

HOUSE BILL No. 4166

February 1, 2011, Introduced by Reps. Ananich, Smiley, Tlaib, Santana, Stapleton, Durhal, Hovey-Wright, Stanley and Oakes and referred to the Committee on Commerce.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending sections 27 and 28 (MCL 421.27 and 421.28), section 27
as amended by 2010 PA 322 and section 28 as amended by 1994 PA 422.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (a) (1) When a determination, redetermination, or
2 decision is made that benefits are due an unemployed individual,
3 the benefits shall become payable from the fund and continue to be
4 payable to the unemployed individual, subject to the limitations
5 imposed by the individual's monetary entitlement, if the individual
6 continues to be unemployed and to file claims for benefits, until
7 the determination, redetermination, or decision is reversed, a
8 determination, redetermination, or decision on a new issue holding
9 the individual disqualified or ineligible is made, or, for benefit

1 years beginning before October 1, 2000, a new separation issue
2 arises resulting from subsequent work.

3 (2) Benefits shall be paid in person or by mail through
4 employment offices in accordance with rules promulgated by the
5 commission.

6 (b)(1) Subject to subsection (f), the weekly benefit rate for
7 an individual, with respect to benefit years beginning before
8 October 1, 2000, shall be 67% of the individual's average after tax
9 weekly wage, except that the individual's maximum weekly benefit
10 rate shall not exceed \$300.00. However, with respect to benefit
11 years beginning on or after October 1, 2000, the individual's
12 weekly benefit rate is 4.1% of the individual's wages paid in the
13 calendar quarter of the base period in which the individual was
14 paid the highest total wages, plus \$6.00 for each dependent as
15 defined in subdivision (4), up to a maximum of 5 dependents,
16 claimed by the individual at the time the individual files a new
17 claim for benefits, except that the individual's maximum weekly
18 benefit rate shall not exceed \$300.00 before April 26, 2002 and
19 \$362.00 for claims filed on and after April 26, 2002. The weekly
20 benefit rate for an individual claiming benefits on and after April
21 26, 2002 shall be recalculated subject to the \$362.00 maximum
22 weekly benefit rate. The unemployment agency shall establish the
23 procedures necessary to verify the number of dependents claimed. If
24 a person fraudulently claims a dependent, that person is subject to
25 the penalties set forth in sections 54 and 54c. For benefit years
26 beginning on or after October 2, 1983, the weekly benefit rate
27 shall be adjusted to the next lower multiple of \$1.00.

1 (2) For benefit years beginning before October 1, 2000, the
2 state average weekly wage for a calendar year shall be computed on
3 the basis of the 12 months ending the June 30 immediately before
4 that calendar year. The commission shall prepare a table of weekly
5 benefit rates based on an "average after tax weekly wage"
6 calculated by subtracting, from an individual's average weekly wage
7 as determined in accordance with section 51, a reasonable
8 approximation of the weekly amount required to be withheld by the
9 employer from the remuneration of the individual based on
10 dependents and exemptions for income taxes under 26 USC 3401 to
11 3406, and under section 351 of the income tax act of 1967, 1967 PA
12 281, MCL 206.351, and for old age and survivor's disability
13 insurance taxes under the federal insurance contributions act, 26
14 USC 3101 to 3128. For purposes of applying the table to an
15 individual's claim, a dependent shall be as defined in subdivision
16 (3). The table applicable to an individual's claim shall be the
17 table reflecting the number of dependents claimed by the individual
18 under subdivision (3). The commission shall adjust the tables based
19 on changes in withholding schedules published by the United States
20 department of treasury, internal revenue service, and by the
21 department of treasury. The number of dependents allowed shall be
22 determined with respect to each week of unemployment for which an
23 individual is claiming benefits.

24 (3) For benefit years beginning before October 1, 2000, a
25 dependent means any of the following persons who ~~is~~**ARE** receiving
26 and for at least 90 consecutive days immediately before the week
27 for which benefits are claimed, or, in the case of a dependent

1 husband, wife, or child, for the duration of the marital or
2 parental relationship, if the relationship has existed less than 90
3 days, has received more than ~~half~~^{1/2} the cost of his or her
4 support from the individual claiming benefits:

5 (a) A child, including stepchild, adopted child, or grandchild
6 of the individual who is under 18 years of age, or 18 years of age
7 or over if, because of physical or mental infirmity, the child is
8 unable to engage in a gainful occupation, or is a full-time student
9 as defined by the particular educational institution, at a high
10 school, vocational school, community or junior college, or college
11 or university and has not attained the age of 22.

12 (b) The husband or wife of the individual.

13 (c) The legal father or mother of the individual if that
14 parent is either more than 65 years of age or is permanently
15 disabled from engaging in a gainful occupation.

16 (d) A brother or sister of the individual if the brother or
17 sister is orphaned or the living parents are dependent parents of
18 an individual, and the brother or sister is under 18 years of age,
19 or 18 years of age or over if, because of physical or mental
20 infirmity, the brother or sister is unable to engage in a gainful
21 occupation, or is a full-time student as defined by the particular
22 educational institution, at a high school, vocational school,
23 community or junior college, or college or university and is less
24 than 22 years of age.

25 (4) For benefit years beginning on or after October 1, 2000, a
26 dependent means any of the following persons who received for at
27 least 90 consecutive days immediately before the first week of the

1 benefit year or, in the case of a dependent husband, wife, or
2 child, for the duration of the marital or parental relationship if
3 the relationship existed less than 90 days before the beginning of
4 the benefit year, has received more than 1/2 the cost of his or her
5 support from the individual claiming the benefits:

6 (a) A child, including stepchild, adopted child, or grandchild
7 of the individual who is under 18 years of age, or 18 years of age
8 and over if, because of physical or mental infirmity, the child is
9 unable to engage in a gainful occupation, or is a full-time student
10 as defined by the particular educational institution, at a high
11 school, vocational school, community or junior college, or college
12 or university and has not attained the age of 22.

13 (b) The husband or wife of the individual.

14 (c) The legal father or mother of the individual if that
15 parent is either more than 65 years of age or is permanently
16 disabled from engaging in a gainful occupation.

17 (d) A brother or sister of the individual if the brother or
18 sister is orphaned or the living parents are dependent parents of
19 an individual, and the brother or sister is under 18 years of age,
20 or 18 years of age and over if, because of physical or mental
21 infirmity, the brother or sister is unable to engage in a gainful
22 occupation, or is a full-time student as defined by the particular
23 educational institution, at a high school, vocational school,
24 community or junior college, or college or university and is less
25 than 22 years of age.

26 (5) For benefit years beginning before October 1, 2000,
27 dependency status of a dependent, child or otherwise, once

1 established or fixed in favor of an individual continues during the
2 individual's benefit year until terminated. Dependency status of a
3 dependent terminates at the end of the week in which the dependent
4 ceases to be an individual described in subdivision (3)(a), (b),
5 (c), or (d) because of age, death, or divorce. For benefit years
6 beginning on or after October 1, 2000, the number of dependents
7 established for an individual at the beginning of the benefit year
8 shall remain in effect during the entire benefit year.

9 (6) For benefit years beginning before October 1, 2000,
10 failure on the part of an individual, due to misinformation or lack
11 of information, to furnish all information material for
12 determination of the number of the individual's dependents when the
13 individual files a claim for benefits with respect to a week is
14 good cause to issue a redetermination as to the amount of benefits
15 based on the number of the individual's dependents as of the
16 beginning date of that week. Dependency status of a dependent,
17 child or otherwise, once established or fixed in favor of a person
18 is not transferable to or usable by another person with respect to
19 the same week.

20 For benefit years beginning on or after October 1, 2000,
21 failure on the part of an individual, due to misinformation or lack
22 of information, to furnish all information material for
23 determination of the number of the individual's dependents is good
24 cause to issue a redetermination as to the amount of benefits based
25 on the number of the individual's dependents as of the beginning of
26 the benefit year.

27 (c) Subject to subsection (f), all of the following apply to

1 eligible individuals:

2 (1) Each eligible individual shall be paid a weekly benefit
3 rate with respect to the week for which the individual earns or
4 receives no remuneration. Notwithstanding the definition of week in
5 section 50, if within 2 consecutive weeks in which an individual
6 was not unemployed within the meaning of section 48 there was a
7 period of 7 or more consecutive days for which the individual did
8 not earn or receive remuneration, that period shall be considered a
9 week for benefit purposes under this act if a claim for benefits
10 for that period is filed not later than 30 days after the end of
11 the period.

12 (2) Each eligible individual shall have his or her weekly
13 benefit rate reduced with respect to each week in which the
14 individual earns or receives remuneration at the rate of 50 cents
15 for each whole \$1.00 of remuneration earned or received during that
16 week.

17 (3) An individual who receives or earns partial remuneration
18 may not receive a total of benefits and earnings that exceeds 1-1/2
19 times his or her weekly benefit amount. For each dollar of total
20 benefits and earnings that exceeds 1-1/2 times the individual's
21 weekly benefit amount, benefits shall be reduced by \$1.00.

22 (4) If the reduction in a claimant's benefit rate for a week
23 in accordance with subdivision (2) or (3) results in a benefit rate
24 greater than zero for that week, the claimant's balance of weeks of
25 benefit payments shall be reduced by 1 week.

26 (5) All remuneration for work performed during a shift that
27 terminates on 1 day but that began on the preceding day shall be

1 considered to have been earned by the eligible individual on the
2 preceding day.

3 (d) For benefit years beginning before October 1, 2000, and
4 subject to subsection (f) and this subsection, the amount of
5 benefits to which an individual who is otherwise eligible is
6 entitled during a benefit year from an employer with respect to
7 employment during the base period is the amount obtained by
8 multiplying the weekly benefit rate with respect to that employment
9 by $\frac{3}{4}$ of the number of credit weeks earned in the employment. For
10 the purpose of this subsection and section 20(c), if the resultant
11 product is not an even multiple of $\frac{1}{2}$ the weekly benefit rate, the
12 product shall be raised to an amount equal to the next higher
13 multiple of $\frac{1}{2}$ the weekly benefit rate, and, for an individual who
14 was employed by only 1 employer in the individual's base period and
15 earned 34 credit weeks with that employer, the product shall be
16 raised to the next higher multiple of the weekly benefit rate. The
17 maximum amount of benefits payable to an individual within a
18 benefit year, with respect to employment by an employer, shall not
19 exceed 26 times the weekly benefit rate with respect to that
20 employment. The maximum amount of benefits payable to an individual
21 within a benefit year shall not exceed the amount to which the
22 individual would be entitled for 26 weeks of unemployment in which
23 remuneration was not earned or received. The limitation of total
24 benefits set forth in this subsection does not apply to claimants
25 declared eligible for training benefits in accordance with
26 subsection (g). For benefit years beginning on or after October 1,
27 2000, and subject to subsection (f) and this subsection, the

1 maximum benefit amount payable to an individual in a benefit year
2 for purposes of this section and section 20(d) is the number of
3 weeks of benefits payable to an individual during the benefit year,
4 multiplied by the individual's weekly benefit rate. The number of
5 weeks of benefits payable to an individual shall be calculated by
6 taking 43% of the individual's base period wages and dividing the
7 result by the individual's weekly benefit rate. If the quotient is
8 not a whole or half number, the result shall be rounded down to the
9 nearest half number. However, not more than 26 weeks of benefits or
10 less than 14 weeks of benefits shall be payable to an individual in
11 a benefit year. The limitation of total benefits set forth in this
12 subsection does not apply to claimants declared eligible for
13 training benefits in accordance with subsection (g).

14 (e) When a claimant dies or is judicially declared insane or
15 mentally incompetent, unemployment compensation benefits accrued
16 and payable to that person for weeks of unemployment before death,
17 insanity, or incompetency, but not paid, shall become due and
18 payable to the person who is the legal heir or guardian of the
19 claimant or to any other person found by the commission to be
20 equitably entitled to the benefits by reason of having incurred
21 expense in behalf of the claimant for the claimant's burial or
22 other necessary expenses.

23 (f)(1) For benefit years beginning before October 1, 2000, and
24 notwithstanding any inconsistent provisions of this act, the weekly
25 benefit rate of each individual who is receiving or will receive a
26 "retirement benefit", as defined in subdivision (4), shall be
27 adjusted as provided in subparagraphs (a), (b), and (c). However,

1 an individual's extended benefit account and an individual's weekly
2 extended benefit rate under section 64 shall be established without
3 reduction under this subsection unless subdivision (5) is in
4 effect. Except as otherwise provided in this subsection, all other
5 provisions of this act continue to apply in connection with the
6 benefit claims of those retired persons.

7 (a) If and to the extent that unemployment benefits payable
8 under this act would be chargeable to an employer who has
9 contributed to the financing of a retirement plan under which the
10 claimant is receiving or will receive a retirement benefit yielding
11 a pro rata weekly amount equal to or larger than the claimant's
12 weekly benefit rate as otherwise established under this act, the
13 claimant shall not receive unemployment benefits that would be
14 chargeable to the employer under this act.

15 (b) If and to the extent that unemployment benefits payable
16 under this act would be chargeable to an employer who has
17 contributed to the financing of a retirement plan under which the
18 claimant is receiving or will receive a retirement benefit yielding
19 a pro rata weekly amount less than the claimant's weekly benefit
20 rate as otherwise established under this act, then the weekly
21 benefit rate otherwise payable to the claimant and chargeable to
22 the employer under this act shall be reduced by an amount equal to
23 the pro rata weekly amount, adjusted to the next lower multiple of
24 \$1.00, which the claimant is receiving or will receive as a
25 retirement benefit.

26 (c) If the unemployment benefit payable under this act would
27 be chargeable to an employer who has not contributed to the

1 financing of a retirement plan under which the claimant is
2 receiving or will receive a retirement benefit, then the weekly
3 benefit rate of the claimant as otherwise established under this
4 act shall not be reduced due to receipt of a retirement benefit.

5 (d) If the unemployment benefit payable under this act is
6 computed on the basis of multiemployer credit weeks and a portion
7 of the benefit is allocable under section 20(e) to an employer who
8 has contributed to the financing of a retirement plan under which
9 the claimant is receiving or will receive a retirement benefit, the
10 adjustments required by subparagraph (a) or (b) apply only to that
11 portion of the weekly benefit rate that would otherwise be
12 allocable and chargeable to the employer.

13 (2) If an individual's weekly benefit rate under this act was
14 established before the period for which the individual first
15 receives a retirement benefit, any benefits received after a
16 retirement benefit becomes payable shall be determined in
17 accordance with the formula stated in this subsection.

18 (3) When necessary to assure prompt payment of benefits, the
19 commission shall determine the pro rata weekly amount yielded by an
20 individual's retirement benefit based on the best information
21 currently available to it. In the absence of fraud, a determination
22 shall not be reconsidered unless it is established that the
23 individual's actual retirement benefit in fact differs from the
24 amount determined by \$2.00 or more per week. The reconsideration
25 shall apply only to benefits as may be claimed after the
26 information on which the reconsideration is based was received by
27 the commission.

1 (4) (a) As used in this subsection, "retirement benefit" means
2 a benefit, annuity, or pension of any type or that part thereof
3 that is described in subparagraph (b) that is both:

4 (i) Provided as an incident of employment under an established
5 retirement plan, policy, or agreement, including federal social
6 security if subdivision (5) is in effect.

7 (ii) Payable to an individual because the individual has
8 qualified on the basis of attained age, length of service, or
9 disability, whether or not the individual retired or was retired
10 from employment. Amounts paid to individuals in the course of
11 liquidation of a private pension or retirement fund because of
12 termination of the business or of a plant or department of the
13 business of the employer involved are not retirement benefits.

14 (b) If a benefit as described in subparagraph (a) is payable
15 or paid to the individual under a plan to which the individual has
16 contributed:

17 (i) Less than ~~half~~-1/2 of the cost of the benefit, then only
18 ~~half~~-1/2 of the benefit is treated as a retirement benefit.

19 (ii) ~~Half~~-ONE-HALF or more of the cost of the benefit, then
20 none of the benefit is treated as a retirement benefit.

21 (c) The burden of establishing the extent of an individual's
22 contribution to the cost of his or her retirement benefit for the
23 purpose of subparagraph (b) is upon the employer who has
24 contributed to the plan under which a benefit is provided.

25 (5) Notwithstanding any other provision of this subsection,
26 for any week that begins after March 31, 1980, and with respect to
27 which an individual is receiving a governmental or other pension

1 and claiming unemployment compensation, the weekly benefit amount
2 payable to the individual for those weeks shall be reduced, but not
3 below zero, by the entire prorated weekly amount of any
4 governmental or other pension, retirement or retired pay, annuity,
5 or any other similar payment that is based on any previous work of
6 the individual. This reduction shall be made only if it is required
7 as a condition for full tax credit against the tax imposed by the
8 federal unemployment tax act, 26 USC 3301 to 3311.

9 (6) For benefit years beginning on or after October 1, 2000,
10 notwithstanding any inconsistent provisions of this act, the weekly
11 benefit rate of each individual who is receiving or will receive a
12 retirement benefit, as defined in subdivision (4), shall be
13 adjusted as provided in subparagraphs (a), (b), and (c). However,
14 an individual's extended benefit account and an individual's weekly
15 extended benefit rate under section 64 shall be established without
16 reduction under this subsection, unless subdivision (5) is in
17 effect. Except as otherwise provided in this subsection, all the
18 other provisions of this act apply to the benefit claims of those
19 retired persons. However, if the reduction would impair the full
20 tax credit against the tax imposed by the federal unemployment tax
21 act, 26 USC 3301 to 3311, unemployment benefits shall not be
22 reduced as provided in subparagraphs (a), (b), and (c) for receipt
23 of any governmental or other pension, retirement or retired pay,
24 annuity, or other similar payment that was not includable in the
25 gross income of the individual for the taxable year in which it was
26 received because it was a part of a rollover distribution.

27 (a) If any base period or chargeable employer has contributed

1 to the financing of a retirement plan under which the claimant is
2 receiving or will receive a retirement benefit yielding a pro rata
3 weekly amount equal to or larger than the claimant's weekly benefit
4 rate as otherwise established under this act, the claimant shall
5 not receive unemployment benefits.

6 (b) If any base period employer or chargeable employer has
7 contributed to the financing of a retirement plan under which the
8 claimant is receiving or will receive a retirement benefit yielding
9 a pro rata weekly amount less than the claimant's weekly benefit
10 rate as otherwise established under this act, then the weekly
11 benefit rate otherwise payable to the claimant shall be reduced by
12 an amount equal to the pro rata weekly amount, adjusted to the next
13 lower multiple of \$1.00, which the claimant is receiving or will
14 receive as a retirement benefit.

15 (c) If no base period or separating employer has contributed
16 to the financing of a retirement plan under which the claimant is
17 receiving or will receive a retirement benefit, then the weekly
18 benefit rate of the claimant as otherwise established under this
19 act shall not be reduced due to receipt of a retirement benefit.

20 (g) Notwithstanding any other provision of this act, **FOR A**
21 **COMPENSABLE WEEK BEGINNING BEFORE 8 MONTHS AFTER THE EFFECTIVE DATE**
22 **OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION,** an
23 individual pursuing vocational training or retraining pursuant to
24 section 28(2) who has exhausted all benefits available under
25 subsection (d) may be paid for each week of approved vocational
26 training pursued beyond the date of exhaustion a benefit amount in
27 accordance with subsection (c), but not in excess of the

1 individual's most recent weekly benefit rate. However, FOR A
2 COMPENSABLE WEEK BEGINNING BEFORE 8 MONTHS AFTER THE EFFECTIVE DATE
3 OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION, an
4 individual shall not be paid training benefits totaling more than
5 18 times the individual's most recent weekly benefit rate. FOR A
6 COMPENSABLE WEEK BEGINNING 8 MONTHS OR MORE AFTER THE EFFECTIVE
7 DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION, AN
8 UNEMPLOYED INDIVIDUAL WHO IS SATISFACTORILY PURSUING VOCATIONAL
9 TRAINING OR RETRAINING PURSUANT TO SECTION 28(2) OR THE WORKFORCE
10 INVESTMENT ACT OF 1998, PUBLIC LAW 105-220, IN PREPARATION FOR
11 ENTRY INTO A HIGH-DEMAND OCCUPATION FOLLOWING SEPARATION FROM A
12 DECLINING OCCUPATION OR INVOLUNTARY AND INDEFINITE SEPARATION FROM
13 EMPLOYMENT IN WHICH PERMANENT OPERATIONS HAVE BEEN REDUCED, AND WHO
14 HAS EXHAUSTED ALL BENEFITS AVAILABLE UNDER SUBSECTION (D) SHALL BE
15 PAID FOR EACH WEEK OF PARTICIPATION IN APPROVED VOCATIONAL TRAINING
16 PURSUED BEYOND THE DATE OF EXHAUSTION A BENEFIT AMOUNT IN
17 ACCORDANCE WITH SUBSECTION (C), BUT NOT IN EXCESS OF THE
18 INDIVIDUAL'S MOST RECENT WEEKLY BENEFIT RATE. HOWEVER, FOR A
19 COMPENSABLE WEEK BEGINNING 8 MONTHS OR MORE AFTER THE EFFECTIVE
20 DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION, AN
21 INDIVIDUAL SHALL NOT BE PAID TRAINING BENEFITS TOTALING MORE THAN
22 26 TIMES THE INDIVIDUAL'S MOST RECENT WEEKLY BENEFIT RATE. FOR A
23 COMPENSABLE WEEK BEGINNING 8 MONTHS OR MORE AFTER THE EFFECTIVE
24 DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION,
25 TRAINING BENEFITS ARE PAYABLE TO THE EXTENT PERMITTED UNDER FEDERAL
26 LAW ONLY AFTER AN INDIVIDUAL EXHAUSTS ELIGIBILITY FOR BENEFITS
27 UNDER ANY FEDERAL PROGRAM OF UNEMPLOYMENT COMPENSATION OR OF THE

1 FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970, TITLE
2 II OF PUBLIC LAW 91-373, CODIFIED AT 26 USC 3304 NT. FOR A
3 COMPENSABLE WEEK BEGINNING 8 MONTHS OR MORE AFTER THE EFFECTIVE
4 DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SUBSECTION,
5 TRAINING BENEFITS SHALL NOT BE PAID UNDER THIS SUBSECTION TO AN
6 INDIVIDUAL WHO IS RECEIVING A SIMILAR STIPEND OR OTHER TRAINING
7 ALLOWANCE FOR NONTRAINING COSTS. AN OCCUPATION THAT IS A "HIGH
8 DEMAND OCCUPATION" OR THAT IS A "DECLINING OCCUPATION" FOR PURPOSES
9 OF THIS SUBSECTION SHALL BE DETERMINED BY THE BUREAU OF LABOR
10 MARKET INFORMATION AND STRATEGIC INITIATIVES OF THE DEPARTMENT OF
11 ENERGY, LABOR, AND ECONOMIC GROWTH. The expiration or termination
12 of a benefit year shall not stop or interrupt payment of training
13 benefits if the training for which the benefits were granted began
14 before expiration or termination of the benefit year.

15 (h) A payment of accrued unemployment benefits shall not be
16 made to an eligible individual or in behalf of that individual as
17 provided in subsection (e) more than 6 years after the ending date
18 of the benefit year covering the payment or 2 calendar years after
19 the calendar year in which there is final disposition of a
20 contested case, whichever is later.

21 (i) Benefits based on service in employment described in
22 section 42(8), (9), and (10) are payable in the same amount, on the
23 same terms, and subject to the same conditions as compensation
24 payable on the basis of other service subject to this act, except
25 that:

26 (1) With respect to service performed in an instructional,
27 research, or principal administrative capacity for an institution

1 of higher education as defined in section 53(2), or for an
2 educational institution other than an institution of higher
3 education as defined in section 53(3), benefits shall not be paid
4 to an individual based on those services for any week of
5 unemployment beginning after December 31, 1977 that commences
6 during the period between 2 successive academic years or during a
7 similar period between 2 regular terms, whether or not successive,
8 or during a period of paid sabbatical leave provided for in the
9 individual's contract, to an individual if the individual performs
10 the service in the first of the academic years or terms and if
11 there is a contract or a reasonable assurance that the individual
12 will perform service in an instructional, research, or principal
13 administrative capacity for an institution of higher education or
14 an educational institution other than an institution of higher
15 education in the second of the academic years or terms, whether or
16 not the terms are successive.

17 (2) With respect to service performed in other than an
18 instructional, research, or principal administrative capacity for
19 an institution of higher education as defined in section 53(2) or
20 for an educational institution other than an institution of higher
21 education as defined in section 53(3), benefits shall not be paid
22 based on those services for any week of unemployment beginning
23 after December 31, 1977 that commences during the period between 2
24 successive academic years or terms to any individual if that
25 individual performs the service in the first of the academic years
26 or terms and if there is a reasonable assurance that the individual
27 will perform the service for an institution of higher education or

1 an educational institution other than an institution of higher
2 education in the second of the academic years or terms.

3 (3) With respect to any service described in subdivision (1)
4 or (2), benefits shall not be paid to an individual based upon
5 service for any week of unemployment that commences during an
6 established and customary vacation period or holiday recess if the
7 individual performs the service in the period immediately before
8 the vacation period or holiday recess and there is a contract or
9 reasonable assurance that the individual will perform the service
10 in the period immediately following the vacation period or holiday
11 recess.

12 (4) If benefits are denied to an individual for any week
13 solely as a result of subdivision (2) and the individual was not
14 offered an opportunity to perform in the second academic year or
15 term the service for which reasonable assurance had been given, the
16 individual is entitled to a retroactive payment of benefits for
17 each week for which the individual had previously filed a timely
18 claim for benefits. An individual entitled to benefits under this
19 subdivision may apply for those benefits by mail in accordance with
20 R 421.210 of the Michigan administrative code as promulgated by the
21 commission.

22 (5) Benefits based upon services in other than an
23 instructional, research, or principal administrative capacity for
24 an institution of higher education shall not be denied for any week
25 of unemployment commencing during the period between 2 successive
26 academic years or terms solely because the individual had performed
27 the service in the first of the academic years or terms and there

1 is reasonable assurance that the individual will perform the
2 service for an institution of higher education or an educational
3 institution other than an institution of higher education in the
4 second of the academic years or terms, unless a denial is required
5 as a condition for full tax credit against the tax imposed by the
6 federal unemployment tax act, 26 USC 3301 to 3311.

7 (6) For benefit years established before October 1, 2000, and
8 notwithstanding subdivisions (1), (2), and (3), the denial of
9 benefits does not prevent an individual from completing
10 requalifying weeks in accordance with section 29(3) nor does the
11 denial prevent an individual from receiving benefits based on
12 service with an employer other than an educational institution for
13 any week of unemployment occurring between academic years or terms,
14 whether or not successive, or during an established and customary
15 vacation period or holiday recess, even though the employer is not
16 the most recent chargeable employer in the individual's base
17 period. However, in that case section 20(b) applies to the sequence
18 of benefit charging, except for the employment with the educational
19 institution, and section 50(b) applies to the calculation of credit
20 weeks. When a denial of benefits under subdivision (1) no longer
21 applies, benefits shall be charged in accordance with the normal
22 sequence of charging as provided in section 20(b).

23 (7) For benefit years beginning on or after October 1, 2000,
24 and notwithstanding subdivisions (1), (2), and (3), the denial of
25 benefits shall not prevent an individual from completing
26 requalifying weeks in accordance with section 29(3) nor shall the
27 denial prevent an individual from receiving benefits based on

1 service with another base period employer other than an educational
2 institution for any week of unemployment occurring between academic
3 years or terms, whether or not successive, or during an established
4 and customary vacation period or holiday recess. However, when
5 benefits are paid based on service with 1 or more base period
6 employers other than an educational institution, the individual's
7 weekly benefit rate shall be calculated in accordance with
8 subsection (b)(1) but during the denial period the individual's
9 weekly benefit payment shall be reduced by the portion of the
10 payment attributable to base period wages paid by an educational
11 institution and the account or experience account of the
12 educational institution shall not be charged for benefits payable
13 to the individual. When a denial of benefits under subdivision (1)
14 is no longer applicable, benefits shall be paid and charged on the
15 basis of base period wages with each of the base period employers
16 including the educational institution.

17 (8) For the purposes of this subsection, "academic year" means
18 that period, as defined by the educational institution, when
19 classes are in session for that length of time required for
20 students to receive sufficient instruction or earn sufficient
21 credit to complete academic requirements for a particular grade
22 level or to complete instruction in a noncredit course.

23 (9) In accordance with subdivisions (1), (2), and (3),
24 benefits for any week of unemployment shall be denied to an
25 individual who performed services described in subdivision (1),
26 (2), or (3) in an educational institution while in the employ of an
27 educational service agency. For the purpose of this subdivision,

1 "educational service agency" means a governmental agency or
2 governmental entity that is established and operated exclusively
3 for the purpose of providing the services to 1 or more educational
4 institutions.

5 (j) Benefits shall not be paid to an individual on the basis
6 of any base period services, substantially all of which consist of
7 participating in sports or athletic events or training or preparing
8 to participate, for a week that commences during the period between
9 2 successive sport seasons or similar periods if the individual
10 performed the services in the first of the seasons or similar
11 periods and there is a reasonable assurance that the individual
12 will perform the services in the later of the seasons or similar
13 periods.

14 (k) (1) Benefits are not payable on the basis of services
15 performed by an alien unless the alien is an individual who was
16 lawfully admitted for permanent residence at the time the services
17 were performed, was lawfully present for the purpose of performing
18 the services, or was permanently residing in the United States
19 under color of law at the time the services were performed,
20 including an alien who was lawfully present in the United States
21 under section 212(d)(5) of the immigration and nationality act, 8
22 USC 1182.

23 ~~— (2) Any data or information required of individuals applying~~
24 ~~for benefits to determine whether benefits are payable because of~~
25 ~~their alien status are uniformly required from all applicants for~~
26 ~~benefits.~~

27 (2) THE UNEMPLOYMENT AGENCY SHALL REQUIRE EACH INDIVIDUAL WHO

1 APPLIES FOR BENEFITS TO SUPPLY INFORMATION SUFFICIENT TO DETERMINE
2 CITIZENSHIP OR ALIEN STATUS ELIGIBILITY IN ACCORD WITH THE
3 REQUIREMENTS OF SECTION 1137(D) OF THE SOCIAL SECURITY ACT, 42 USC
4 1320B-7(D) .

5 (3) If an individual's application for benefits would
6 otherwise be approved, a determination that benefits to that
7 individual are not payable because of the individual's alien status
8 shall not be made except upon a preponderance of the evidence.

9 (m)(1) An individual filing a new claim for unemployment
10 compensation under this act, at the time of filing the claim, shall
11 disclose whether the individual owes child support obligations as
12 defined in this subsection. If an individual discloses that he or
13 she owes child support obligations and is determined to be eligible
14 for unemployment compensation, the commission shall notify the
15 state or local child support enforcement agency enforcing the
16 obligation that the individual has been determined to be eligible
17 for unemployment compensation.

18 (2) Notwithstanding section 30, the commission shall deduct
19 and withhold from any unemployment compensation payable to an
20 individual who owes child support obligations by using whichever of
21 the following methods results in the greatest amount:

22 (a) The amount, if any, specified by the individual to be
23 deducted and withheld under this subdivision.

24 (b) The amount, if any, determined pursuant to an agreement
25 submitted to the commission under 42 USC 654(19)(b)(i), by the
26 state or local child support enforcement agency.

27 (c) Any amount otherwise required to be deducted and withheld

1 from unemployment compensation by legal process, as that term is
2 defined in 42 USC 659(i)(5), properly served upon the commission.

3 (3) The amount of unemployment compensation subject to
4 deduction under subdivision (2) is that portion that remains
5 payable to the individual after application of the recoupment
6 provisions of section 62(a) and the reduction provisions of
7 subsections (c) and (f).

8 (4) Any amount deducted and withheld under subdivision (2)
9 shall be paid by the commission to the appropriate state or local
10 child support enforcement agency.

11 (5) Any amount deducted and withheld under subdivision (2)
12 shall be treated for all purposes as if it were paid to the
13 individual as unemployment compensation and paid by the individual
14 to the state or local child support enforcement agency in
15 satisfaction of the individual's child support obligations.

16 (6) Provisions concerning deductions under this subsection
17 apply only if the state or local child support enforcement agency
18 agrees in writing to reimburse and does reimburse the commission
19 for the administrative costs incurred by the commission under this
20 subsection that are attributable to child support obligations being
21 enforced by the state or local child support enforcement agency.
22 The administrative costs incurred shall be determined by the
23 commission. The commission, in its discretion, may require payment
24 of administrative costs in advance.

25 (7) As used in this subsection:

26 (a) "Unemployment compensation", for purposes of subdivisions
27 (1) to (5), means any compensation payable under this act,

1 including amounts payable by the commission pursuant to an
2 agreement under any federal law providing for compensation,
3 assistance, or allowances with respect to unemployment.

4 (b) "Child support obligations" includes only obligations that
5 are being enforced pursuant to a plan described in 42 USC 654 that
6 has been approved by the secretary of health and human services
7 under 42 USC 651 to 669b.

8 (c) "State or local child support enforcement agency" means
9 any agency of this state or a political subdivision of this state
10 operating pursuant to a plan described in subparagraph (b).

11 (n) Subsection (i)(2) applies to services performed by school
12 bus drivers employed by a private contributing employer holding a
13 contractual relationship with an educational institution, but only
14 if at least 75% of the individual's base period wages with that
15 employer are attributable to services performed as a school bus
16 driver.

17 (o)(1) For weeks of unemployment beginning after July 1, 1996,
18 unemployment benefits based on services by a seasonal worker
19 performed in seasonal employment are payable only for weeks of
20 unemployment that occur during the normal seasonal work period.
21 Benefits shall not be paid based on services performed in seasonal
22 employment for any week of unemployment beginning after March 28,
23 1996 that begins during the period between 2 successive normal
24 seasonal work periods to any individual if that individual performs
25 the service in the first of the normal seasonal work periods and if
26 there is a reasonable assurance that the individual will perform
27 the service for a seasonal employer in the second of the normal

1 seasonal work periods. If benefits are denied to an individual for
2 any week solely as a result of this subsection and the individual
3 is not offered an opportunity to perform in the second normal
4 seasonal work period for which reasonable assurance of employment
5 had been given, the individual is entitled to a retroactive payment
6 of benefits under this subsection for each week that the individual
7 previously filed a timely claim for benefits. An individual may
8 apply for any retroactive benefits under this subsection in
9 accordance with R 421.210 of the Michigan administrative code.

10 (2) Not less than 20 days before the estimated beginning date
11 of a normal seasonal work period, an employer may apply to the
12 commission in writing for designation as a seasonal employer. At
13 the time of application, the employer shall conspicuously display a
14 copy of the application on the employer's premises. Within 90 days
15 after receipt of the application, the commission shall determine if
16 the employer is a seasonal employer. A determination or
17 redetermination of the commission concerning the status of an
18 employer as a seasonal employer, or a decision of a referee or the
19 board of review, or of the courts of this state concerning the
20 status of an employer as a seasonal employer, which has become
21 final, together with the record thereof, may be introduced in any
22 proceeding involving a claim for benefits, and the facts found and
23 decision issued in the determination, redetermination, or decision
24 shall be conclusive unless substantial evidence to the contrary is
25 introduced by or on behalf of the claimant.

26 (3) If the employer is determined to be a seasonal employer,
27 the employer shall conspicuously display on its premises a notice

1 of the determination and the beginning and ending dates of the
2 employer's normal seasonal work periods. The notice shall be
3 furnished by the commission. The notice shall additionally specify
4 that an employee must timely apply for unemployment benefits at the
5 end of a first seasonal work period to preserve his or her right to
6 receive retroactive unemployment benefits if he or she is not
7 reemployed by the seasonal employer in the second of the normal
8 seasonal work periods.

9 (4) The commission may issue a determination terminating an
10 employer's status as a seasonal employer on the commission's own
11 motion for good cause, or upon the written request of the employer.
12 A termination determination under this subdivision terminates an
13 employer's status as a seasonal employer, and becomes effective on
14 the beginning date of the normal seasonal work period that would
15 have immediately followed the date the commission issues the
16 determination. A determination under this subdivision is subject to
17 review in the same manner and to the same extent as any other
18 determination under this act.

19 (5) An employer whose status as a seasonal employer is
20 terminated under subdivision (4) may not reapply for a seasonal
21 employer status determination until after a regularly recurring
22 normal seasonal work period has begun and ended.

23 (6) If a seasonal employer informs an employee who received
24 assurance of being rehired that, despite the assurance, the
25 employee will not be rehired at the beginning of the employer's
26 next normal seasonal work period, this subsection does not prevent
27 the employee from receiving unemployment benefits in the same

1 manner and to the same extent he or she would receive benefits
2 under this act from an employer who has not been determined to be a
3 seasonal employer.

4 (7) A successor of a seasonal employer is considered to be a
5 seasonal employer unless the successor provides the commission,
6 within 120 days after the transfer, with a written request for
7 termination of its status as a seasonal employer in accordance with
8 subdivision (4).

9 (8) At the time an employee is hired by a seasonal employer,
10 the employer shall notify the employee in writing if the employee
11 will be a seasonal worker. The employer shall provide the worker
12 with written notice of any subsequent change in the employee's
13 status as a seasonal worker. If an employee of a seasonal employer
14 is denied benefits because that employee is a seasonal worker, the
15 employee may contest that designation in accordance with section
16 32a.

17 (9) As used in this subsection:

18 (a) "Construction industry" means the work activity designated
19 in sector group 23 – construction of the North American
20 classification system – United States office of management and
21 budget, 1997 edition.

22 (b) "Normal seasonal work period" means that period or those
23 periods of time determined under rules promulgated by the
24 commission during which an individual is employed in seasonal
25 employment.

26 (c) "Seasonal employment" means the employment of 1 or more
27 individuals primarily hired to perform services in an industry,

1 other than the construction industry, that does either of the
2 following:

3 (1) Customarily operates during regularly recurring periods of
4 26 weeks or less in any 52-consecutive-week period.

5 (2) Customarily employs at least 50% of its employees for
6 regularly recurring periods of 26 weeks or less within a period of
7 52 consecutive weeks.

8 (d) "Seasonal employer" means an employer, other than an
9 employer in the construction industry, who applies to the
10 commission for designation as a seasonal employer and who the
11 commission determines to be an employer whose operations and
12 business are substantially engaged in seasonal employment.

13 (e) "Seasonal worker" means a worker who has been paid wages
14 by a seasonal employer for work performed only during the normal
15 seasonal work period.

16 (10) This subsection does not apply if the United States
17 department of labor finds it to be contrary to the federal
18 unemployment tax act, 26 USC 3301 to 3311, or the social security
19 act, chapter 531, 49 Stat. 620, and if conformity with the federal
20 law is required as a condition for full tax credit against the tax
21 imposed under the federal unemployment tax act, 26 USC 3301 to
22 3311, or as a condition for receipt by the commission of federal
23 administrative grant funds under the social security act, chapter
24 531, 49 Stat. 620.

25 (p) Benefits shall not be paid to an individual based upon his
26 or her services as a school crossing guard for any week of
27 unemployment that begins between 2 successive academic years or

1 terms, if that individual performs the services of a school
2 crossing guard in the first of the academic years or terms and has
3 a reasonable assurance that he or she will perform those services
4 in the second of the academic years or terms.

5 Sec. 28. (1) An unemployed individual ~~shall be~~ **IS** eligible to
6 receive benefits with respect to any week only if the commission
7 finds that:

8 (a) For benefit years established before ~~the conversion date~~
9 ~~prescribed in section 75~~ **OCTOBER 1, 2000**, the individual has
10 registered for work at and thereafter has continued to report at an
11 employment office in accordance with ~~such~~ **THE** rules ~~as~~ **THAT** the
12 commission ~~may prescribe~~ **PRESCRIBES** and is seeking work. The
13 requirements that the individual must report at an employment
14 office, must register for work, must be available to perform
15 suitable full-time work, and must seek work may be waived by the
16 commission if the individual is laid off and the employer who laid
17 the individual off notifies the commission in writing or by
18 computerized data exchange that the layoff is temporary and that
19 work is expected to be available for the individual within a
20 declared number of days, not to exceed 45 calendar days following
21 the last day the individual worked. This waiver ~~shall not be~~ **IS NOT**
22 effective unless the notification from the employer has been
23 received by the commission before the individual has completed his
24 or her first compensable week following layoff. If the individual
25 is not recalled within the specified period, the waiver shall cease
26 to be operative with respect to that layoff. Except for a period of
27 disqualification, the requirement that the individual ~~shall seek~~

1 work may be waived by the commission ~~where~~ **IF** it finds that
2 suitable work is unavailable both in the locality where the
3 individual resides and in those localities in which the individual
4 has earned base period credit weeks. This waiver ~~shall~~ **DOES** not
5 apply, for weeks of unemployment beginning on or after March 1,
6 1981, to a claimant enrolled and attending classes as a full-time
7 student. An individual ~~shall have~~ **HAS** satisfied the requirement of
8 personal reporting at an employment office, as applied to a week in
9 a period during which the requirements of registration and seeking
10 work have been waived by the commission pursuant to this
11 subdivision, if the individual has satisfied the personal reporting
12 requirement with respect to a preceding week in that period and the
13 individual has reported with respect to the week by mail in
14 accordance with the rules promulgated by the commission. For
15 benefit years established ~~after the conversion date prescribed in~~
16 ~~section 75~~ **ON OR AFTER OCTOBER 1, 2000 AND EXCEPT AS OTHERWISE**
17 **PROVIDED IN THIS SECTION**, the individual has registered for work
18 and has continued to report in accordance with ~~such~~ **THE** rules as
19 the commission ~~may prescribe~~ **PRESCRIBES** and is seeking work. The
20 requirements that the individual must report, must register for
21 work, must be available to perform suitable full-time work, and
22 must seek work may be waived by the commission if the individual is
23 laid off and the employer who laid the individual off notifies the
24 commission in writing or by computerized data exchange that the
25 layoff is temporary and that work is expected to be available for
26 the individual within a declared number of days, not to exceed 45
27 calendar days following the last day the individual worked. This

1 waiver ~~shall not be~~ **IS NOT** effective unless the notification from
2 the employer has been received by the commission before the
3 individual has completed his or her first compensable week
4 following layoff. If the individual is not recalled within the
5 specified period, the waiver shall cease to be operative with
6 respect to that layoff. Except for a period of disqualification,
7 the requirement that the individual ~~shall seek~~ work may be waived
8 by the commission ~~where~~ **IF** it finds that suitable work is
9 unavailable both in the locality where the individual resides and
10 in those localities in which the individual has earned wages during
11 or after the base period. This waiver ~~shall~~ **DOES** not apply to a
12 claimant enrolled **IN** and attending classes as a full-time student.
13 An individual ~~shall be~~ **IS** considered to have satisfied the
14 requirement of personal reporting at an employment office, as
15 applied to a week in a period during which the requirements of
16 registration and seeking work have been waived by the commission
17 pursuant to this subdivision, if the individual has satisfied the
18 personal reporting requirement with respect to a preceding week in
19 that period and the individual has reported with respect to the
20 week by mail in accordance with the rules promulgated by the
21 commission.

22 (b) The individual has made a claim for benefits in accordance
23 with section 32 and has provided the commission with his or her
24 social security number.

25 (c) The individual is able and available to perform suitable
26 full-time work of a character ~~which~~ **THAT** the individual is
27 qualified to perform by past experience or training; ~~which~~ is of

1 a character generally similar to work for which the individual has
2 previously received wages; ~~and,~~ **EXCEPT AS PROVIDED IN THIS**
3 **SECTION,** for which the individual is available, full time, either
4 at a locality at which the individual earned wages for insured work
5 during his or her base period or at a locality where ~~it is found by~~
6 the commission **FINDS** that such work is available.

7 (d) ~~In the event of~~ **ON** the death of an individual's immediate
8 family member, the eligibility requirements of availability and
9 reporting shall be waived for the day of the death and for 4
10 consecutive calendar days thereafter. As used in this subdivision,
11 "immediate family member" means a spouse, child, stepchild, adopted
12 child, grandchild, parent, grandparent, brother, or sister of the
13 individual or his or her spouse. It ~~shall also include~~ **INCLUDES** the
14 spouse of any of the persons specified in the previous sentence.

15 (e) The individual participates in reemployment services, such
16 as job search assistance services, if the individual has been
17 determined or redetermined by the commission to be likely to
18 exhaust regular benefits and need reemployment services pursuant to
19 a profiling system established by the commission.

20 (2) The commission may authorize an individual with an
21 unexpired benefit year to pursue vocational training or retraining
22 only if the commission finds that:

23 (a) Reasonable opportunities for employment in occupations for
24 which the individual is fitted by training and experience do not
25 exist in the locality in which the individual is claiming benefits.

26 (b) The vocational training course relates to an occupation or
27 skill for which there are, or are expected to be in the immediate

1 future, reasonable employment opportunities.

2 (c) The training course has been approved by a local advisory
3 council on which both management and labor are represented, or if
4 there is no local advisory council, by the commission.

5 (d) The individual has the required qualifications and
6 aptitudes to complete the course successfully.

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

10 (3) Notwithstanding any other provision of this act, an
11 otherwise eligible individual shall not be ineligible for benefits
12 because he or she is participating in training with the approval of
13 the commission **OR IN A JOB TRAINING PROGRAM AUTHORIZED UNDER THE**
14 **WORKFORCE INVESTMENT ACT OF 1998, PUBLIC LAW 105-220.** For each week
15 that the commission finds that an individual who is claiming
16 benefits under this act and who is ~~participating in training with~~
17 ~~the approval of the commission, is~~ satisfactorily pursuing ~~an~~ **THE**
18 ~~approved course of vocational~~ **OR AUTHORIZED** training, it shall
19 waive the requirements that he or she be available for work and be
20 seeking work as prescribed in subsection (1)(a) and (c), and it
21 ~~shall find~~ **IS** good cause for his or her failure to apply for
22 suitable work, report to a former employer for an interview
23 concerning suitable work, or accept suitable work as required in
24 section 29(1)(c), (d), and (e).

25 (4) The waiver of the requirement that a claimant seek work,
26 as provided in subsection (1)(a), ~~shall not be applicable~~ **DOES NOT**
27 **APPLY** to weeks of unemployment for which the claimant is claiming

1 extended benefits if section ~~64(8)(a)(ii)~~ **64(7)(A)(ii)** is in effect,
2 unless the individual is participating in training approved by the
3 commission.

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

23 **(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, FOR**
24 **BENEFIT YEARS BEGINNING AFTER JANUARY 1, 2012, IF A MAJORITY OF THE**
25 **WEEKS OF WORK IN AN INDIVIDUAL'S BASE PERIOD INCLUDE PART-TIME**
26 **WORK, AN OTHERWISE ELIGIBLE INDIVIDUAL SHALL NOT BE DENIED BENEFITS**
27 **FOR ANY WEEK SOLELY BECAUSE OF 1 OR MORE OF THE FOLLOWING:**

1 (A) THE INDIVIDUAL IS AVAILABLE ONLY FOR PART-TIME WORK.

2 (B) THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK.

3 (C) THE INDIVIDUAL REFUSES AN OFFER OF FULL-TIME WORK.

4 (7) SUBSECTION (6) DOES NOT REMOVE THE DISQUALIFICATION FOR
5 BENEFITS THAT APPLIES UNDER SECTION 29(1) IF AN INDIVIDUAL
6 VOLUNTARILY LEAVES PART-TIME WORK.

7 (8) FOR PURPOSES OF THIS SECTION, DURING AN INDIVIDUAL'S BASE
8 PERIOD "PART-TIME WORK" MEANS WORK THAT IS LESS THAN 40 HOURS IN A
9 CALENDAR WEEK. DURING AN INDIVIDUAL'S BENEFIT YEAR, "PART-TIME
10 WORK" MEANS WORK THAT IS NOT LESS THAN 16 HOURS BUT IS LESS THAN 40
11 HOURS IN A CALENDAR WEEK AND IS COMPARABLE IN THE NUMBER OF HOURS
12 IN A CALENDAR WEEK TO THE NUMBER OF HOURS OF WORK IN A MAJORITY OF
13 CALENDAR WEEKS OF WORK IN THE INDIVIDUAL'S BASE PERIOD.