.S.C. 3401 TO 3406, and under section 351 of THE
25 INCOME TAX ACT OF 1967, Act No. 281 of the Public Acts of 1967,
26 being section 206.351 of the Michigan Compiled Laws, and for old
27 age and survivor's disability insurance taxes under the federal

1 insurance contributions act, CHAPTER 21 OF SUBTITLE C OF THE
2 INTERNAL REVENUE CODE OF 1986, 26 U.S.C. ~~3101 to 3126~~ 3128.
3 For purposes of applying the table to an individual's claim, a
4 dependent shall be as defined in subdivision (3). The table
5 applicable to an individual's claim shall be the table reflecting
6 the number of dependents claimed by the individual under
7 subdivision (3). The commission shall adjust the tables based on
8 changes in withholding schedules published by the United States
9 department of treasury, internal revenue service, and by the
10 department of treasury. The number of dependents allowed shall
11 be determined with respect to each week of unemployment for which
12 an individual is claiming benefits.

13 (3) A dependent means any of the following persons who is
14 receiving and for at least 90 consecutive days immediately pre-
15 ceding the week for which benefits are claimed, or, in the case
16 of a dependent husband, wife, or child, for the duration of the
17 marital or parental relationship, if the relationship has existed
18 less than 90 days, has received more than half the cost of his or
19 her support from the individual claiming benefits:

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

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

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

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

14 (4) Dependency status of a dependent, child or otherwise,
15 once established or fixed in favor of an individual ~~, shall~~
16 ~~continue~~ CONTINUES during the individual's benefit year until
17 terminated. Dependency status of a dependent ~~shall terminate~~
18 TERMINATES at the end of the week in which the dependent ceases
19 to be an individual described in subdivision (3)(a), (b), (c), or
20 (d) because of age, death, or divorce.

21 (5) If an individual is assigned to a dependency class with
22 respect to a week by reason of having 1 or more dependents, and
23 any of those dependents files an application for benefits for
24 that week, that dependent shall be assigned to dependency class
25 "0" for that week.

26 (6) Failure on the part of an individual, due to
27 misinformation or lack of information, to furnish all information

1 material for determination of the individual's dependency class
2 when the individual files a claim for benefits with respect to a
3 week ~~—~~ shall be considered good cause for the issuance of a
4 redetermination as to the amount of benefits based on the
5 individual's dependency class as of the beginning date of that
6 week. Dependency status of a dependent, child or otherwise, once
7 established or fixed in favor of a person ~~—shall—~~ IS not ~~—be—~~
8 transferable to or ~~—used—~~ USABLE by another person with respect
9 to the same week.

10 (c) Subject to subsection (f), each eligible individual
11 shall be paid a weekly benefit rate with respect to the week for
12 which the individual earns or receives no remuneration or remuneration
13 equal to less than 1/2 the individual's weekly benefit
14 rate, or shall be paid 1/2 his or her weekly benefit rate with
15 respect to the week for which the individual earns or receives
16 remuneration equal to at least 1/2 but less than the individual's
17 weekly benefit rate. Notwithstanding the definition of week as
18 contained in section 50, if within 2 consecutive weeks in which
19 an individual was not unemployed within the meaning of section 48
20 there was a period of 7 or more consecutive days for which the
21 individual did not earn or receive remuneration, that period
22 shall be considered a week for benefit purposes under this act
23 ~~—~~ if a claim for benefits for that period is filed not later
24 than 30 days subsequent to the end of the period. All remuneration
25 for work performed during a shift ~~—which—~~ THAT terminates on
26 1 day but ~~—which—~~ THAT began on the PRECEDING day ~~—preceding—~~

1 shall be ~~deemed~~ CONSIDERED to have been earned on the preceding
2 day.

3 (d) Subject to subsection (f) and this subsection, the
4 amount of benefits to which an individual who is otherwise eligi-
5 ble ~~shall be~~ IS entitled during a benefit year from an employer
6 with respect to employment during the base period ~~—~~ is the
7 amount obtained by multiplying the weekly benefit rate with
8 respect to that employment by $3/4$ of the number of credit weeks
9 earned in the employment. For the purpose of this subsection and
10 section 20(c), ~~should~~ IF the resultant product IS not ~~be~~ an
11 even multiple of $1/2$ the weekly benefit rate, the product shall
12 be raised to an amount equal to the next higher multiple of $1/2$
13 the weekly benefit rate, and, ~~when~~ FOR an individual who was
14 employed by only 1 employer in the individual's base period and
15 earned 34 credit weeks with that employer, the product shall be
16 raised to the next higher multiple of the weekly benefit rate.
17 The maximum amount of benefits payable to an individual ~~—~~
18 within a benefit year, with respect to employment by an employer,
19 shall not exceed 26 times the weekly benefit rate with respect to
20 that employment. The maximum amount of benefits payable to an
21 individual within a benefit year shall not exceed the amount to
22 which the individual would be entitled for 26 weeks of unemploy-
23 ment in which remuneration was not earned or received. The limi-
24 tation of total benefits set forth in this subsection ~~shall~~
25 DOES not apply to claimants declared eligible for training bene-
26 fits in accordance with subsection (g).

1 (e) When a claimant dies — or is judicially declared
2 insane — or mentally incompetent, unemployment compensation
3 benefits accrued and payable to that person for weeks of unem-
4 ployment before death, insanity, or incompetency, but not paid,
5 shall ~~by operation of this section~~ become due and payable to
6 the person who is the legal heir or guardian of the claimant —
7 or to any other person found by the commission to be equitably
8 entitled to the benefits by reason of having incurred expense in
9 behalf of the claimant for the claimant's burial or other neces-
10 sary expenses.

11 (f)(1) Notwithstanding any inconsistent provisions of this
12 act, the weekly benefit rate of each individual who is receiving
13 or will receive a "retirement benefit", as defined in subdivision
14 (4), shall be adjusted as provided in subparagraphs (a), (b), and
15 (c). However, an individual's extended benefit account and an
16 individual's weekly extended benefit rate under section 64 shall
17 be established without reduction under this subsection — unless
18 subdivision (5) is in effect. Except as otherwise provided in
19 this subsection, all ~~the~~ other provisions of this act ~~shall~~
20 continue to ~~be applicable~~ APPLY in connection with the benefit
21 claims of those retired persons.

22 (a) If and to the extent that unemployment benefits payable
23 under this act would be chargeable to an employer who has con-
24 tributed to the financing of a retirement plan under which the
25 claimant is receiving or will receive a retirement benefit yield-
26 ing a pro rata weekly amount equal to or larger than the
27 claimant's weekly benefit rate as otherwise established under

1 this act, the claimant shall not receive unemployment benefits
2 ~~which~~ THAT would be chargeable to the employer under this act.

3 (b) If and to the extent that unemployment benefits payable
4 under this act would be chargeable to an employer who has con-
5 tributed to the financing of a retirement plan under which the
6 claimant is receiving or will receive a retirement benefit yield-
7 ing a pro rata weekly amount less than the claimant's weekly ben-
8 efit rate as otherwise established under this act, then the
9 weekly benefit rate otherwise payable to the claimant and charge-
10 able to the employer under this act shall be reduced by an amount
11 equal to the pro rata weekly amount, adjusted to the next lower
12 multiple of \$1.00, which the claimant is receiving or will
13 receive as a retirement benefit.

14 (c) If the unemployment benefit payable under this act would
15 be chargeable to an employer who has not contributed to the
16 financing of a retirement plan under which the claimant is
17 receiving or will receive a retirement benefit, then the weekly
18 benefit rate of the claimant as otherwise established under this
19 act shall not be reduced due to receipt of a retirement benefit.

20 (d) If the unemployment benefit payable under this act is
21 computed on the basis of multiemployer credit weeks and a portion
22 of the benefit is allocable under section 20(d) to an employer
23 who has contributed to the financing of a retirement plan under
24 which the claimant is receiving or will receive a retirement ben-
25 efit, the adjustments required by subparagraph (a) or (b) ~~shall~~
26 ~~be applied~~ APPLY only to that portion of the weekly benefit rate

1 ~~which~~ THAT would otherwise be allocable and chargeable to the
2 employer.

3 (2) If an individual's weekly benefit rate under this act
4 was established before the period for which the individual first
5 receives a retirement benefit, any benefits received after a
6 retirement benefit becomes payable shall be determined in accord-
7 ance with the formula stated in this subsection.

8 (3) When necessary to assure prompt payment of benefits, the
9 commission shall determine the pro rata weekly amount yielded by
10 an individual's retirement benefit based on the best information
11 currently available to it. In the absence of fraud, a determina-
12 tion shall not be reconsidered unless it is established that the
13 individual's actual retirement benefit in fact differs from the
14 amount determined by \$2.00 or more per week. The reconsideration
15 shall apply only to benefits as may be claimed after the informa-
16 tion on which the reconsideration is based was received by the
17 commission.

18 (4)(a) As used in this subdivision, "retirement benefit"
19 means a benefit, ~~or~~ annuity, or pension of any type or that
20 part thereof ~~which~~ THAT is described in subparagraph (b)
21 ~~which~~ THAT is:

22 (i) Provided as an incident of employment under an estab-
23 lished retirement plan, policy, or agreement, including federal
24 social security if subdivision (5) is in effect.

25 (ii) Payable to an individual because the individual has
26 qualified on the basis of attained age, length of service, or
27 disability, whether or not the individual retired or was retired

1 from employment. Amounts paid to individuals in the course of
2 liquidation of a private pension or retirement fund because of
3 termination of the business or of a plant or department of the
4 business of the employer involved shall not be considered to be
5 retirement benefits.

6 (b) If a benefit ~~such~~ as described in subparagraph (a) is
7 payable or paid to the individual under a plan to which the indi-
8 vidual has contributed:

9 (i) Less than half of the cost of the benefit, then only
10 half of the benefit shall be treated as a retirement benefit.

11 (ii) Half or more of the cost of the benefit, then none of
12 the benefit shall be treated as a retirement benefit.

13 (c) The burden of establishing the extent of an individual's
14 contribution to the cost of his or her retirement benefit for the
15 purpose of subparagraph (b) ~~shall be~~ IS upon the employer who
16 has contributed to the plan under which a benefit is provided.

17 (5) Notwithstanding any other provision of this subsection,
18 for any week ~~which~~ THAT begins after March 31, 1980, and with
19 respect to which an individual is receiving a governmental or
20 other pension and claiming unemployment compensation, the weekly
21 benefit amount payable to the individual for those weeks shall be
22 reduced, but not below zero, by the entire prorated weekly amount
23 of any governmental or other pension, retirement or retired pay,
24 annuity, or any other similar payment ~~which~~ THAT is based on
25 any previous work of the individual. This reduction shall be
26 made only if it is required as a condition for full tax credit
27 against the tax imposed by the federal unemployment tax act,

1 CHAPTER 23 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26
2 U.S.C. 3301 to 3311.

3 (g) Notwithstanding any other provision of this act, an
4 individual pursuing vocational training or retraining pursuant to
5 section 28(2) who has exhausted all benefits available under sub-
6 section (d) may be paid ~~—~~ for each week of approved vocational
7 training pursued beyond the date of exhaustion ~~—~~ a benefit
8 amount in accordance with subsection (c), but not in excess of
9 the individual's most recent weekly benefit rate. However, an
10 individual shall not be paid training benefits totaling more than
11 18 times the individual's most recent weekly benefit rate. The
12 expiration or termination of a benefit year shall not stop or
13 interrupt payment of training benefits if the training for which
14 the benefits were granted began before expiration or termination
15 of the benefit year.

16 (h) A payment of accrued unemployment benefits shall not be
17 made to an eligible individual ~~—~~ or in behalf of that individ-
18 ual as provided in subsection (e) ~~—~~ more than 6 years after the
19 ending date of the benefit year covering the payment or 2 calen-
20 dar years after the calendar year in which there is final dispo-
21 sition of a contested case, whichever is later.

22 (i) Benefits based on service in employment described in
23 section 42(8), (9), and (10) ~~shall be~~ ARE payable in the same
24 amount, on the same terms, and subject to the same conditions as
25 compensation payable on the basis of other service subject to
26 this act, except that:

1 (1) With respect to service performed in an instructional,
2 research, or principal administrative capacity for an institution
3 of higher education as defined in section 53(2), or for an educa-
4 tional institution other than an institution of higher education
5 as defined in section 53(3), benefits shall not be paid to an
6 individual based on those services for any week of unemployment
7 beginning after December 31, 1977 that commences during the
8 period between 2 successive academic years ~~—~~ or during a simi-
9 lar period between 2 regular terms, whether or not successive, or
10 during a period of paid sabbatical leave provided for in the
11 individual's contract, to an individual if the individual per-
12 forms the service in the first of the academic years or terms and
13 if there is a contract or a reasonable assurance that the indi-
14 vidual will perform service in an instructional, research, or
15 principal administrative capacity for an educational institution
16 in the second of the academic years or terms, whether or not the
17 terms are successive.

18 (2) With respect to service performed in other than an
19 instructional, research, or principal administrative capacity for
20 an institution of higher education as defined in section 53(2) or
21 for an educational institution other than an institution of
22 higher education as defined in section 53(3), benefits shall not
23 be paid based on those services for any week of unemployment
24 beginning after December 31, 1977 ~~—which—~~ THAT commences during
25 the period between 2 successive academic years or terms to any
26 individual if that individual performs the service in the first
27 of the academic years or terms and if there is a reasonable

1 assurance that the individual will perform the service for an
2 institution of higher education or an educational institution
3 other than an institution of higher education in the second of
4 the academic years or terms.

5 (3) With respect to any service described in subdivision (1)
6 or (2), benefits shall not be paid to an individual based upon
7 service for any week of unemployment ~~which~~ THAT commences
8 during an established and customary vacation period or holiday
9 recess if the individual performs the service in the period imme-
10 diately before the vacation period or holiday recess and there is
11 a contract or reasonable assurance that the individual will per-
12 form the service in the period immediately following the vacation
13 period or holiday recess.

14 (4) If benefits are denied to an individual for any week
15 solely as a result of subdivision (2) and the individual was not
16 offered an opportunity to perform in the second academic year or
17 term the service for which reasonable assurance had been given,
18 the individual ~~shall be~~ IS entitled to a retroactive payment of
19 benefits for each week for which the individual had previously
20 filed a timely claim for benefits. An individual entitled to
21 benefits under this subdivision may apply for those benefits by
22 mail in accordance with R 421.210 as promulgated by the
23 commission.

24 (5) The amendments to subdivision (2) made by Act No. 219 of
25 the Public Acts of 1983 apply to all claims for unemployment com-
26 pensation ~~which~~ THAT are filed on and after October 31, 1983.
27 However, the amendments ~~shall be~~ ARE retroactive to September

1 5, 1982 only if, as a condition for full tax credit against the
2 tax imposed by the federal unemployment tax act, CHAPTER 23 OF
3 SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3301
4 to 3311, the United States secretary of labor determines that
5 retroactivity is required by federal law.

6 (6) Notwithstanding subdivision (2), on and after April 1,
7 1984 benefits based upon services in other than an instructional,
8 research, or principal administrative capacity for an institution
9 of higher education shall not be denied for any week of unemploy-
10 ment commencing during the period between 2 successive academic
11 years or terms solely because the individual had performed the
12 service in the first of the academic years or terms and there is
13 reasonable assurance that the individual will perform the service
14 for an institution of higher education or an educational institu-
15 tion other than an institution of higher education in the second
16 of the academic years or terms, unless ~~such~~ A denial is
17 required as a condition for full tax credit against the tax
18 imposed by the federal unemployment tax act, CHAPTER 23 OF
19 SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 3301
20 to 3311.

21 (7) Notwithstanding subdivisions (1), (2), and (3), the
22 denial of benefits ~~shall~~ DOES not prevent an individual from
23 completing requalifying weeks in accordance with section 29(3)
24 nor ~~shall~~ DOES the denial prevent an individual from receiving
25 benefits based on service with an employer other than an educa-
26 tional institution for any week of unemployment occurring between
27 academic years or terms, whether or not successive, or during an

1 established and customary vacation period or holiday recess, even
2 though the employer is not the most recent chargeable employer in
3 the individual's base period. However, in that case section
4 20(b) ~~shall apply~~ APPLIES to the sequence of benefit charging,
5 except for the employment with the educational institution, and
6 section 50(b) ~~shall apply~~ APPLIES to the calculation of credit
7 weeks. When a denial of benefits under subdivision (1) ~~is~~ no
8 longer ~~applicable~~ APPLIES, benefits shall be charged in accord-
9 ance with the normal sequence of charging as provided in section
10 20(b).

11 (8) For the purposes of this subsection, "academic year"
12 means that period, as defined by the educational institution,
13 when classes are in session for that length of time required for
14 students to receive sufficient instruction or earn sufficient
15 credit to complete academic requirements for a particular grade
16 level or to complete instruction in a noncredit course.

17 (9) Benefits shall be denied, as provided in subdivisions
18 (1), (2), and (3), for any week of unemployment beginning on and
19 after April 1, 1984, to an individual who performed those serv-
20 ices in an educational institution while in the employ of an edu-
21 cational service agency. For the purpose of this subdivision,
22 "educational service agency" means a governmental agency or gov-
23 ernmental entity that is established and operated exclusively for
24 the purpose of providing the services to 1 or more educational
25 institutions.

26 (j) For weeks of unemployment beginning after December 31,
27 1977, benefits shall not be paid to an individual on the basis of

1 any base period services, substantially all of which consist of
2 participating in sports or athletic events or training or prepar-
3 ing to so participate, for a week ~~which~~ THAT commences during
4 the period between 2 successive sport seasons or similar periods
5 — if the individual performed the services in the first of the
6 seasons or similar periods and there is a reasonable assurance
7 that the individual will perform the services in the later of the
8 seasons or similar periods.

9 (k)(1) For weeks of unemployment beginning after
10 December 31, 1977, benefits shall not be payable on the basis of
11 services performed by an alien unless the alien is an individual
12 who was lawfully admitted for permanent residence at the time the
13 services were performed, was lawfully present for the purpose of
14 performing the services, or was permanently residing in the
15 United States under color of law at the time the services were
16 performed, including an alien who was lawfully present in the
17 United States under section 203(a)(7) or section 212(d)(5) of the
18 immigration and nationality act, 8 U.S.C. 1153 ~~or~~ AND 1182.

19 (2) Any data or information required of individuals applying
20 for benefits — to determine whether benefits are payable
21 because of their alien status ~~shall be~~ ARE uniformly required
22 from all applicants for benefits.

23 (3) Where an individual whose application for benefits would
24 otherwise be approved, a determination that benefits to ~~such an~~
25 THAT individual are not payable because of the individual's alien
26 status shall not be made except upon a preponderance of the
27 evidence.

1 (m)(1) An individual filing a new claim for unemployment
2 compensation under this act after September 30, 1982, ~~shall,~~ at
3 the time of filing the claim, SHALL disclose whether the individ-
4 ual owes child support obligations as defined in this
5 subsection. If an individual discloses that he or she owes child
6 support obligations ~~,~~ and is determined to be eligible for
7 unemployment compensation, the commission shall notify the state
8 or local child support enforcement agency enforcing the obliga-
9 tion that the individual has been determined to be eligible for
10 unemployment compensation.

11 (2) Notwithstanding section 30, the commission shall deduct
12 and withhold from any unemployment compensation payable to an
13 individual who owes child support obligations by 1 of the follow-
14 ing methods:

15 (a) The amount, if any, specified by the individual to be
16 deducted and withheld under this subdivision, if neither
17 subparagraph (b) nor (c) ~~is applicable~~ APPLIES.

18 (b) The amount, if any, determined pursuant to an agreement
19 submitted to the commission under section ~~454(20)(b)(i)~~
20 454(19)(B)(i) of PART D OF TITLE IV OF the social security act,
21 CHAPTER 531, 49 STAT. 620, 42 U.S.C. ~~654(20)(b)(i)~~ 654, by the
22 state or local child support enforcement agency, unless
23 subparagraph (c) ~~is applicable~~ APPLIES.

24 (c) Any amount otherwise required to be so deducted and
25 withheld from unemployment compensation pursuant to legal pro-
26 cess, as that term is defined in section 462(e) OF PART D OF

1 TITLE IV of the social security act, CHAPTER 531, 49 STAT. 620,
2 42 U.S.C. ~~662(e)~~ 662, properly served upon the commission.

3 (3) The amount of unemployment compensation subject to
4 deduction under subdivision (2) ~~shall be~~ IS that portion that
5 remains payable to the individual after application of the
6 recoupment provisions of section 62(a) and the reduction provi-
7 sions of subsections (c) and (f).

8 (4) Any amount deducted and withheld under subdivision (2)
9 shall be paid by the commission to the appropriate state or local
10 child support enforcement agency.

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

17 (6) This subsection applies only if the state or local child
18 support enforcement agency agrees in writing to reimburse AND
19 DOES REIMBURSE the commission ~~, and in fact reimburses the~~
20 ~~commission,~~ for the administrative costs incurred by the commis-
21 sion under this subsection ~~which~~ THAT are attributable to child
22 support obligations being enforced by the state or local child
23 support enforcement agency. The administrative costs incurred
24 shall be determined by the commission. The commission, ~~may,~~ in
25 its discretion, MAY require payment of administrative costs in
26 advance.

1 (7) As used in this subsection:

2 (a) "Unemployment compensation", for purposes of
3 subdivisions (1) through (5), means any compensation payable
4 under this act, including amounts payable by the commission pur-
5 suant to an agreement under any federal law providing for compen-
6 sation, assistance, or allowances with respect to unemployment.

7 (b) "Child support obligations" includes only obligations
8 ~~which~~ THAT are being enforced pursuant to a plan described in
9 section 454 of PART D OF TITLE IV OF the social security act,
10 CHAPTER 531, 49 STAT. 620, 42 U.S.C. 654, ~~which~~ THAT has been
11 approved by the secretary of health and human services under
12 part ~~d~~ D of title IV of the social security act, CHAPTER 531,
13 49 STAT. 620, 42 U.S.C. 651 to ~~664~~ 669.

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

17 (n) ~~The provisions of subsection (i)(2) shall be~~
18 ~~applicable~~ SUBSECTION (I)(2) APPLIES to services performed by
19 school bus drivers employed by a private contributing employer
20 holding a contractual relationship with an educational institu-
21 tion, but only if at least 75% of the individual's base period
22 wages with that employer are attributable to services performed
23 as a school bus driver.

24 Sec. 28. (1) An unemployed individual shall be eligible to
25 receive benefits with respect to any week only if the commission
26 finds that:

1 (a) The individual has registered for work at and thereafter
2 has continued to report at an employment office in accordance
3 with such rules as the commission may prescribe and is seeking
4 work. (1) The requirements that the individual must report at an
5 employment office, must register for work, must be available to
6 perform suitable full-time work, and must seek work may be waived
7 by the commission if the individual is laid off and the employer
8 who laid the individual off notifies the commission in writing or
9 by computerized data exchange that the layoff is temporary and
10 that work is expected to be available for the individual within a
11 declared number of days, not to exceed 45 calendar days following
12 the last day the individual worked. This waiver shall not be
13 effective unless the notification from the employer has been
14 received by the commission before the individual has completed
15 his or her first compensable week following layoff. If the indi-
16 vidual is not recalled within the specified period, the waiver
17 shall cease to be operative with respect to that layoff. (2)
18 Except for a period of disqualification, the requirement that the
19 individual shall seek work may be waived by the commission where
20 it finds that suitable work is unavailable both in the locality
21 where the individual resides and in those localities in which the
22 individual has earned base period credit weeks. This waiver
23 shall not apply, for weeks of unemployment beginning on or after
24 March 1, 1981, to a claimant enrolled and attending classes as a
25 full-time student. (3) An individual shall be deemed to have
26 satisfied the requirement of personal reporting at an employment
27 office, as applied to a week in a period during which the

1 requirements of registration and seeking work have been waived by
2 the commission under subparagraph (1), if (i) the individual has
3 satisfied the personal reporting requirement with respect to a
4 preceding week in that period and (ii) the individual has
5 reported with respect to the week by mail in accordance with the
6 rules promulgated by the commission.

7 (b) The individual has made a claim for benefits in accord-
8 ance with the provisions of section 32 and has provided the com-
9 mission with his or her social security number.

10 (c) The individual is able and available to perform suitable
11 full-time work of a character which the individual is qualified
12 to perform by past experience or training, which is of a charac-
13 ter generally similar to work for which the individual has previ-
14 ously received wages, and for which the individual is available,
15 full time, either at a locality at which the individual earned
16 wages for insured work during his or her base period or at a
17 locality where it is found by the commission that such work is
18 available.

19 (D) WITHIN EACH BENEFIT YEAR AND PRIOR TO THE FIRST PERIOD
20 WITH RESPECT TO WHICH THE INDIVIDUAL CLAIMS BENEFITS FOR UNEM-
21 PLOYMENT IN SUCH BENEFIT YEAR, HE OR SHE HAS SERVED A WAITING
22 PERIOD OF 1 WEEK OF UNEMPLOYMENT IN WHICH HE OR SHE WAS ELIGIBLE
23 FOR, AND ENTITLED TO, BENEFITS IN ALL OTHER RESPECTS.

24 (E) ~~(d)~~ In the event of the death of an individual's imme-
25 diate family member, the eligibility requirements of availability
26 and reporting shall be waived for the day of the death and for 4
27 consecutive calendar days thereafter. As used in this

1 subdivision, "immediate family member" means a spouse, child,
2 stepchild, adopted child, grandchild, parent, grandparent, broth-
3 er, or sister of the individual or his or her spouse. It shall
4 also include the spouse of any of the persons specified in the
5 previous sentence.

6 (2) The commission may authorize an individual with an unex-
7 pired benefit year to pursue vocational training or retraining
8 only if the commission finds that:

9 (a) Reasonable opportunities for employment, in occupations
10 for which the individual is fitted by training and experience, do
11 not exist in the locality in which the individual is claiming
12 benefits.

13 (b) The vocational training course relates to an occupation
14 or skill for which there are, or are expected to be in the imme-
15 diate future, reasonable employment opportunities.

16 (c) The training course has been approved by a local
17 advisory council on which both management and labor are repre-
18 sented, or if there is no local advisory council, by the
19 commission.

20 (d) The individual has the required qualifications and apti-
21 tudes to complete the course successfully.

22 (e) The vocational training course has been approved by the
23 state board of education and is maintained by a public or private
24 school or by the commission.

25 (3) Notwithstanding any other provision of this act, an oth-
26 erwise eligible individual shall not be ineligible for benefits
27 because he or she is participating in training with the approval

1 of the commission. For each week that the commission finds that
2 an individual who is claiming benefits under this act and who is
3 participating in training with the approval of the commission, is
4 satisfactorily pursuing an approved course of vocational train-
5 ing, it shall waive the requirements that he or she be available
6 for work and be seeking work as prescribed in subsection (1)(a)
7 and (c), and it shall find good cause for his or her failure to
8 apply for suitable work, report to a former employer for an
9 interview concerning suitable work, or accept suitable work as
10 required in section 29(1)(c), (d), and (e).

11 (4) The waiver of the requirement that a claimant seek work,
12 as provided in subsection (1)(a)(1) and (a)(2), shall not be
13 applicable to weeks of unemployment for which the claimant is
14 claiming extended benefits if section 64(8)(a)(ii) is in effect,
15 unless the individual is participating in training approved by
16 the commission.

17 (5) Notwithstanding any other provisions of this act, an
18 otherwise eligible individual shall not be denied benefits for
19 any week beginning after October 30, 1982 solely because the
20 individual is in training approved under section 236(a)(1) of the
21 trade act of 1974, as amended, 19 U.S.C. 2296, nor shall the
22 individual be denied benefits by reason of leaving work to enter
23 such training if the work left is not suitable employment.
24 Furthermore, an otherwise eligible individual shall not be denied
25 benefits because of the application to any such week in training
26 of provisions of this act, or any applicable federal unemployment
27 compensation law, relating to availability for work, active

1 search for work, or refusal to accept work. For purposes of this
2 subsection, "suitable employment" means, with respect to an indi-
3 vidual, work of a substantially equal or higher skill level than
4 the individual's past adversely affected employment, as defined
5 for purposes of the trade act of 1974, 19 U.S.C. 2101 to 2495,
6 and wages for that work at not less than 80% of the individual's
7 average weekly wage as determined for the purposes of the trade
8 act of 1974.

9 Sec. 50. (a) "Week" means calendar week, ending at midnight
10 Saturday, but all work performed and wages earned during a work-
11 ing shift which starts before midnight Saturday shall be included
12 in the week in which that shift begins.

13 ~~(b) Except as provided in subsection (c), "credit week"~~
14 ~~means a calendar week of an individual's base period during which~~
15 ~~the individual earned wages equal to or greater than 20 times the~~
16 ~~state minimum hourly wage in effect on the first day of the cal-~~
17 ~~endar week in which the individual filed an application for bene-~~
18 ~~fits subject to the following:~~

19 ~~(1) If an individual earns wages from more than 1 employer~~
20 ~~in a credit week, that week shall be counted as 1 multiemployer~~
21 ~~credit week and shall be governed by the provisions of section~~
22 ~~20(d), unless the individual has earned sufficient wages in the~~
23 ~~base period with only 1 of the employers for whom the individual~~
24 ~~performed services in the week of concurrent employment to enti-~~
25 ~~tle the individual to a maximum weekly benefit rate, in which~~
26 ~~case, the week shall be a credit week with respect to that~~
27 ~~employer only and not a multiemployer credit week.~~

1 ~~(2) Not more than 35 uncanceled and uncharged credit weeks~~
2 ~~shall be counted as credit weeks. In determining the 35 credit~~
3 ~~weeks to be used for computing and paying benefits, credit weeks~~
4 ~~shall be counted in the following sequence:~~

5 ~~(a) First, all credit weeks which are not multiemployer~~
6 ~~credit weeks and which were earned with employers not involved in~~
7 ~~a disqualifying act or discharge under section 29(1), and all~~
8 ~~credit weeks earned with an employer involved in such a disquali-~~
9 ~~fying act or discharge which were earned subsequent to the last~~
10 ~~act or discharge in which the employer was involved, shall be~~
11 ~~counted in inverse order of most recent employment with each~~
12 ~~employer.~~

13 ~~(b) Second, if the credit weeks counted under paragraph (a)~~
14 ~~total less than 35, all credit weeks which are not multiemployer~~
15 ~~credit weeks and which were earned with each employer before a~~
16 ~~disqualifying act or discharge shall be counted, in inverse order~~
17 ~~to that in which the most recent disqualifying act or discharge~~
18 ~~with each employer occurred, to the extent necessary to use all~~
19 ~~available credit weeks with respect to the employers, or a total~~
20 ~~of 35 credit weeks, whichever is less.~~

21 ~~(c) Third, if the credit weeks counted under paragraphs (a)~~
22 ~~and (b) total less than 35, all multiemployer credit weeks shall~~
23 ~~be counted, in inverse chronological order of their occurrence,~~
24 ~~to the extent necessary to count all available credit weeks, or a~~
25 ~~total of 35 credit weeks, whichever is less.~~

26 ~~(3) As used in this subsection:~~

1 ~~(a) "Uncharged credit week" means a credit week which has~~
2 ~~not been used as a basis for a benefit payment, a reduction of~~
3 ~~benefits under section 29(4), or a penalty disqualification under~~
4 ~~section 62(b).~~

5 ~~(b) "Uncanceled credit week" means a credit week which is~~
6 ~~not canceled in accordance with section 62(b).~~

7 ~~(4) There shall not be counted toward the wages required to~~
8 ~~establish a credit week under this subsection payments in the~~
9 ~~form of termination, separation, severance, or dismissal allow-~~
10 ~~ances, nor shall there be counted any payments for a vacation or~~
11 ~~a holiday unless the payment has been made, or the right to~~
12 ~~receive it has irrevocably vested, within 14 days following the~~
13 ~~vacation or holiday.~~

14 (B) ~~(c) Notwithstanding subsection (b), for weeks of unem-~~
15 ~~ployment beginning January 2, 1983, "credit~~ "CREDIT week" means
16 a calendar week of an individual's base period during which the
17 individual earned wages equal to or greater than 30 times the
18 state minimum hourly wage in effect on the first day of the cal-
19 endar week in which the individual filed an application for bene-
20 fits subject to the following:

21 (1) If an individual earns wages from more than 1 employer
22 in a credit week, that week shall be counted as 1 multiemployer
23 credit week and shall be governed by the provisions of section
24 20(d), unless the individual has earned sufficient wages in the
25 base period with only 1 of the employers for whom the individual
26 performed services in the week of concurrent employment to
27 entitle the individual to a maximum weekly benefit rate for his

1 or her family class, in which case the week shall be a credit
2 week with respect to that employer only and not to a multiem-
3 ployer credit week.

4 (2) Not more than 35 uncanceled and uncharged credit weeks
5 shall be counted as credit weeks. In determining the 35 credit
6 weeks to be used for computing and paying benefits, credit weeks
7 shall be counted in the following sequence:

8 (a) First, all credit weeks which are not multiemployer
9 credit weeks and which were earned with employers not involved in
10 a disqualifying act or discharge under section 29(1), and all
11 credit weeks earned with an employer involved in such a disquali-
12 fying act or discharge which were earned subsequent to the last
13 act or discharge in which the employer was involved, shall be
14 counted in inverse order of most recent employment with each
15 employer.

16 (b) Second, if the credit weeks counted under paragraph (a)
17 total less than 35, all credit weeks which are not multiemployer
18 credit weeks and which were earned with each employer before a
19 disqualifying act or discharge shall be counted, in inverse order
20 to that in which the most recent disqualifying act or discharge
21 with each employer occurred, to the extent necessary to use all
22 available credit weeks with respect to the employers, or a total
23 of 35 credit weeks, whichever is less.

24 (c) Third, if the credit weeks counted under paragraphs (a)
25 and (b) total less than 35, all multiemployer credit weeks shall
26 be counted, in inverse chronological order of their occurrence,

1 to the extent necessary to count all available credit weeks, or a
2 total of 35 credit weeks, whichever is less.

3 (3) As used in this subsection:

4 (a) "Uncharged credit week" means a credit week which has
5 not been used as a basis for a benefit payment, a reduction of
6 benefits under section 29(4), or a penalty disqualification under
7 section 62(b).

8 (b) "Uncanceled credit week" means a credit week which is
9 not canceled in accordance with section 62(b).

10 (4) There shall not be counted toward the wages required to
11 establish a credit week under this subsection payments in the
12 form of termination, separation, severance, or dismissal allow-
13 ances; nor shall there be counted any payments for a vacation or
14 a holiday unless the payment has been made, or the right to
15 receive it has irrevocably vested, within 14 days following the
16 vacation or holiday.

17 ~~(5) This subsection shall not apply to benefit years begin-~~
18 ~~ning after January 3, 1987.~~

19 Section 2. Section 46a of Act No. 1 of the Public Acts of
20 the Extra Session of 1936, being section 421.46a of the Michigan
21 Compiled Laws, is repealed.