



HOUSE BILL No. 6228

November 19, 1996, Introduced by Reps. Llewellyn, Jellema, Crissman, Dalman and Pitoniak and referred to the Committee on Human Resources and Labor.

A bill to amend section 28 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 422 of the Public Acts of 1994, being section 421.28 of the Michigan Compiled Laws; and to add section 28b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 422 of the
3 Public Acts of 1994, being section 421.28 of the Michigan
4 Compiled Laws, is amended and section 28b is added to read as
5 follows:

1 Sec. 28. (1) ~~An~~ SUBJECT TO SECTION 28B, AN unemployed
2 individual shall be eligible to receive benefits with respect to
3 any week only if the commission finds that:

4 (a) For benefit years established before the conversion date
5 prescribed in section 75, the individual has registered for work
6 at and thereafter has continued to report at an employment office
7 in accordance with such rules as the commission may prescribe and
8 is seeking work. The requirements that the individual must
9 report at an employment office, must register for work, must be
10 available to perform suitable full-time work, and must seek work
11 may be waived by the commission if the individual is laid off and
12 the employer who laid the individual off notifies the commission
13 in writing or by computerized data exchange that the layoff is
14 temporary and that work is expected to be available for the indi-
15 vidual within a declared number of days, not to exceed 45 calen-
16 dar days following the last day the individual worked. This
17 waiver shall not be effective unless the notification from the
18 employer has been received by the commission before the individ-
19 ual has completed his or her first compensable week following
20 layoff. If the individual is not recalled within the specified
21 period, the waiver shall cease to be operative with respect to
22 that layoff. Except for a period of disqualification, the
23 requirement that the individual shall seek work may be waived by
24 the commission where it finds that suitable work is unavailable
25 both in the locality where the individual resides and in those
26 localities in which the individual has earned base period credit
27 weeks. This waiver shall not apply, for weeks of unemployment

1 beginning on or after March 1, 1981, to a claimant enrolled and
2 attending classes as a full-time student. An individual shall
3 have satisfied the requirement of personal reporting at an
4 employment office, as applied to a week in a period during which
5 the requirements of registration and seeking work have been
6 waived by the commission pursuant to this subdivision, if the
7 individual has satisfied the personal reporting requirement with
8 respect to a preceding week in that period and the individual has
9 reported with respect to the week by mail in accordance with the
10 rules promulgated by the commission. For benefit years estab-
11 lished after the conversion date prescribed in section 75, the
12 individual has registered for work and has continued to report in
13 accordance with such rules as the commission may prescribe and is
14 seeking work. The requirements that the individual must report,
15 must register for work, must be available to perform suitable
16 full-time work, and must seek work may be waived by the commis-
17 sion if the individual is laid off and the employer who laid the
18 individual off notifies the commission in writing or by computer-
19 ized data exchange that the layoff is temporary and that work is
20 expected to be available for the individual within a declared
21 number of days, not to exceed 45 calendar days following the last
22 day the individual worked. This waiver shall not be effective
23 unless the notification from the employer has been received by
24 the commission before the individual has completed his or her
25 first compensable week following layoff. If the individual is
26 not recalled within the specified period, the waiver shall cease
27 to be operative with respect to that layoff. Except for a period

1 of disqualification, the requirement that the individual shall
2 seek work may be waived by the commission where it finds that
3 suitable work is unavailable both in the locality where the indi-
4 vidual resides and in those localities in which the individual
5 has earned wages during or after the base period. This waiver
6 shall not apply to a claimant enrolled and attending classes as a
7 full-time student. An individual shall be considered to have
8 satisfied the requirement of personal reporting at an employment
9 office, as applied to a week in a period during which the
10 requirements of registration and seeking work have been waived by
11 the commission pursuant to this subdivision, if the individual
12 has satisfied the personal reporting requirement with respect to
13 a preceding week in that period and the individual has reported
14 with respect to the week by mail in accordance with the rules
15 promulgated by the commission.

16 (b) The individual has made a claim for benefits in accord-
17 ance with section 32 and has provided the commission with his or
18 her social security number.

19 (c) The individual is able and available to perform suitable
20 full-time work of a character which the individual is qualified
21 to perform by past experience or training, which is of a charac-
22 ter generally similar to work for which the individual has previ-
23 ously received wages, and for which the individual is available,
24 full time, either at a locality at which the individual earned
25 wages for insured work during his or her base period or at a
26 locality where it is found by the commission that such work is
27 available.

1 (d) In the event of the death of an individual's immediate
2 family member, the eligibility requirements of availability and
3 reporting shall be waived for the day of the death and for 4 con-
4 secutive calendar days thereafter. As used in this subdivision,
5 "immediate family member" means a spouse, child, stepchild,
6 adopted child, grandchild, parent, grandparent, brother, or
7 sister of the individual or his or her spouse. It shall also
8 include the spouse of any of the persons specified in the previ-
9 ous sentence.

10 (e) The individual participates in reemployment services,
11 such as job search assistance services, if the individual has
12 been determined or redetermined by the commission to be likely to
13 exhaust regular benefits and need reemployment services pursuant
14 to a profiling system established by the commission.

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

18 (a) Reasonable opportunities for employment in occupations
19 for which the individual is fitted by training and experience do
20 not exist in the locality in which the individual is claiming
21 benefits.

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

25 (c) The training course has been approved by a local
26 advisory council on which both management and labor are

1 represented, or if there is no local advisory council, by the
2 commission.

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

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

8 (3) Notwithstanding any other provision of this act, an oth-
9 erwise eligible individual shall not be ineligible for benefits
10 because he or she is participating in training with the approval
11 of the commission. For each week that the commission finds that
12 an individual who is claiming benefits under this act and who is
13 participating in training with the approval of the commission, is
14 satisfactorily pursuing an approved course of vocational train-
15 ing, it shall waive the requirements that he or she be available
16 for work and be seeking work as prescribed in subsection (1)(a)
17 and (c), and it shall find good cause for his or her failure to
18 apply for suitable work, report to a former employer for an
19 interview concerning suitable work, or accept suitable work as
20 required in section 29(1)(c), (d), and (e).

21 (4) The waiver of the requirement that a claimant seek work,
22 as provided in subsection (1)(a), shall not be applicable to
23 weeks of unemployment for which the claimant is claiming extended
24 benefits if section 64(8)(a)(ii) is in effect, unless the indi-
25 vidual is participating in training approved by the commission.

26 (5) Notwithstanding any other provisions of this act, an
27 otherwise eligible individual shall not be denied benefits for

1 any week beginning after October 30, 1982 solely because the
2 individual is in training approved under section 236(a)(1) of the
3 trade act of 1974, as amended, 19 U.S.C. 2296, nor shall the
4 individual be denied benefits by reason of leaving work to enter
5 such training if the work left is not suitable employment.
6 Furthermore, an otherwise eligible individual shall not be denied
7 benefits because of the application to any such week in training
8 of provisions of this act, or any applicable federal unemployment
9 compensation law, relating to availability for work, active
10 search for work, or refusal to accept work. For purposes of this
11 subsection, "suitable employment" means, with respect to an indi-
12 vidual, work of a substantially equal or higher skill level than
13 the individual's past adversely affected employment, as defined
14 for purposes of the trade act of 1974, 19 U.S.C. 2101 to 2495,
15 and wages for that work at not less than 80% of the individual's
16 average weekly wage as determined for the purposes of the trade
17 act of 1974.

18 SEC. 28B. (1) AN UNEMPLOYED INDIVIDUAL WHO IS ALL OF THE
19 FOLLOWING IS INELIGIBLE TO RECEIVE BENEFITS UNLESS HE OR SHE PAR-
20 TICIPATES IN THE EDUCATIONAL PROGRAM DESCRIBED IN SUBSECTION

21 (2):

22 (A) UNEMPLOYED FOR REASONS OTHER THAN A TEMPORARY LAYOFF
23 DESCRIBED IN SECTION 28(1)(A).

24 (B) UNABLE TO PROVIDE PROOF SATISFACTORY TO THE COMMISSION
25 THAT HE OR SHE HAS COMPLETED HIGH SCHOOL OR THE EQUIVALENT OF
26 HIGH SCHOOL.

1 (C) RESIDING WITHIN A SCHOOL DISTRICT OR COUNTY THAT
2 PROVIDES ADULT EDUCATION.

3 (2) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) SHALL PARTICI-
4 PATE IN ALL OF THE FOLLOWING AS A CONDITION OF BENEFIT
5 ELEGIBILITY:

6 (A) ADULT EDUCATION.

7 (B) A JOB SEARCH WORKSHOP DEVELOPED OR APPROVED BY THE
8 COMMISSION.

9 (C) IF THE COMMISSION DETERMINES APPROPRIATE, EMPLOYMENT
10 COUNSELING.

11 (3) THE COMMISSION SHALL DEVELOP A JOB SEARCH WORKSHOP PRO-
12 GRAM FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1), OR APPROVE A
13 JOB SEARCH WORKSHOP PROGRAM THAT THE COMMISSION DETERMINES ADE-
14 QUATE FOR PROVIDING JOB SEARCH TRAINING AND COUNSELING TO INDI-
15 VIDUALS DESCRIBED IN SUBSECTION (1). AT A MINIMUM, A JOB SEARCH
16 WORKSHOP PROGRAM SHALL REQUIRE AN INDIVIDUAL TO DO BOTH OF THE
17 FOLLOWING:

18 (A) PARTICIPATE IN THE PROGRAM A MINIMUM OF 20 HOURS PER
19 WEEK.

20 (B) APPLY FOR EMPLOYMENT BY MAKING AT LEAST 6 DIRECT CON-
21 TACTS WITH PROSPECTIVE EMPLOYERS PER WEEK.

22 (4) IN ADDITION TO PAYMENT OF BENEFITS UNDER THIS ACT, THE
23 COMMISSION MAY PAY AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) UP
24 TO \$15.00 PER WEEK FOR TRAVEL EXPENSES TO AND FROM AN ADULT EDU-
25 CATION SITE.

26 (5) AN UNEMPLOYED INDIVIDUAL WHO IS COMPLETING AN
27 ASSOCIATE'S DEGREE AND IS ENROLLED IN AND ACTIVELY ATTENDING AT

1 LEAST 20 HOURS PER WEEK OF CLASSES TOWARDS THAT DEGREE AT AN
2 INSTITUTION OF HIGHER EDUCATION IS ELIGIBLE FOR BENEFITS UNDER
3 THIS ACT. COMPLIANCE WITH THIS SUBSECTION IS GOOD CAUSE FOR
4 FAILURE TO APPLY FOR OR ACCEPT AVAILABLE SUITABLE WORK UNDER SEC-
5 TION 29.

6 (6) AN INDIVIDUAL IS ELIGIBLE TO RECEIVE BENEFITS WHILE
7 WORKING AS A PROBATIONARY EMPLOYEE PURSUANT TO AN AGREEMENT
8 BETWEEN THE COMMISSION AND THE EMPLOYER DESCRIBED IN SUBSECTION
9 (7).

10 (7) THE COMMISSION MAY ENTER AGREEMENTS WITH EMPLOYERS THAT
11 DO ALL OF THE FOLLOWING:

12 (A) AUTHORIZE AN INDIVIDUAL RECEIVING BENEFITS UNDER THIS
13 ACT TO CONTINUE RECEIVING THOSE BENEFITS FOR A PERIOD OF UP TO 4
14 WEEKS WHILE THE INDIVIDUAL WORKS AS A PROBATIONARY EMPLOYEE OF
15 THE EMPLOYER.

16 (B) ENSURE THAT WORKER'S COMPENSATION INSURANCE COVERAGE IS
17 PROVIDED BY THE COMMISSION OR A SOURCE OTHER THAN THE EMPLOYER
18 FOR THE INDIVIDUAL RECEIVING BENEFITS UNDER THIS ACT DURING THE
19 PERIOD THE INDIVIDUAL IS A PROBATIONARY EMPLOYEE OF THE
20 EMPLOYER.

21 (C) REQUIRE THE EMPLOYER TO HIRE THE INDIVIDUAL AS A
22 FULL-TIME EMPLOYEE AT THE END OF THE PROBATIONARY PERIOD, UNLESS
23 THE EMPLOYER VERIFIES TO THE COMMISSION'S SATISFACTION THAT THE
24 INDIVIDUAL REQUIRES ADDITIONAL EDUCATION OR TRAINING TO ADE-
25 QUATELY PERFORM THE WORK REQUIRED BY THE EMPLOYER.

26 (8) THE COMMISSION MAY WAIVE THE REQUIREMENTS OF THIS
27 SECTION FOR GOOD CAUSE. IF AN INDIVIDUAL DESCRIBED IN SUBSECTION

1 (1) DOES NOT RESIDE WITHIN 30 MILES OF THE SITE OF AN ADULT
2 EDUCATION PROGRAM, THE COMMISSION SHALL WAIVE THE REQUIREMENTS OF
3 SUBSECTION (2)(A) FOR THAT INDIVIDUAL.

4 (9) THE COMMISSION SHALL PROMULGATE RULES TO IMPLEMENT THIS
5 SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
6 ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
7 24.328 OF THE MICHIGAN COMPILED LAWS.

8 (10) AS USED IN THIS SECTION:

9 (A) "ADULT EDUCATION" MEANS ADULT EDUCATION COURSES AUTHO-
10 RIZED UNDER SECTION 1293 OF THE SCHOOL CODE OF 1976, ACT NO. 451
11 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380.1293 OF THE
12 MICHIGAN COMPILED LAWS, OR A PROGRAM OF ADULT EDUCATION ESTAB-
13 LISHED UNDER EITHER OF THE FOLLOWING:

14 (i) SECTION 1 OF ACT NO. 18 OF THE PUBLIC ACTS OF THE FIRST
15 EXTRA SESSION OF 1946, BEING SECTION 388.531 OF THE MICHIGAN
16 COMPILED LAWS.

17 (ii) THE STATE SCHOOL AID ACT OF 1979, ACT NO. 94 OF THE
18 PUBLIC ACTS OF 1979, BEING SECTIONS 388.1601 TO 388.1772 OF THE
19 MICHIGAN COMPILED LAWS.

20 (B) "INSTITUTION OF HIGHER EDUCATION" MEANS A COLLEGE OR
21 UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
22 STATE CONSTITUTION OF 1963, OR A JUNIOR COLLEGE OR COMMUNITY COL-
23 LEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE
24 CONSTITUTION OF 1963.

25 Section 2. This amendatory act shall not take effect unless
26 Senate Bill No. _____ or House Bill No. 6231 (request
27 no. 02089'95 a) of the 88th Legislature is enacted into law.