

SENATE BILL NO. 999

June 25, 2020, Introduced by Senators HOLLIER, BRINKS, POLEHANKI, GEISS, MOSS, IRWIN, BAYER, CHANG, ALEXANDER, MCCANN, MCMORROW, WOJNO, ANANICH and SANTANA and referred to the Committee on Economic and Small Business Development.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 46 (MCL 421.46), as amended by 2012 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. (a) Subject to subsections (d) through (f), for
2 benefit years beginning before October 1, 2000, "benefit year"
3 means the period of 52 consecutive calendar weeks beginning the
4 first calendar week in which an individual files a claim in
5 accordance with section 32 and meets all of the following
6 conditions:

1 (1) The individual has earned 20 credit weeks in the 52
2 consecutive calendar weeks before the week he or she files the
3 claim for benefits.

4 (2) The individual is unemployed and meets all requirements of
5 section 28 for the week for which he or she files a claim for
6 benefits.

7 (3) Except for a disqualification under section 29 (8)
8 involving a labor dispute during the individual's most recent
9 period of employment with the most recent employer with whom the
10 individual earned a credit week, the individual is not disqualified
11 or subject to disqualification for the week for which he or she
12 files a claim.

13 (4) The individual does not have a benefit year already in
14 effect at the time of the claim.

15 (b) For benefit years beginning on or after October 1, 2000,
16 "benefit year" means the period of 52 consecutive calendar weeks
17 beginning the first calendar week in which an individual files a
18 claim in accordance with section 32. However, a benefit year shall
19 not be established unless the individual meets either of the
20 following conditions:

21 (1) The total wages paid to the individual in the base period
22 of the claim equals not less than 1.5 times the wages paid to the
23 individual in the calendar quarter of the base period in which the
24 individual was paid the highest wages.

25 (2) The individual was paid wages in 2 or more calendar
26 quarters of the base period totaling at least 20 times the state
27 average weekly wage as determined by the unemployment agency.

28 (c) For benefit years beginning after October 1, 2000, the
29 state average weekly wage for a calendar year shall be computed on

1 the basis of the 12 months ending the June 30 preceding that
2 calendar year. ~~A~~**For benefit years beginning on or before May 31,**
3 **2020, a benefit year shall not be established if the individual was**
4 **not paid wages of at least the state minimum hourly wage multiplied**
5 **by 388.06 rounded down to the nearest dollar in at least 1 calendar**
6 **quarter of the base period. For benefit years beginning after May**
7 **31, 2020, a benefit year shall not be established if the individual**
8 **was not paid wages of at least the state minimum hourly wage**
9 **multiplied by 128 rounded down to the nearest dollar in at least 1**
10 **calendar quarter of the base period.** A benefit year shall not be
11 established based on base period wages previously used to establish
12 a benefit year that resulted in the payment of benefits. However,
13 if a calendar quarter of the base period contains wages that were
14 previously used to establish a benefit year that resulted in the
15 payment of benefits, a claimant may establish a benefit year using
16 the wages in the remaining calendar quarters from among the first 4
17 of the last 5 completed calendar quarters, or if a benefit year
18 cannot be established using those quarters, then by using wages
19 from among the last 4 completed calendar quarters. A benefit year
20 shall not be established unless, after the beginning of the
21 immediately preceding benefit year during which the individual
22 received benefits, the individual worked and received remuneration
23 in an amount equal to at least 5 times the individual's most recent
24 state weekly benefit rate in effect during the individual's
25 immediately preceding benefit year. If a quarterly wage report has
26 not been submitted in a timely manner by the employer as provided
27 in section 13 for any of the quarters of the base period, or if
28 wage information is not available for use by the unemployment
29 agency for the most recent completed calendar quarter, the

1 unemployment agency shall obtain and use the claimant's statement
2 of wages paid during the calendar quarters for which the wage
3 reports are missing to establish a benefit year. However, the
4 claimant's statement of wages shall only be used to establish a
5 benefit year if the claimant also provides to the unemployment
6 agency documentary or other evidence of those wages that is
7 satisfactory to the unemployment agency. A determination based on
8 the claimant's statement of wages paid during any of these calendar
9 quarters shall be redetermined if the quarterly wage report from
10 the employer is later received and would result in a change in the
11 claimant's weekly benefit amount or duration, or both, or if the
12 quarterly wage report from the employer later becomes available for
13 use by the unemployment agency and would result in a change in the
14 claimant's benefit amount or duration, or both. If the
15 redetermination results from the employer's failure to submit the
16 quarterly wage report in a timely manner, the redetermination shall
17 be effective as to benefits payable for weeks beginning after the
18 receipt of information not previously submitted by the employer.

19 (d) If an individual files a claim for a 7-day period under
20 section 27(c), his or her benefit year begins the calendar week
21 containing the first day of that 7-day period.

22 (e) If all or part of a claimant's right to benefits during
23 his or her benefit year is canceled under section 62(b), the
24 benefit year is terminated on the effective date of the
25 cancellation.

26 (f) An individual may request a redetermination of his or her
27 benefit rights and cancellation of a previously established benefit
28 year if he or she has not completed a compensable period. Under
29 circumstances described in this subsection, the benefit year begins

- 1 the first day of the first week in which the request for
- 2 redetermination of benefit rights is duly filed.