

# HOUSE BILL No. 4081

January 28, 1997, Introduced by Reps. Crissman and Jaye and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 1994 PA 422.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 28. (1) An unemployed individual ~~shall be~~ IS eligi-  
2 ble to receive benefits with respect to any week only if the com-  
3 mission 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~~ TO an employment  
7 office in accordance with ~~such~~ rules ~~as~~ THAT the commission  
8 may prescribe, and ADDITIONALLY HAS PROVIDED THE COMMISSION WITH  
9 EVIDENCE SATISFACTORY TO THE COMMISSION THAT HE OR SHE IS  
10 AVAILABLE TO PERFORM SUITABLE FULL-TIME WORK, IS seeking work,  
11 AND HAS APPLIED FOR SUITABLE WORK AT LEAST 5 TIMES EACH WEEK FOR

1 WHICH BENEFITS ARE SOUGHT. TO ESTABLISH THE EXISTENCE OF  
2 APPLICATIONS REQUIRED UNDER THIS SUBDIVISION, THE INDIVIDUAL  
3 SHALL AT A MINIMUM PROVIDE THE COMMISSION WITH THE NAME, ADDRESS,  
4 AND TELEPHONE NUMBER OF AT LEAST 5 EMPLOYERS WITH WHOM HE OR SHE  
5 HAS APPLIED FOR SUITABLE WORK FOR EACH WEEK FOR WHICH BENEFITS  
6 ARE SOUGHT, AND IDENTIFY THE DATE EACH APPLICATION WAS MADE. The  
7 requirements that the individual ~~must~~ report ~~at~~ TO an employ-  
8 ment office, ~~must~~ register for work, ~~must~~ be available to  
9 perform suitable full-time work, ~~and must~~ seek work, AND PRO-  
10 VIDE EVIDENCE THAT HE OR SHE IS SEEKING WORK AND HAS APPLIED FOR  
11 SUITABLE WORK may be waived by the commission if the individual  
12 is laid off and the employer who laid the individual off notifies  
13 the commission in writing or by computerized data exchange that  
14 the layoff is temporary and that work is expected to be available  
15 for the individual within a ~~declared~~ SPECIFIED number of days  
16 ~~,~~ THAT DO not ~~to~~ exceed 45 calendar days following the last  
17 day the individual worked. ~~This~~ A waiver ~~shall~~ UNDER THIS  
18 SECTION IS not ~~be~~ effective unless the notification from the  
19 employer ~~has been~~ IS received by the commission before the  
20 individual ~~has completed~~ COMPLETES his or her first compensable  
21 week following layoff. If the individual is not recalled within  
22 the specified period, the waiver shall cease to be operative with  
23 respect to that layoff. Except for a period of disqualification,  
24 the requirement that the individual ~~shall~~ seek work AND PROVIDE  
25 EVIDENCE THAT HE OR SHE HAS APPLIED FOR SUITABLE WORK may be  
26 waived by the commission ~~where~~ IF it finds that suitable work  
27 is unavailable both in the locality where the individual resides

1 and in those localities in which the individual has earned base  
2 period credit weeks. This waiver ~~shall~~ DOES not apply ~~, for~~  
3 ~~weeks of unemployment beginning on or after March 1, 1981,~~ to a  
4 claimant enrolled and attending classes as a full-time student.  
5 An individual ~~shall have satisfied~~ SATISFIES the requirement of  
6 personal reporting at an employment office, as applied to a week  
7 in a period during which the requirements of registration and  
8 seeking work have been waived by the commission pursuant to this  
9 subdivision, if the individual has satisfied the personal report-  
10 ing requirement with respect to a preceding week in that period  
11 and the individual ~~has reported~~ REPORTS with respect to the  
12 week by mail in accordance with the rules promulgated by the  
13 commission.

14 For benefit years established after the conversion date pre-  
15 scribed in section 75, the individual has registered for work and  
16 has continued to report in accordance with ~~such~~ rules as the  
17 commission may prescribe, and ADDITIONALLY HAS PROVIDED THE COM-  
18 MISSION WITH EVIDENCE SATISFACTORY TO THE COMMISSION THAT HE OR  
19 SHE is AVAILABLE TO PERFORM SUITABLE FULL-TIME WORK, IS seeking  
20 work, AND HAS APPLIED FOR SUITABLE WORK AT LEAST 5 TIMES EACH  
21 WEEK FOR WHICH BENEFITS ARE SOUGHT. TO ESTABLISH THE EXISTENCE  
22 OF APPLICATIONS REQUIRED UNDER THIS SUBDIVISION, THE INDIVIDUAL  
23 SHALL AT A MINIMUM PROVIDE THE COMMISSION WITH THE NAME, ADDRESS,  
24 AND TELEPHONE NUMBER OF AT LEAST 5 EMPLOYERS WITH WHOM HE OR SHE  
25 HAS APPLIED FOR SUITABLE WORK FOR EACH WEEK FOR WHICH BENEFITS  
26 ARE SOUGHT, AND IDENTIFY THE DATE EACH APPLICATION WAS MADE. The  
27 requirements that the individual ~~must~~ report, ~~must~~ register

1 for work, ~~must~~ be available to perform suitable full-time work,  
2 ~~and must~~ seek work, AND PROVIDE EVIDENCE THAT HE OR SHE IS  
3 SEEKING WORK AND HAS APPLIED FOR SUITABLE WORK may be waived by  
4 the commission if the individual is laid off and the employer who  
5 laid the individual off notifies the commission in writing or by  
6 computerized data exchange that the layoff is temporary and that  
7 work is expected to be available for the individual within a  
8 ~~declared~~ SPECIFIED number of days ~~,~~ THAT DO not ~~to~~ exceed  
9 45 calendar days following the last day the individual worked.  
10 ~~This~~ A waiver ~~shall~~ UNDER THIS SECTION IS not ~~be~~ effective  
11 unless the notification from the employer ~~has been~~ IS received  
12 by the commission before the individual ~~has completed~~ COMPLETES  
13 his or her first compensable week following layoff. If the indi-  
14 vidual is not recalled within the specified period, the waiver  
15 shall cease to be operative with respect to that layoff. Except  
16 for a period of disqualification, the requirement that the indi-  
17 vidual ~~shall~~ seek work AND PROVIDE EVIDENCE THAT HE OR SHE HAS  
18 APPLIED FOR SUITABLE WORK may be waived by the commission where  
19 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.  
22 This waiver ~~shall~~ DOES not apply to a claimant enrolled and  
23 attending classes as a full-time student. An individual ~~shall~~  
24 ~~be considered to have satisfied~~ SATISFIES the requirement of  
25 personal reporting at an employment office, as applied to a week  
26 in a period during which the requirements of registration and  
27 seeking work have been waived by the commission pursuant to this

1 subdivision, if the individual has satisfied the personal  
2 reporting requirement with respect to a preceding week in that  
3 period and the individual ~~has reported~~ REPORTS with respect to  
4 the week by mail in accordance with the rules promulgated by the  
5 commission.

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

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

18 (d) In the event of the death of an individual's immediate  
19 family member, the eligibility requirements of availability and  
20 reporting ~~shall be~~ ARE waived for the day of the death and for  
21 4 consecutive calendar days thereafter. As used in this subdivi-  
22 sion, "immediate family member" means a spouse, child, stepchild,  
23 adopted child, grandchild, parent, grandparent, brother, or  
24 sister of the individual or his or her spouse. It shall also  
25 include the spouse of any of the persons specified in the previ-  
26 ous sentence.

1 (e) The individual participates in reemployment services,  
2 such as job search assistance services, if the individual has  
3 been determined or redetermined by the commission to be likely to  
4 exhaust regular benefits and need reemployment services pursuant  
5 to a profiling system established by the commission.

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 ALL OF THE FOLLOWING REQUIRE-  
9 MENTS ARE MET:

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

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

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

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

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

26 (3) Notwithstanding any other provision of this act, an  
27 otherwise eligible individual shall not be ineligible for

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

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

18 (5) Notwithstanding any other provisions of this act, an  
19 otherwise eligible individual shall not be denied benefits for  
20 any week ~~beginning after October 30, 1982~~ solely because the  
21 individual is in training approved under section 236(a)(1) of the  
22 trade act of 1974, ~~as amended,~~ PUBLIC LAW 93-618, 19  
23 U.S.C. 2296, nor shall the individual be denied benefits by  
24 reason of leaving work to enter such training if the work left is  
25 not suitable employment. Furthermore, an otherwise eligible  
26 individual shall not be denied benefits because of the  
27 application to any such week in training of provisions of this

1 act, or any applicable federal unemployment compensation law,  
2 relating to availability for work, active search for work, or  
3 refusal to accept work. For purposes of this subsection,  
4 "suitable employment" means, with respect to an individual, work  
5 of a substantially equal or higher skill level than the  
6 individual's past adversely affected employment, as defined for  
7 purposes of the trade act of 1974, ~~19 U.S.C. 2101 to 2495~~  
8 PUBLIC LAW 93-618, 88 STAT. 1978, and wages for that work at not  
9 less than 80% of the individual's average weekly wage as deter-  
10 mined for the purposes of the trade act of 1974, PUBLIC LAW  
11 93-618, 88 STAT. 1978.