

HOUSE BILL No. 4394

March 8, 2011, Introduced by Reps. Haveman, Wayne Schmidt, Bumstead, Tyler, Jacobsen, Johnson, Heise, Walsh, Rendon, Byrum, MacGregor, Gilbert, Genetski, Dillon, Roy Schmidt, Haugh, Geiss, Hughes, Shirkey, McMillin, Crawford, Lyons, Knollenberg, Outman, Kurtz, Daley, Hooker, Bledsoe, Denby, LaFontaine, Shaughnessy, Kowall, Callton, Goike, Franz, Moss, Agema, Brown and Tlaib and referred to the Committee on Commerce.

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
10 SINCE THE END OF THE BASE PERIOD.

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

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

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

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

19 (B) THE BENEFITS PAYABLE SHALL BE ALLOCATED AMONG, AND CHARGED
20 TO, THE REMAINING EMPLOYERS IN THE BASE PERIOD.

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

24 (D) NO REDUCTION SHALL BE MADE IN A CLAIMANT'S BENEFITS UNDER
25 SECTION 27(C)(2) FOR WAGES PAID BY AN EMPLOYER THAT IS NOT
26 CHARGEABLE FOR BENEFITS BECAUSE OF THE REDETERMINATION.

27 (E) THE LIMITATION ON WEEKLY BENEFITS UNDER SECTION 27(C)(3)

1 SHALL BE CALCULATED EXCLUDING WAGES PAID BY AN EMPLOYER THAT IS NOT
2 CHARGEABLE FOR BENEFITS BECAUSE OF THE REDETERMINATION.

3 (3) IF AN EMPLOYER THAT OBTAINS A REDETERMINATION UNDER THIS
4 SECTION DOES NOT MEET THE REQUIREMENTS IN SUBSECTION (1)(A) AND (B)
5 FOR A CLAIMED WEEK UNDER THAT REDETERMINATION, THE AGENCY SHALL
6 REINSTATE THE ORIGINAL MONETARY DETERMINATION AS TO WEEKLY BENEFIT
7 AMOUNT, NUMBER OF WEEKS PAYABLE, AND ALLOCATION OF CHARGES FOR ALL
8 SUBSEQUENT WEEKS IN THE BENEFIT YEAR.