

SUBSTITUTE FOR
HOUSE BILL NO. 4394

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
(MCL 421.1 to 421.75) by adding section 27c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 27C. (1) IF THE BASE PERIOD OF A CLAIM INCLUDES MULTIPLE
2 EMPLOYERS, AN EMPLOYER THAT CONTINUES TO EMPLOY THE CLAIMANT AFTER
3 A CLAIM HAS BEEN FILED MAY FILE A REQUEST FOR REDETERMINATION WITH
4 THE AGENCY AS PROVIDED IN THIS SECTION. THE REQUEST FOR
5 REDETERMINATION SHALL BE FILED WITHIN 30 CALENDAR DAYS AFTER THE
6 DATE OF MAILING OF THE INITIAL NOTICE OF THE MONETARY DETERMINATION
7 AND SHALL INCLUDE THE CONTINUING EMPLOYER'S AFFIRMATION OF ALL OF
8 THE FOLLOWING:

9 (A) THAT THE EMPLOYER HAS CONTINUED TO EMPLOY THE CLAIMANT

1 SINCE THE END OF THE BASE PERIOD.

2 (B) THAT EACH WEEK IN THE BENEFIT YEAR, EXCEPT FOR REDUCTIONS
3 DUE TO EMPLOYEE-REQUESTED UNPAID LEAVE DAYS, THE EMPLOYER WILL PAY
4 THE EMPLOYEE AN AMOUNT EQUAL TO OR GREATER THAN THE AVERAGE WEEKLY
5 WAGE THE EMPLOYER PAID THE CLAIMANT FOR ALL OF THE WEEKS THAT THE
6 EMPLOYER EMPLOYED THE CLAIMANT IN THE BASE PERIOD.

7 (C) THAT THE EMPLOYER WILL NOTIFY THE AGENCY WITHIN 10
8 CALENDAR DAYS AFTER THE END OF A CLAIMED WEEK IN WHICH THE EMPLOYER
9 NO LONGER MEETS 1 OR BOTH OF THE REQUIREMENTS OF SUBDIVISIONS (A)
10 AND (B) DURING THE CLAIMANT'S BENEFIT YEAR.

11 (2) WITHIN 15 CALENDAR DAYS AFTER RECEIVING A REQUEST FOR
12 REDETERMINATION THAT COMPLIES WITH SUBSECTION (1), THE AGENCY SHALL
13 REDETERMINE THE WEEKLY BENEFIT AMOUNT AND NUMBER OF WEEKS THAT
14 BENEFITS ARE PAYABLE AND SEND THE EMPLOYER WRITTEN NOTICE OF THE
15 REDETERMINATION. NOTWITHSTANDING CONFLICTING REQUIREMENTS IN OTHER
16 PROVISIONS OF THIS ACT, ALL OF THE FOLLOWING APPLY TO A
17 REDETERMINATION UNDER THIS SECTION:

18 (A) THE WAGES PAID BY THE CONTINUING EMPLOYER DURING THE BASE
19 PERIOD SHALL BE EXCLUDED.

20 (B) THE WAGES USED TO DETERMINE QUALIFICATION FOR BENEFITS IN
21 THE ORIGINAL MONETARY DETERMINATION SHALL CONTINUE TO BE USED FOR
22 BENEFIT QUALIFICATION PURPOSES.

23 (C) THE LIMITATION ON WEEKLY BENEFITS UNDER SECTION 27(C) (3)
24 SHALL BE CALCULATED EXCLUDING WAGES PAID BY AN EMPLOYER THAT IS NOT
25 CHARGEABLE FOR BENEFITS BECAUSE OF THE REDETERMINATION.

26 (3) IF AN EMPLOYER THAT OBTAINS A REDETERMINATION UNDER THIS
27 SECTION DOES NOT MEET THE REQUIREMENTS IN SUBSECTION (1) (A) AND (B)

1 FOR A CLAIMED WEEK UNDER THAT REDETERMINATION, THE AGENCY SHALL
2 REINSTATE THE ORIGINAL MONETARY DETERMINATION AS TO WEEKLY BENEFIT
3 AMOUNT, NUMBER OF WEEKS PAYABLE, AND ALLOCATION OF CHARGES FOR ALL
4 SUBSEQUENT WEEKS IN THE BENEFIT YEAR.

5 Enacting section 1. This amendatory act takes effect January
6 1, 2012.