

HOUSE BILL NO. 5882

June 23, 2020, Introduced by Reps. Rabhi, Sabo, Gay-Dagnogo, Guerra, Peterson, Elder, Pohutsky, Tate, Kennedy, Yancey, Lasinski, Brixie, Hood, Hertel, Cherry, Hoadley, Ellison, LaGrand, Manoogian, Stone, Koleszar, Wittenberg, Hammoud, Hope, Sneller, Tyrone Carter, Bolden, Garza, Chirkun, Kuppa, Pagan, Haadsma, Warren, Cambensy, Shannon, Jones, Brenda Carter, Clemente and Anthony and referred to the Committee on Government Operations.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 28 and 29 (MCL 421.28 and 421.29), section 28 as amended by 2020 PA 83 and section 29 as amended by 2013 PA 146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) An unemployed individual is eligible to receive
2 benefits with respect to any week only if the unemployment agency
3 finds all of the following:

4 (a) The individual has registered for work and has continued
5 to report pursuant to unemployment agency rules and is actively



1 engaged in seeking work. The requirements that the individual must
2 report, must register for work, must be available to perform
3 suitable full-time work, and must seek work **shall be waived by the**
4 **unemployment agency if the individual leaves employment as**
5 **described in section 29(1) (a) (iv) and** may be waived by the
6 unemployment agency if the individual is laid off and the employer
7 who laid the individual off notifies the unemployment agency in
8 writing or by computerized data exchange that the layoff is
9 temporary and that work is expected to be available for the
10 individual within a declared number of days, not to exceed 45
11 calendar days following the last day the individual worked. This
12 waiver is not effective unless the notification from the employer
13 is received by the unemployment agency before the individual has
14 completed his or her first compensable week following layoff. If
15 the individual is not recalled within the specified period, the
16 waiver ceases to be operative with respect to that layoff. Except
17 for a period of disqualification, the requirement that the
18 individual shall seek work may be waived by the unemployment agency
19 if it finds that suitable work is unavailable both in the locality
20 where the individual resides and in those localities in which the
21 individual has earned wages during or after the base period. This
22 waiver does not apply to a claimant enrolled and attending classes
23 as a full-time student. An individual is considered to have
24 satisfied the requirement of personal reporting at an employment
25 office, as applied to a week in a period during which the
26 requirements of registration and seeking work have been waived by
27 the unemployment agency pursuant to this subdivision, if the
28 individual has satisfied the personal reporting requirement with
29 respect to a preceding week in that period and the individual has



1 reported with respect to the week by mail pursuant to the rules
2 promulgated by the unemployment agency.

3 (b) The individual has made a claim for benefits pursuant to
4 section 32 and has provided the unemployment agency with all of the
5 following:

6 (i) His or her Social Security number.

7 (ii) His or her driver license number, and the state that
8 issued the license, or state identification card number, and the
9 state that issued the identification card, or copies of the
10 acceptable documents as provided in the Form I-9.

11 (iii) If the unemployment agency has requested them, copies of
12 the acceptable documents as provided in the Form I-9. As used in
13 this subdivision, "Form I-9" means the employment verification form
14 that fulfills the employment verification obligations under 8 CFR
15 274a.2.

16 (c) The individual is able and available to appear at a
17 location of the unemployment agency's choosing for evaluation of
18 eligibility for benefits, if required, and to perform suitable
19 full-time work of a character that the individual is qualified to
20 perform by past experience or training, which is of a character
21 generally similar to work for which the individual has previously
22 received wages, and for which the individual is available, full
23 time, either at a locality at which the individual earned wages for
24 insured work during his or her base period or at a locality where
25 it is found by the unemployment agency that such work is available.
26 An individual is considered unavailable for work under any of the
27 following circumstances:

28 (i) The individual fails during a benefit year to notify or
29 update a chargeable employer with telephone, electronic mail, or



1 other information sufficient to allow the employer to contact the
2 individual about available work.

3 (ii) The individual fails, without good cause, to respond to
4 the unemployment agency within 14 calendar days of the later of the
5 mailing of a notice to the address of record requiring the
6 individual to contact the unemployment agency or of the leaving of
7 a telephone message requesting a return call and providing a return
8 name and telephone number on an automated answering device or with
9 an individual answering the telephone number of record.

10 (iii) Unless the claimant shows good cause for failure to
11 respond, mail sent to the individual's address of record is
12 returned as undeliverable and the telephone number of record has
13 been disconnected or changed or is otherwise no longer associated
14 with the individual.

15 (d) In the event of the death of an individual's immediate
16 family member, the eligibility requirements of availability and
17 reporting are waived for the day of the death and for 4 consecutive
18 calendar days thereafter. As used in this subdivision, "immediate
19 family member" means a spouse, child, stepchild, adopted child,
20 grandchild, parent, grandparent, brother, or sister of the
21 individual or his or her spouse. It shall also include the spouse
22 of any of the persons specified in the previous sentence.

23 (e) The individual participates in reemployment services, such
24 as job search assistance services, if the individual has been
25 determined or redetermined by the unemployment agency to be likely
26 to exhaust regular benefits and need reemployment services pursuant
27 to a profiling system established by the unemployment agency.

28 (2) The unemployment agency may authorize an individual with
29 an unexpired benefit year to pursue vocational training or



1 retraining only if the unemployment agency finds all of the
2 following:

3 (a) Reasonable opportunities for employment in occupations for
4 which the individual is fitted by training and experience do not
5 exist in the locality in which the individual is claiming benefits.

6 (b) The vocational training course relates to an occupation or
7 skill for which there are, or are expected to be in the immediate
8 future, reasonable employment opportunities.

9 (c) The training course has been approved by a local advisory
10 council on which both management and labor are represented, or, if
11 there is no local advisory council, by the unemployment agency.

12 (d) The individual has the required qualifications and
13 aptitudes to complete the course successfully.

14 (e) The vocational training course has been approved by the
15 state board of education and is maintained by a public or private
16 school or by the unemployment agency.

17 (3) Notwithstanding any other provision of this act, an
18 otherwise eligible individual is not ineligible for benefits
19 because he or she is participating in training with the approval of
20 the unemployment agency. For each week that the unemployment agency
21 finds that an individual who is claiming benefits under this act
22 and who is participating in training with the approval of the
23 unemployment agency ~~is~~ satisfactorily pursuing an approved course
24 of vocational training, it shall waive the requirements that he or
25 she be available for work and be seeking work as prescribed in
26 subsection (1) (a) and (c), and it shall find good cause for his or
27 her failure to apply for suitable work, report to a former employer
28 for an interview concerning suitable work, or accept suitable work
29 as required in section 29(1) (c), (d), and (e).



1 (4) The waiver of the requirement that a claimant seek work
2 under subsection (1)(a) is not applicable to weeks of unemployment
3 for which the claimant is claiming extended benefits and to which
4 section 64(7)(a)(ii) applies, unless the individual is participating
5 in training approved by the unemployment agency.

6 (5) Notwithstanding any other provisions of this act, an
7 otherwise eligible individual must not be denied benefits solely
8 because the individual is in training approved under section
9 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the
10 individual be denied benefits by reason of leaving work to enter
11 such training if the work left is not suitable employment.
12 Furthermore, an otherwise eligible individual must not be denied
13 benefits because of the application to any such week in training of
14 provisions of this act, or any applicable federal unemployment
15 compensation law, relating to availability for work, active search
16 for work, or refusal to accept work. For purposes of this
17 subsection, "suitable employment" means, with respect to an
18 individual, work of a substantially equal or higher skill level
19 than the individual's past adversely affected employment, as
20 defined for purposes of the trade act of 1974, 19 USC 2101 to
21 2497b, and wages for that work at not less than 80% of the
22 individual's average weekly wage as determined for the purposes of
23 the trade act of 1974, 19 USC 2101 to 2497b.

24 (6) Except as otherwise provided in subsection (7), for
25 purposes of this section, for benefit years beginning on or after
26 January 1, 2013, to be actively engaged in seeking work, an
27 individual must conduct a systematic and sustained search for work
28 in each week the individual is claiming benefits, using any of the
29 following methods to report the details of the work search:



1 (a) Reporting at monthly intervals on the unemployment
2 agency's online reporting system the name of each employer and
3 physical or online location of each employer where work was sought
4 and the date and method by which work was sought with each
5 employer.

6 (b) Filing a written report with the unemployment agency by
7 mail or facsimile transmission not later than the end of the fourth
8 calendar week after the end of the week in which the individual
9 engaged in the work search, on a form approved by the unemployment
10 agency, indicating the name of each employer and physical or online
11 location of each employer where work was sought and the date and
12 method by which work was sought with each employer.

13 (c) Appearing at least monthly in person at a Michigan works
14 agency office to report the name and physical or online location of
15 each employer where the individual sought work during the previous
16 month and the date and method by which work was sought with each
17 employer.

18 (7) For purposes of this section, beginning on ~~the effective~~
19 ~~date of the amendatory act that added this subsection,~~ **April 2,**
20 **2020,** to be actively engaged in seeking work, an individual must
21 conduct a systematic and sustained search for work in each week the
22 individual is claiming benefits and must report to the unemployment
23 agency the details of the work search at least once every 2 weeks
24 or, if the unemployment agency prescribes a shorter reporting
25 period, the reporting period prescribed by the unemployment agency.
26 An individual may conduct a systematic and sustained search for
27 work by doing any of the following:

28 (a) Using resources available at a Michigan works agency
29 office to do any of the following:



1 (i) Participate in reemployment services and eligibility
2 assessment activities.

3 (ii) Identify the skills the individual possesses that are
4 consistent with target or demand occupations in the local workforce
5 development area.

6 (iii) Obtain job postings and seek employment for suitable
7 positions needed by local employers.

8 (b) Attending job search seminars or other employment
9 workshops that offer instruction in improving an individual's
10 skills for finding and obtaining employment.

11 (c) Creating a user profile on a professional networking site
12 or using an online career tool. Creating duplicate user profiles or
13 resubmitting or reuploading the same resume to the same
14 professional networking site does not satisfy the requirements of
15 this subdivision.

16 (d) Applying for an available position with, submitting a
17 resume to, or interviewing with employers. Applying for the same
18 position within a 4-week period or contacting an employer to
19 determine whether a position is available does not satisfy the
20 requirements of this subdivision, unless the individual uses his or
21 her union hiring hall to conduct a search for work.

22 (e) Registering for work with a private employment agency or,
23 if it is available to the individual in his or her occupation or
24 profession, the placement facility of a school, college, or
25 university.

26 (f) Taking an examination that is required for a position in
27 the state civil service.

28 (8) The work search conducted by the claimant is subject to
29 audit by the unemployment agency.



1 (9) The unemployment agency shall request but shall not
2 require an individual who is applying for benefits to submit his or
3 her base period employer's unemployment agency account number and
4 federal employer identification number.

5 (10) The unemployment agency shall use all of the
6 documentation and information provided by an individual applying
7 for benefits to verify the identity of the individual before making
8 an initial payment on the individual's claim.

9 Sec. 29. (1) Except as provided in subsection (5), an
10 individual is disqualified from receiving benefits if he or she:

11 (a) Left work voluntarily without good cause attributable to
12 the employer or employing unit. An individual who left work is
13 presumed to have left work voluntarily without good cause
14 attributable to the employer or employing unit. An individual who
15 is absent from work for a period of 3 consecutive work days or more
16 without contacting the employer in a manner acceptable to the
17 employer and of which the individual was informed at the time of
18 hire shall be considered to have voluntarily left work without good
19 cause attributable to the employer. An individual who becomes
20 unemployed as a result of negligently losing a requirement for the
21 job of which he or she was informed at the time of hire shall be
22 considered to have voluntarily left work without good cause
23 attributable to the employer. An individual claiming benefits under
24 this act has the burden of proof to establish that he or she left
25 work involuntarily or for good cause that was attributable to the
26 employer or employing unit. An individual claiming to have left
27 work involuntarily for medical reasons must have done all of the
28 following before the leaving: secured a statement from a medical
29 professional that continuing in the individual's current job would



1 be harmful to the individual's physical or mental health, ~~+~~
2 unsuccessfully attempted to secure alternative work with the
3 employer, ~~+~~and unsuccessfully attempted to be placed on a leave of
4 absence with the employer to last until the individual's mental or
5 physical health would no longer be harmed by the current job.
6 However, if any of the following conditions ~~is~~**are** met, the leaving
7 does not disqualify the individual:

8 (i) The individual has an established benefit year in effect
9 and during that benefit year leaves unsuitable work within 60 days
10 after the beginning of that work. Benefits paid after a leaving
11 under this subparagraph shall not be charged to the experience
12 account of the employer the individual left, but shall be charged
13 instead to the nonchargeable benefits account.

14 (ii) The individual is the spouse of a full-time member of the
15 United States ~~armed forces,~~**Armed Forces**, and the leaving is due to
16 the military duty reassignment of that member of the United States
17 ~~armed forces~~**Armed Forces** to a different geographic location.
18 Benefits paid after a leaving under this subparagraph shall not be
19 charged to the experience account of the employer the individual
20 left, but shall be charged instead to the nonchargeable benefits
21 account.

22 (iii) The individual is concurrently working part-time for an
23 employer or employing unit and for another employer or employing
24 unit and voluntarily leaves the part-time work while continuing
25 work with the other employer. The portion of the benefits paid in
26 accordance with this subparagraph that would otherwise be charged
27 to the experience account of the part-time employer that the
28 individual left shall not be charged to the account of that
29 employer ~~+~~but shall be charged instead to the nonchargeable



1 benefits account.

2 (iv) During an emergency declared by the governor concerning an
3 infectious disease, any of the following conditions are met:

4 (A) The individual is formally quarantined or self-isolates
5 based on the advice of a medical professional because of 1 or more
6 of the following:

7 (I) The individual showed symptoms of or tested positive for
8 the infectious disease.

9 (II) The individual had contact with an individual who showed
10 symptoms of or tested positive for the infectious disease.

11 (B) The individual is at increased risk of negative health
12 consequences from the infectious disease because he or she is
13 immunocompromised.

14 (C) The individual is caring for a minor younger than 16 years
15 of age during the time that the minor's school is closed because of
16 the emergency.

17 (D) The individual is caring for a quarantined or isolated
18 family member who has tested positive for the infectious disease or
19 is showing symptoms of the infectious disease.

20 (E) The individual's place of employment is closed as a result
21 of state action because of the emergency.

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

24 (c) Failed without good cause to apply diligently for
25 available suitable work after receiving notice from the
26 unemployment agency of the availability of that work or failed to
27 apply for work with employers that could reasonably be expected to
28 have suitable work available.

29 (d) Failed without good cause while unemployed to report to



1 the individual's former employer or employing unit within a
 2 reasonable time after that employer or employing unit provided
 3 notice of the availability of an interview concerning available
 4 suitable work with the former employer or employing unit.

5 (e) Failed without good cause to accept suitable work offered
 6 to the individual or to return to the individual's customary self-
 7 employment, if any, when directed by the employment office or the
 8 unemployment agency. An employer that receives a monetary
 9 determination under section 32 may notify the unemployment agency
 10 regarding the availability of suitable work with the employer on
 11 the monetary determination or other form provided by the
 12 unemployment agency. Upon receipt of the notice of the availability
 13 of suitable work, the unemployment agency shall notify the claimant
 14 of the availability of suitable work. ~~Until 1 year after the~~
 15 ~~effective date of the amendatory act that added this sentence, an~~
 16 ~~individual is considered to have refused an offer of suitable work~~
 17 ~~if the prospective employer requires as a condition of the offer a~~
 18 ~~drug test that is subject to the same terms and conditions as a~~
 19 ~~drug test administered under subdivision (m), and the employer~~
 20 ~~withdraws the conditional offer after either of the following:~~

21 ~~(i) The individual tests positive for a controlled substance~~
 22 ~~and lacks a valid, documented prescription, as defined in section~~
 23 ~~17708 of the public health code, 1978 PA 368, MCL 333.17708, for~~
 24 ~~the controlled substance issued to the individual by his or her~~
 25 ~~treating physician.~~

26 ~~(ii) The individual refuses without good cause to submit to the~~
 27 ~~drug test.~~

28 (f) Lost his or her job due to absence from work resulting
 29 from a violation of law for which the individual was convicted and



1 sentenced to jail or prison. This subdivision does not apply if
2 conviction of an individual results in a sentence to county jail
3 under conditions of day parole as provided in 1962 PA 60, MCL
4 801.251 to 801.258, or if the conviction was for a traffic
5 violation that resulted in an absence of less than 10 consecutive
6 work days from the individual's place of employment.

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

10 (i) A strike or other concerted action in violation of an
11 applicable collective bargaining agreement that results in
12 curtailment of work or restriction of or interference with
13 production.

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

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

18 (i) Was discharged for theft connected with the individual's
19 work.

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

22 (k) Committed a theft after receiving notice of a layoff or
23 discharge, but before the effective date of the layoff or
24 discharge, resulting in loss or damage to the employer who would
25 otherwise be chargeable for the benefits, regardless of whether the
26 individual qualified for the benefits before the theft.

27 (l) Was employed by a temporary help firm, which as used in
28 this section means an employer whose primary business is to provide
29 a client with the temporary services of 1 or more individuals under



1 contract with the employer, to perform services for a client of
2 that firm if each of the following conditions is met:

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

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

9 (B) That a failure to provide the temporary help firm with
10 notice of the employee's completion of services pursuant to sub-
11 subparagraph (A) constitutes a voluntary quit that will affect the
12 employee's eligibility for unemployment compensation should the
13 employee seek unemployment compensation following completion of
14 those services.

15 (ii) The employee did not provide the temporary help firm with
16 notice that the employee had completed his or her services for the
17 client within 7 days after completion of his or her services for
18 the client.

19 (m) Was discharged for illegally ingesting, injecting,
20 inhaling, or possessing a controlled substance on the premises of
21 the employer; refusing to submit to a drug test that was required
22 to be administered in a nondiscriminatory manner; or testing
23 positive on a drug test, if the test was administered in a
24 nondiscriminatory manner. If the worker disputes the result of the
25 testing, and if a generally accepted confirmatory test has not been
26 administered on the same sample previously tested, then a generally
27 accepted confirmatory test shall be administered on that sample. If
28 the confirmatory test also indicates a positive result for the
29 presence of a controlled substance, the worker who is discharged as



1 a result of the test result will be disqualified under this
2 subdivision. A report by a drug testing facility showing a positive
3 result for the presence of a controlled substance is conclusive
4 unless there is substantial evidence to the contrary. As used in
5 this subdivision and subdivision (e):

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

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

10 (iii) "Nondiscriminatory manner" means administered impartially
11 and objectively in accordance with a collective bargaining
12 agreement, rule, policy, a verbal or written notice, or a labor-
13 management contract.

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

17 (2) A disqualification under subsection (1) begins the week in
18 which the act or discharge that caused the disqualification occurs
19 and continues until the disqualified individual requalifies under
20 subsection (3).

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

24 (a) For benefit years established before October 1, 2000, the
25 individual shall complete 6 requalifying weeks if he or she was
26 disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or
27 13 requalifying weeks if he or she was disqualified under
28 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
29 required under this subdivision is each week in which the



1 individual does any of the following:

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

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

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

10 (b) For benefit years established before October 1, 2000, if
11 the individual is disqualified under subsection (1)(a) or (b), he
12 or she shall requalify, after the week in which the disqualifying
13 discharge occurred by earning in employment for an employer liable
14 under this act or the unemployment compensation act of another
15 state an amount equal to, or in excess of, 7 times the individual's
16 potential weekly benefit rate, calculated on the basis of
17 employment with the employer involved in the disqualification, or
18 by earning in employment for an employer liable under this act or
19 the unemployment compensation act of another state an amount equal
20 to, or in excess of, 40 times the state minimum hourly wage times
21 7, whichever is the lesser amount.

22 (c) For benefit years established before October 1, 2000, a
23 benefit payable to an individual disqualified under subsection
24 (1)(a) or (b) shall be charged to the nonchargeable benefits
25 account, and not to the account of the employer with whom the
26 individual was involved in the disqualification.

27 (d) For benefit years beginning on or after October 1, 2000,
28 after the week in which the disqualifying act or discharge
29 occurred, an individual shall complete 13 requalifying weeks if he



1 or she was disqualified under subsection (1)(c), (d), (e), (f),
2 (g), or (l), or 26 requalifying weeks if he or she was disqualified
3 under subsection (1)(h), (i), (j), (k), (m), or (n). A requalifying
4 week required under this subdivision is each week in which the
5 individual does any of the following:

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

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

13 (e) For benefit years beginning on or after October 1, 2000
14 and beginning before April 26, 2002, if the individual is
15 disqualified under subsection (1)(a) or (b), he or she shall
16 requalify, after the week in which the disqualifying act or
17 discharge occurred by earning in employment for an employer liable
18 under this act or the unemployment compensation law of another
19 state at least the lesser of the following:

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

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

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

28 (g) For benefit years beginning on or after April 26, 2002, if
29 the individual is disqualified under subsection (1)(b), he or she



1 shall requalify, after the week in which the disqualifying act or
 2 discharge occurred by earning in employment for an employer liable
 3 under this act or the unemployment compensation law of another
 4 state at least 17 times the individual's weekly benefit rate.

5 (h) A benefit payable to the individual disqualified or
 6 separated under disqualifying circumstances under subsection (1)(a)
 7 or (b) shall be charged to the nonchargeable benefits account,
 8 and not to the account of the employer with whom the individual was
 9 involved in the separation. Benefits payable to an individual
 10 determined by the unemployment agency to be separated under
 11 disqualifying circumstances shall not be charged to the account of
 12 the employer involved in the disqualification for any period after
 13 the employer notifies the unemployment agency of the claimant's
 14 possible ineligibility or disqualification. However, an individual
 15 filing a new claim for benefits who reports the reason for
 16 separation from a base period employer as a voluntary leaving shall
 17 be presumed to have voluntarily left without good cause
 18 attributable to the employer and shall be disqualified unless the
 19 individual provides substantial evidence to rebut the presumption.
 20 If a disqualifying act or discharge occurs during the individual's
 21 benefit year, any benefits that may become payable to the
 22 individual in a later benefit year based on employment with the
 23 employer involved in the disqualification shall be charged to the
 24 nonchargeable benefits account.

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

28 (a) For benefit years established before October 1, 2000, if
 29 the individual is disqualified under subsection (1)(c), (d), (e),



1 (f), (g), or (l) and the maximum amount of benefits is based on
2 wages and credit weeks earned from an employer before an act or
3 discharge involving that employer, the amount shall be reduced by
4 an amount equal to the individual's weekly benefit rate as to that
5 employer multiplied by the lesser of either of the following:

6 (i) The number of requalifying weeks required of the individual
7 under this section.

8 (ii) The number of weeks of benefit entitlement remaining with
9 that employer.

10 (b) If the individual has insufficient or no potential benefit
11 entitlement remaining with the employer involved in the
12 disqualification in the benefit year in existence on the date of
13 the disqualifying determination, a reduction of benefits described
14 in this subsection applies in a succeeding benefit year with
15 respect to any benefit entitlement based upon credit weeks earned
16 with the employer before the disqualifying act or discharge.

17 (c) For benefit years established before October 1, 2000, an
18 individual disqualified under subsection (1)(h), (i), (j), (k), or
19 (m) is not entitled to benefits based on wages and credit weeks
20 earned before the disqualifying act or discharge with the employer
21 involved in the disqualification.

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

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

27 (f) For benefit years established on or after October 1, 2000,
28 if the individual is disqualified under subsection (1)(c), (d),
29 (e), (f), (g), or (l), the maximum number of weeks otherwise



1 applicable in calculating benefits for the individual under section
2 27(d) shall be reduced by the lesser of the following:

3 (i) The number of requalifying weeks required of the individual
4 under this section.

5 (ii) The number of weeks of benefit entitlement remaining on
6 the claim.

7 (g) For benefit years beginning on or after October 1, 2000,
8 the benefits of an individual disqualified under subsection (1)(h),
9 (i), (j), (k), (m), or (n) shall be reduced by 13 weeks and any
10 weekly benefit payments made to the claimant thereafter shall be
11 reduced by the portion of the payment attributable to base period
12 wages paid by the base period employer involved in a
13 disqualification under subsection (1)(h), (i), (j), (k), (m), or
14 (n).

15 (5) If an individual leaves work to accept permanent full-time
16 work with another employer or to accept a referral to another
17 employer from the individual's union hiring hall and performs
18 services for that employer, or if an individual leaves work to
19 accept a recall from a former employer, all of the following apply:

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

21 (b) Wages earned with the employer whom the individual last
22 left, including wages previously transferred under this subsection
23 to the last employer, for the purpose of computing and charging
24 benefits, are wages earned from the employer with whom the
25 individual accepted work or recall, and benefits paid based upon
26 those wages shall be charged to that employer.

27 (c) When issuing a determination covering the period of
28 employment with a new or former employer described in this
29 subsection, the unemployment agency shall advise the chargeable



1 employer of the name and address of the other employer, the period
2 covered by the employment, and the extent of the benefits that may
3 be charged to the account of the chargeable employer.

4 (6) In determining whether work is suitable for an individual,
5 the unemployment agency shall consider the degree of risk involved
6 to the individual's health, safety, and morals, the individual's
7 physical fitness and prior training, the individual's length of
8 unemployment and prospects for securing local work in the
9 individual's customary occupation, and the distance of the
10 available work from the individual's residence. Additionally, the
11 unemployment agency shall consider the individual's experience and
12 prior earnings, but an unemployed individual who refuses an offer
13 of work determined to be suitable under this section shall be
14 denied benefits if the pay rate for that work is at least 70% of
15 the gross pay rate he or she received immediately before becoming
16 unemployed. Beginning January 15, 2012, after an individual has
17 received benefits for 50% of the benefit weeks in the individual's
18 benefit year, work shall not be considered unsuitable because it is
19 outside of the individual's training or experience or unsuitable as
20 to pay rate if the pay rate for that work meets or exceeds the
21 minimum wage; is at least the prevailing mean wage for similar work
22 in the locality for the most recent full calendar year for which
23 data are available as published by the department of technology,
24 management, and budget as "wages by job title", by standard
25 metropolitan statistical area; and is 120% or more of the
26 individual's weekly benefit amount.

27 (7) Work is not suitable and benefits shall not be denied
28 under this act to an otherwise eligible individual for refusing to
29 accept new work under any of the following conditions:



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

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

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

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

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

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

17 (ii) A labor dispute, other than a lockout, in active progress
18 or a shutdown or start-up operation caused by that labor dispute in
19 any other establishment within the United States that is both
20 functionally integrated with the establishment described in
21 subparagraph (i) and operated by the same employing unit.

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

29 (c) An individual is not disqualified under this subsection if



1 the individual is not directly involved in the labor dispute. An
2 individual is not directly involved in a labor dispute unless any
3 of the following are established:

4 (i) At the time or in the course of a labor dispute in the
5 establishment in which the individual was then employed, the
6 individual in concert with 1 or more other employees voluntarily
7 stopped working other than at the direction of the individual's
8 employing unit.

9 (ii) The individual is participating in, financing, or directly
10 interested in the labor dispute that causes the individual's total
11 or partial unemployment. The payment of regular union dues, in
12 amounts and for purposes established before the inception of the
13 labor dispute, is not financing a labor dispute within the meaning
14 of this subparagraph.

15 (iii) At any time a labor dispute in the establishment or
16 department in which the individual was employed does not exist, and
17 the individual voluntarily stops working, other than at the
18 direction of the individual's employing unit, in sympathy with
19 employees in some other establishment or department in which a
20 labor dispute is in progress.

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

24 (d) As used in this subsection, "directly interested" shall be
25 construed and applied so as not to disqualify individuals
26 unemployed as a result of a labor dispute the resolution of which
27 may not reasonably be expected to affect their wages, hours, or
28 other conditions of employment, and to disqualify individuals whose
29 wages, hours, or conditions of employment may reasonably be



1 expected to be affected by the resolution of the labor dispute. A
2 "reasonable expectation" of an effect on an individual's wages,
3 hours, or other conditions of employment exists, in the absence of
4 a substantial preponderance of evidence to the contrary, in any of
5 the following situations:

6 (i) If it is established that there is in the particular
7 establishment or employing unit a practice, custom, or contractual
8 obligation to extend within a reasonable period to members of the
9 individual's grade or class of workers in the establishment in
10 which the individual is or was last employed changes in terms and
11 conditions of employment that are substantially similar or related
12 to some or all of the changes in terms and conditions of employment
13 that are made for the workers among whom there exists the labor
14 dispute that has caused the individual's total or partial
15 unemployment.

16 (ii) If it is established that 1 of the issues in or purposes
17 of the labor dispute is to obtain a change in the terms and
18 conditions of employment for members of the individual's grade or
19 class of workers in the establishment in which the individual is or
20 was last employed.

21 (iii) If a collective bargaining agreement covers both the
22 individual's grade or class of workers in the establishment in
23 which the individual is or was last employed and the workers in
24 another establishment of the same employing unit who are actively
25 participating in the labor dispute, and that collective bargaining
26 agreement is subject by its terms to modification, supplementation,
27 or replacement, or has expired or been opened by mutual consent at
28 the time of the labor dispute.

29 (e) In determining the scope of the grade or class of workers,



1 evidence of the following is relevant:

2 (i) Representation of the workers by the same national or
3 international organization or by local affiliates of that national
4 or international organization.

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

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

12 (iv) Any functional integration of the work performed by those
13 workers.

14 (v) Whether the resolution of those issues involved in the
15 labor dispute as to some of the workers could directly or
16 indirectly affect the advancement, negotiation, or settlement of
17 the same or similar issues in respect to the remaining workers.

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

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

26 (9) Notwithstanding subsections (1) to (8), if the employing
27 unit submits notice to the unemployment agency of possible
28 ineligibility or disqualification beyond the time limits prescribed
29 by unemployment agency rule and the unemployment agency concludes



1 that benefits should not have been paid, the claimant shall repay
2 the benefits paid during the entire period of ineligibility or
3 disqualification. The unemployment agency shall not charge interest
4 on repayments required under this subsection.

5 (10) An individual is disqualified from receiving benefits for
6 any week or part of a week in which the individual has received, is
7 receiving, or is seeking unemployment benefits under an
8 unemployment compensation law of another state or of the United
9 States. If the appropriate agency of the other state or of the
10 United States finally determines that the individual is not
11 entitled to unemployment benefits, the disqualification described
12 in this subsection does not apply.

