

# HOUSE BILL No. 6214

June 18, 2002, Introduced by Reps. Kolb, McConico, Jacobs and Lemmons and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
(MCL 421.1 to 421.75) by adding section 28b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 28B. (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS  
2 ACT, AN OTHERWISE ELIGIBLE INDIVIDUAL IS NOT INELIGIBLE FOR BENE-  
3 FITS IF THE INDIVIDUAL ESTABLISHES TO THE SATISFACTION OF THE  
4 COMMISSION THAT THE REASON FOR THE INDIVIDUAL'S LEAVING WORK IS  
5 DUE TO DOMESTIC VIOLENCE, INCLUDING ANY OF THE FOLLOWING:

6 (A) THE INDIVIDUAL'S REASONABLE FEAR OF FUTURE DOMESTIC VIO-  
7 LENCE AT OR EN ROUTE TO OR FROM THE INDIVIDUAL'S PLACE OF  
8 EMPLOYMENT.

9 (B) THE INDIVIDUAL'S NEED TO RELOCATE TO ANOTHER GEOGRAPHIC  
10 AREA IN ORDER TO AVOID FUTURE DOMESTIC VIOLENCE.

(C) THE INDIVIDUAL'S NEED TO ADDRESS THE PHYSICAL,  
PSYCHOLOGICAL, AND LEGAL EFFECTS OF DOMESTIC VIOLENCE.

(D) THE INDIVIDUAL'S NEED TO LEAVE EMPLOYMENT AS A CONDITION  
OF RECEIVING SERVICES OR SHELTER FROM AN AGENCY THAT PROVIDES  
SUPPORT SERVICES OR SHELTER TO VICTIMS OF DOMESTIC VIOLENCE.

(E) THE INDIVIDUAL REASONABLY BELIEVES THAT TERMINATION OF  
EMPLOYMENT IS NECESSARY FOR THE FUTURE SAFETY OF THE INDIVIDUAL  
OR THE INDIVIDUAL'S FAMILY BECAUSE OF DOMESTIC VIOLENCE.

(2) AN INDIVIDUAL MAY DEMONSTRATE TO THE COMMISSION THE  
EXISTENCE OF DOMESTIC VIOLENCE BY PROVIDING 1 OR MORE OF THE  
FOLLOWING:

(A) A RESTRAINING ORDER OR OTHER DOCUMENTATION OF EQUITABLE  
RELIEF ISSUED BY A COURT OF COMPETENT JURISDICTION.

(B) A POLICE RECORD DOCUMENTING DOMESTIC VIOLENCE.

(C) DOCUMENTATION THAT THE PERPETRATOR OF THE DOMESTIC VIO-  
LENCE AGAINST THE INDIVIDUAL MAKING A CLAIM FOR BENEFITS UNDER  
THIS ACT HAS BEEN CONVICTED OF A CRIME INVOLVING DOMESTIC VIO-  
LENCE AS THAT TERM IS DEFINED IN SECTION 1 OF 1978 PA 389, MCL  
400.1501, IN WHICH THE VICTIM WAS A FAMILY OR HOUSEHOLD MEMBER.

(D) MEDICAL DOCUMENTATION OF DOMESTIC VIOLENCE.

(E) A STATEMENT PROVIDED BY A COUNSELOR, SOCIAL WORKER,  
HEALTH WORKER, MEMBER OF THE CLERGY, SHELTER WORKER, LEGAL ADVO-  
CATE, OR OTHER PROFESSIONAL WHO HAS ASSISTED THE INDIVIDUAL IN  
ADDRESSING THE EFFECTS OF THE DOMESTIC VIOLENCE ON THE INDIVIDUAL  
OR THE INDIVIDUAL'S FAMILY.

(F) A SWORN STATEMENT FROM THE INDIVIDUAL ATTESTING TO  
DOMESTIC VIOLENCE.

(3) NO EVIDENCE OF DOMESTIC VIOLENCE EXPERIENCED BY AN INDIVIDUAL, INCLUDING THE INDIVIDUAL'S STATEMENT AND CORROBORATING EVIDENCE, SHALL BE DISCLOSED BY THE EMPLOYMENT SECURITY COMMISSION.

(4) AS USED IN THIS SECTION:

(A) "ABUSE" MEANS ANY OF THE FOLLOWING:

(i) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL HARM.

(ii) PLACING ANOTHER PERSON IN FEAR OF IMMINENT SERIOUS PHYSICAL HARM.

(iii) CAUSING ANOTHER PERSON TO ENGAGE INVOLUNTARILY IN SEXUAL RELATIONS BY FORCE, THREAT, OR DURESS OR THREATENING TO CAUSE ANOTHER PERSON TO ENGAGE INVOLUNTARILY IN SEXUAL RELATIONS.

(iv) ENGAGING IN MENTAL ABUSE, WHICH INCLUDES THREATS, INTIMIDATION, AND ACTS DESIGNED TO INDUCE TERROR.

(v) DEPRIVING ANOTHER PERSON OF MEDICAL CARE, HOUSING, FOOD, OR OTHER NECESSITIES OF LIFE.

(vi) RESTRAINING THE LIBERTY OF ANOTHER PERSON.

(B) "DOMESTIC VIOLENCE" MEANS ABUSE COMMITTED AGAINST AN EMPLOYEE OR AN EMPLOYEE'S DEPENDENT CHILD BY ANY OF THE FOLLOWING:

(i) A CURRENT OR FORMER SPOUSE OF THE EMPLOYEE.

(ii) A PERSON WITH WHOM THE EMPLOYEE SHARES A CHILD IN COMMON.

(iii) A PERSON WHO IS COHABITATING WITH, OR WHO HAS COHABITATED WITH, THE EMPLOYEE.

- 1           (*iv*) A PERSON WHO IS RELATED BY BLOOD OR MARRIAGE.
- 2           (*v*) A PERSON WITH WHOM THE EMPLOYEE HAS A DATING OR
- 3   ENGAGEMENT RELATIONSHIP OR HAD A DATING OR ENGAGEMENT
- 4   RELATIONSHIP.