

**SUBSTITUTE FOR  
SENATE BILL NO. 445**

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 28 (MCL 421.28), as amended by 2020 PA 229.

**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  
6 engaged in seeking work. The requirements that the individual must  
7 report, must register for work, must be available to perform  
8 suitable full-time work, and must seek work may be waived by the  
9 unemployment agency if the individual is laid off and the employer

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

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

29 (i) His or her Social Security number.

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

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

10           (c) The individual is able and available to appear at a  
11 location of the unemployment agency's choosing for evaluation of  
12 eligibility for benefits, if required, and to perform suitable  
13 full-time work of a character that the individual is qualified to  
14 perform by past experience or training, which is of a character  
15 generally similar to work for which the individual has previously  
16 received wages, and for which the individual is available, full  
17 time, either at a locality at which the individual earned wages for  
18 insured work during his or her base period or at a locality where  
19 it is found by the unemployment agency that such work is available.  
20 **Notwithstanding any other provision of this act, for all claims**  
21 **filed after March 1, 2020 and established under the federal**  
22 **pandemic unemployment assistance program, with respect to the able**  
23 **and available requirements, an individual must be able and**  
24 **available to perform suitable full- or part-time work.** An  
25 individual is considered unavailable for work under any of the  
26 following circumstances:

27           (i) The individual fails during a benefit year to notify or  
28 update a chargeable employer with telephone, electronic mail, or  
29 other information sufficient to allow the employer to contact the

1 individual about available work.

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

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

14 (d) In the event of the death of an individual's immediate  
15 family member, the eligibility requirements of availability and  
16 reporting are waived for the day of the death and for 4 consecutive  
17 calendar days thereafter. As used in this subdivision, "immediate  
18 family member" means a spouse, child, stepchild, adopted child,  
19 grandchild, parent, grandparent, brother, or sister of the  
20 individual or his or her spouse. ~~It shall also include~~ **Immediate**  
21 **family member includes** the spouse of any of the ~~persons~~ **individuals**  
22 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~~ **the unemployment agency** shall waive the  
25 requirements that he or she be available for work and be seeking  
26 work as prescribed in subsection (1)(a) and (c), and ~~it~~ shall find  
27 good cause for his or her failure to apply for suitable work,  
28 report to a former employer for an interview concerning suitable  
29 work, or accept suitable work as required in section 29(1)(c), (d),

1 and (e).

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

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

26 (a) Reporting at monthly intervals on the unemployment  
27 agency's online reporting system the name of each employer and  
28 physical or online location of each employer where work was sought  
29 and the date and method by which work was sought with each

1 employer.

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

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

14 (6) For purposes of this section, beginning on April 2, 2020,  
15 to be actively engaged in seeking work, an individual must conduct  
16 a systematic and sustained search for work in each week the  
17 individual is claiming benefits and must report to the unemployment  
18 agency the details of the work search at least once every 2 weeks  
19 or, if the unemployment agency prescribes a shorter reporting  
20 period, the reporting period prescribed by the unemployment agency.  
21 An individual may conduct a systematic and sustained search for  
22 work by doing any of the following:

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

25 (i) Participate in reemployment services and eligibility  
26 assessment activities.

27 (ii) Identify the skills the individual possesses that are  
28 consistent with target or demand occupations in the local workforce  
29 development area.

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

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

6           (c) Creating a user profile on a professional networking site  
7 or using an online career tool. Creating duplicate user profiles or  
8 resubmitting or reuploading the same resume to the same  
9 professional networking site does not satisfy the requirements of  
10 this subdivision.

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

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

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

23           (7) The work search conducted by the claimant is subject to  
24 audit by the unemployment agency.

25           (8) The unemployment agency shall request but shall not  
26 require an individual who is applying for benefits to submit his or  
27 her base period employer's unemployment agency account number and  
28 federal employer identification number.

29           (9) The unemployment agency shall use all of the documentation

- 1 and information provided by an individual applying for benefits to
- 2 verify the identity of the individual before making an initial
- 3 payment on the individual's claim.