

**SUBSTITUTE FOR
HOUSE BILL NO. 5179**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 28 and 29 (MCL 421.28 and 421.29), section 28 as amended by 2022 PA 18 and section 29 as amended by 2020 PA 258, and by adding section 67c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) An unemployed individual is eligible to receive
2 benefits with respect to any week only if the unemployment agency
3 finds all of the following:

4 (a) The individual registered for work pursuant to subsection
5 ~~(10)~~ **(12)** after the individual applied for benefits and within the
6 time period prescribed by the unemployment agency, has continued to
7 report pursuant to unemployment agency rules, and is actively



1 engaged in seeking work. The requirements that the individual must
2 report, must register for work, must be available to perform
3 suitable full-time work, and must seek work may be waived by the
4 unemployment agency if the individual is laid off and the employer
5 that laid the individual off notifies the unemployment agency in
6 writing or by computerized data exchange that the layoff is
7 temporary and that work is expected to be available for the
8 individual within a declared number of days, not to exceed 45
9 calendar days, plus up to an additional 90 calendar days as
10 provided for in subsection ~~(11)~~, **(13)**, following the last day the
11 individual worked. Except as otherwise provided in subsection ~~(12)~~,
12 **(14)**, this waiver is not effective unless the notification from the
13 employer is received by the unemployment agency before the
14 individual has completed his or her first compensable week
15 following layoff. If the individual is not recalled within the
16 specified period, the waiver ceases to be operative with respect to
17 that layoff. Except for a period of disqualification, the
18 requirement that the individual shall seek work may be waived by
19 the unemployment agency if it finds that suitable work is
20 unavailable both in the locality where the individual resides and
21 in those localities in which the individual has earned wages during
22 or after the base period. This waiver does not apply to a claimant
23 enrolled and attending classes as a full-time student. An
24 individual is considered to have satisfied the requirement of
25 personal reporting at an employment office, as applied to a week in
26 a period during which the requirements of registration and seeking
27 work have been waived by the unemployment agency pursuant to this
28 subdivision, if the individual has satisfied the personal reporting
29 requirement with respect to a preceding week in that period and the



1 individual has reported with respect to the week by mail pursuant
2 to the rules promulgated by the unemployment agency.

3 (b) The individual has made a claim for benefits pursuant to
4 section 32 and has provided the unemployment agency with all of the
5 following:

6 (i) His or her Social Security number.

7 (ii) His or her driver license number, and the state that
8 issued the license, or state identification card number, and the
9 state that issued the identification card, or copies of the
10 acceptable documents as provided in the Form I-9.

11 (iii) If the unemployment agency has requested them, copies of
12 the acceptable documents as provided in the Form I-9. As used in
13 this subdivision, "Form I-9" means the employment verification form
14 that fulfills the employment verification obligations under 8 CFR
15 274a.2.

16 (c) The individual is able and available to appear at a
17 location of the unemployment agency's choosing for evaluation of
18 eligibility for benefits, if required, and to perform suitable
19 full-time work of a character that the individual is qualified to
20 perform by past experience or training, which is of a character
21 generally similar to work for which the individual has previously
22 received wages, and for which the individual is available, full
23 time, either at a locality at which the individual earned wages for
24 insured work during his or her base period or at a locality where
25 it is found by the unemployment agency that such work is available.
26 Notwithstanding any other provision of this act, for all claims
27 filed after March 1, 2020, and established under the federal
28 pandemic unemployment assistance program, with respect to the able
29 and available requirements, an individual must be able and



1 available to perform suitable full- or part-time work. An
2 individual is considered unavailable for work under any of the
3 following circumstances:

4 (i) The individual fails during a benefit year to notify or
5 update a chargeable employer with telephone, email, or other
6 information sufficient to allow the employer to contact the
7 individual about available work.

8 (ii) The individual fails, without good cause, to respond to
9 the unemployment agency within 14 calendar days of the later of the
10 mailing of a notice to the address of record requiring the
11 individual to contact the unemployment agency or of the leaving of
12 a telephone message requesting a return call and providing a return
13 name and telephone number on an automated answering device or with
14 an individual answering the telephone number of record.

15 (iii) Unless the claimant shows good cause for failure to
16 respond, mail sent to the individual's address of record is
17 returned as undeliverable and the telephone number of record has
18 been disconnected or changed or is otherwise no longer associated
19 with the individual.

20 (d) In the event of the death of an individual's immediate
21 family member, the eligibility requirements of availability and
22 reporting are waived for the day of the death and for 4 consecutive
23 calendar days thereafter. As used in this subdivision, "immediate
24 family member" means a spouse, child, stepchild, adopted child,
25 grandchild, parent, grandparent, brother, or sister of the
26 individual or his or her spouse. Immediate family member includes
27 the spouse of any of the individuals specified in the previous
28 sentence.

29 (e) The individual participates in reemployment services, such



1 as job search assistance services, if the individual has been
2 determined or redetermined by the unemployment agency to be likely
3 to exhaust regular benefits and need reemployment services pursuant
4 to a profiling system established by the unemployment agency.

5 **(f) If the individual receives benefits for 10 or more**
6 **consecutive weeks, the individual participates in reemployment**
7 **services, such as job search assistance services.**

8 (2) The unemployment agency may authorize an individual with
9 an unexpired benefit year to pursue vocational training or
10 retraining only if the unemployment agency finds all of the
11 following:

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

15 (b) The vocational training course relates to an occupation or
16 skill for which there are, or are expected to be in the immediate
17 future, reasonable employment opportunities.

18 (c) The training course has been approved by a local advisory
19 council on which both management and labor are represented, or if
20 there is no local advisory council, by the unemployment agency.

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

23 (e) The vocational training course has been approved by the
24 state board of education and is maintained by a public or private
25 school or by the unemployment agency.

26 (3) Notwithstanding any other provision of this act, an
27 otherwise eligible individual is not ineligible for benefits
28 because he or she is participating in training with the approval of
29 the unemployment agency. For each week that the unemployment agency



1 finds that an individual who is claiming benefits under this act
2 and who is participating in training with the approval of the
3 unemployment agency, is satisfactorily pursuing an approved course
4 of vocational training, the unemployment agency shall waive the
5 requirements that he or she be available for work and be seeking
6 work as prescribed in subsection (1)(a) and (c), and shall find
7 good cause for his or her failure to apply for suitable work,
8 report to a former employer for an interview concerning suitable
9 work, or accept suitable work as required in section 29(1)(c), (d),
10 and (e).

11 (4) Notwithstanding any other provisions of this act, an
12 otherwise eligible individual must not be denied benefits solely
13 because the individual is in training approved under section
14 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the
15 individual be denied benefits by reason of leaving work to enter
16 such training if the work left is not suitable employment.
17 Furthermore, an otherwise eligible individual must not be denied
18 benefits because of the application to any such week in training of
19 provisions of this act, or any applicable federal unemployment
20 compensation law, relating to availability for work, active search
21 for work, or refusal to accept work. For purposes of this
22 subsection, "suitable employment" means, with respect to an
23 individual, work of a substantially equal or higher skill level
24 than the individual's past adversely affected employment, as
25 defined for purposes of the trade act of 1974, 19 USC 2101 to
26 2497b, and wages for that work at not less than 80% of the
27 individual's average weekly wage as determined for the purposes of
28 the trade act of 1974, 19 USC 2101 to 2497b.

29 (5) Except as otherwise provided in ~~subsection~~ **subsections** (6)



1 **and (7)**, for purposes of this section, for benefit years beginning
2 on or after January 1, 2013, to be actively engaged in seeking
3 work, an individual must conduct a systematic and sustained search
4 for work in each week the individual is claiming benefits, using
5 any of the following methods to report the details of the work
6 search:

7 (a) Reporting at monthly intervals on the unemployment
8 agency's online reporting system the name of each employer and
9 physical or online location of each employer where work was sought
10 and the date and method by which work was sought with each
11 employer.

12 (b) Filing a written report with the unemployment agency by
13 mail or facsimile transmission not later than the end of the fourth
14 calendar week after the end of the week in which the individual
15 engaged in the work search, on a form approved by the unemployment
16 agency, indicating the name of each employer and physical or online
17 location of each employer where work was sought and the date and
18 method by which work was sought with each employer.

19 (c) Appearing at least monthly in person at a Michigan works
20 agency office to report the name and physical or online location of
21 each employer where the individual sought work during the previous
22 month and the date and method by which work was sought with each
23 employer.

24 (6) ~~For~~ **Except as otherwise provided in subsection (7)**, for
25 purposes of this section, beginning on April 2, 2020, to be
26 actively engaged in seeking work, an individual must conduct a
27 systematic and sustained search for work in each week the
28 individual is claiming benefits and must report to the unemployment
29 agency the details of the work search at least once every 2 weeks



1 or, if the unemployment agency prescribes a shorter reporting
2 period, the reporting period prescribed by the unemployment agency.

3 An individual may conduct a systematic and sustained search for
4 work by doing any of the following:

5 (a) Using resources available at a Michigan works agency
6 office to do any of the following:

7 (i) Participate in reemployment services and eligibility
8 assessment activities.

9 (ii) Identify the skills the individual possesses that are
10 consistent with target or demand occupations in the local workforce
11 development area.

12 (iii) Obtain job postings and seek employment for suitable
13 positions needed by local employers.

14 (b) Attending job search seminars or other employment
15 workshops that offer instruction in improving an individual's
16 skills for finding and obtaining employment.

17 (c) Creating a user profile on a professional networking site
18 or using an online career tool. Creating duplicate user profiles or
19 resubmitting or reuploading the same resume to the same
20 professional networking site does not satisfy the requirements of
21 this subdivision.

22 (d) Applying for an available position with, submitting a
23 resume to, or interviewing with employers. Applying for the same
24 position within a 4-week period or contacting an employer to
25 determine whether a position is available does not satisfy the
26 requirements of this subdivision, unless the individual uses his or
27 her union hiring hall to conduct a search for work.

28 (e) Registering for work with a private employment agency or,
29 if it is available to the individual in his or her occupation or



1 profession, the placement facility of a school, college, or
2 university.

3 (f) Taking an examination that is required for a position in
4 the state civil service.

5 (7) For purposes of this section, beginning on September 1,
6 2022, to be actively engaged in seeking work, an individual must
7 search for work by doing any of the following at least 3 times in
8 each week the individual is claiming benefits or, if the individual
9 registers for work in accordance with subdivision (f), as often as
10 is required to comply with subdivision (f), and must report to the
11 unemployment agency the details of the work search at least 1 time
12 each week:

13 (a) Applying for a job.

14 (b) Interviewing for a job.

15 (c) Enrolling or participating in a workforce development
16 program.

17 (d) Enrolling or participating in a program that assists the
18 individual in obtaining a high school diploma or a high school
19 equivalency certificate as defined in section 4 of the state school
20 aid act of 1979, 1979 PA 94, MCL 388.1604.

21 (e) Obtaining professional assistance to create or update the
22 individual's resume.

23 (f) Registering for suitable work through the individual's
24 union hiring hall and maintaining his or her registration in
25 accordance with the union hiring hall's procedures.

26 (8) An individual must include all of the following
27 information, as applicable, in each of the individual's reports
28 required under subsection (7):

29 (a) The name and contact information of the employer.



1 (b) The date the individual submitted the job application.

2 (c) A copy of the job application the individual submitted.

3 (d) The date the job interview was conducted.

4 (e) The name of the individual who conducted the interview.

5 (f) Verification from the program described in subsection

6 (7) (c) that the individual enrolled or is participating in the
7 program.

8 (g) Verification from the program described in subsection

9 (7) (d) that the individual enrolled or is participating in the
10 program.

11 (h) The contact information for the person who provided
12 assistance under subsection (7) (e) and the date the assistance was
13 provided.

14 (i) Verification from the union hiring hall described in
15 subsection (7) (f) that the individual is registered for suitable
16 work.

17 (9) ~~(7)~~—The work search conducted by the claimant is subject
18 to audit by the unemployment agency.

19 (10) ~~(8)~~—The unemployment agency shall request but shall not
20 require an individual who is applying for benefits to submit his or
21 her base period employer's unemployment agency account number and
22 federal employer identification number.

23 (11) ~~(9)~~—The unemployment agency shall use all of the
24 documentation and information provided by an individual applying
25 for benefits to verify the identity of the individual before making
26 an initial payment on the individual's claim.

27 (12) ~~(10)~~—An individual must register for work as required
28 under subsection (1) (a) by registering with a Michigan works agency
29 within 14 days after applying for benefits.



1 **(13)** ~~(11)~~—The unemployment agency may extend a waiver
 2 described in subsection (1)(a) beyond 45 calendar days, but not for
 3 more than an additional 90 calendar days, if, before the end of the
 4 specified period of the waiver, the employer notifies the
 5 unemployment agency in writing or by computerized data exchange
 6 that the layoff is an extended layoff and is the result of 1 or
 7 more of the following:

8 (a) The retooling of the employer's equipment.

9 (b) A parts shortage.

10 (c) A temporary production volume adjustment.

11 **(14)** ~~(12)~~—If an individual is laid off because of an extended
 12 layoff described in subsection ~~(11)~~—**(13)** that existed on May 31,
 13 2021, the requirements that the individual must report, must
 14 register for work, must be available to perform suitable full-time
 15 work, and must seek work may be waived by the unemployment agency
 16 as described in subsection (1)(a) if, before July 16, 2021, the
 17 individual's employer notifies the unemployment agency pursuant to
 18 subsection ~~(11)~~—**(13)** that the individual was laid off because of an
 19 extended layoff described in subsection ~~(11)~~—**(13)**. The specified
 20 period of a waiver granted under this subsection begins on May 31,
 21 2021.

22 **(15) When the unemployment agency determines that an**
 23 **individual is eligible to receive benefits, the unemployment agency**
 24 **shall notify the individual of work search assistance entities,**
 25 **including the Michigan works agencies.**

26 **(16) Except as otherwise provided in this section, the**
 27 **unemployment agency shall not waive any of the provisions of this**
 28 **section.**

29 Sec. 29. (1) Except as provided in subsection (5), an



1 individual is disqualified from receiving benefits if he or she:
2 (a) Left work voluntarily without good cause attributable to
3 the employer or employing unit. An individual who left work is
4 presumed to have left work voluntarily without good cause
5 attributable to the employer or employing unit. An individual who
6 is absent from work for a period of 3 consecutive work days or more
7 without contacting the employer in a manner acceptable to the
8 employer and of which the individual was informed at the time of
9 hire is considered to have voluntarily left work without good cause
10 attributable to the employer. An individual who becomes unemployed
11 as a result of negligently losing a requirement for the job of
12 which he or she was informed at the time of hire is considered to
13 have voluntarily left work without good cause attributable to the
14 employer. An individual claiming benefits under this act has the
15 burden of proof to establish that he or she left work involuntarily
16 or for good cause that was attributable to the employer or
17 employing unit. An individual claiming to have left work
18 involuntarily for medical reasons must have done all of the
19 following before the leaving: secured a statement from a medical
20 professional that continuing in the individual's current job would
21 be harmful to the individual's physical or mental health,
22 unsuccessfully attempted to secure alternative work with the
23 employer, and unsuccessfully attempted to be placed on a leave of
24 absence with the employer to last until the individual's mental or
25 physical health would no longer be harmed by the current job.
26 Notwithstanding any other provision of this act, with respect to
27 claims for weeks beginning before April 1, 2021, an individual is
28 considered to have left work involuntarily for medical reasons if
29 he or she leaves work to self-isolate or self-quarantine in



1 response to elevated risk from COVID-19 because he or she is
 2 immunocompromised, displayed a commonly recognized principal
 3 symptom of COVID-19 that was not otherwise associated with a known
 4 medical or physical condition of the individual, had contact in the
 5 last 14 days with an individual with a confirmed diagnosis of
 6 COVID-19, needed to care for an individual with a confirmed
 7 diagnosis of COVID-19, or had a family care responsibility that was
 8 the result of a government directive regarding COVID-19.

9 Notwithstanding any other provision of this act, with respect to
 10 claims for weeks beginning before April 1, 2021, the unemployment
 11 agency may consider an individual laid off if the individual became
 12 unemployed to self-isolate or self-quarantine in response to
 13 elevated risk from COVID-19 because he or she is immunocompromised,
 14 displayed a commonly recognized principal symptom of COVID-19 that
 15 was not otherwise associated with a known medical or physical
 16 condition of the individual, had contact in the last 14 days with
 17 an individual with a confirmed diagnosis of COVID-19, needed to
 18 care for an individual with a confirmed diagnosis of COVID-19, or
 19 had a family care responsibility that was the result of a
 20 government directive regarding COVID-19. However, if any of the
 21 following conditions are met, the leaving does not disqualify the
 22 individual:

23 (i) The individual has an established benefit year in effect
 24 and during that benefit year leaves unsuitable work within 60 days
 25 after the beginning of that work. Benefits paid after a leaving
 26 under this subparagraph must not be charged to the experience
 27 account of the employer the individual left, but must be charged
 28 instead to the nonchargeable benefits account.

29 (ii) The individual is the spouse of a full-time member of the



1 United States Armed Forces, and the leaving is due to the military
2 duty reassignment of that member of the United States Armed Forces
3 to a different geographic location. Benefits paid after a leaving
4 under this subparagraph must not be charged to the experience
5 account of the employer the individual left, but must be charged
6 instead to the nonchargeable benefits account.

7 (iii) The individual is concurrently working part-time for an
8 employer or employing unit and for another employer or employing
9 unit and voluntarily leaves the part-time work while continuing
10 work with the other employer. The portion of the benefits paid in
11 accordance with this subparagraph that would otherwise be charged
12 to the experience account of the part-time employer that the
13 individual left must not be charged to the account of that employer
14 but must be charged instead to the nonchargeable benefits account.

15 (iv) The individual is a victim of domestic violence who meets
16 the requirements in section 29a. Benefits paid after a leaving
17 under this subparagraph must not be charged to the experience
18 account of the employer the individual left, but must be charged
19 instead to the nonchargeable benefits account. This subparagraph
20 does not apply after March 31, 2021.

21 (b) Was suspended or discharged for misconduct connected with
22 the individual's work or for intoxication while at work.

23 (c) Failed without good cause to apply diligently for
24 available suitable work after receiving notice from the
25 unemployment agency of the availability of that work or failed to
26 apply for work with employers that could reasonably be expected to
27 have suitable work available.

28 (d) Failed without good cause while unemployed to report to
29 the individual's former employer or employing unit within a



1 reasonable time after that employer or employing unit provided
2 notice of the availability of an interview concerning available
3 suitable work with the former employer or employing unit.

4 (e) Failed without good cause to accept suitable work offered
5 to the individual or to return to the individual's customary self-
6 employment, if any, when directed by the employment office or the
7 unemployment agency. An employer that receives a monetary
8 determination under section 32 may notify the unemployment agency
9 regarding the availability of suitable work with the employer on
10 the monetary determination or other form provided by the
11 unemployment agency. Upon receipt of the notice of the availability
12 of suitable work, the unemployment agency shall notify the claimant
13 of the availability of suitable work.

14 (f) Lost his or her job due to absence from work resulting
15 from a violation of law for which the individual was convicted and
16 sentenced to jail or prison. This subdivision does not apply if
17 conviction of an individual results in a sentence to county jail
18 under conditions of day parole as provided in 1962 PA 60, MCL
19 801.251 to 801.258, or if the conviction was for a traffic
20 violation that resulted in an absence of less than 10 consecutive
21 work days from the individual's place of employment.

22 (g) Is discharged, whether or not the discharge is
23 subsequently reduced to a disciplinary layoff or suspension, for
24 participation in either of the following:

25 (i) A strike or other concerted action in violation of an
26 applicable collective bargaining agreement that results in
27 curtailment of work or restriction of or interference with
28 production.

29 (ii) A wildcat strike or other concerted action not authorized



1 by the individual's recognized bargaining representative.

2 (h) Was discharged for an act of assault and battery connected
3 with the individual's work.

4 (i) Was discharged for theft connected with the individual's
5 work.

6 (j) Was discharged for willful destruction of property
7 connected with the individual's work.

8 (k) Committed a theft after receiving notice of a layoff or
9 discharge, but before the effective date of the layoff or
10 discharge, resulting in loss or damage to the employer who would
11 otherwise be chargeable for the benefits, regardless of whether the
12 individual qualified for the benefits before the theft.

13 (l) Was employed by a temporary help firm, which as used in
14 this section means an employer whose primary business is to provide
15 a client with the temporary services of 1 or more individuals under
16 contract with the employer, to perform services for a client of
17 that firm if each of the following conditions is met:

18 (i) The temporary help firm provided the employee with a
19 written notice before the employee began performing services for
20 the client stating in substance both of the following:

21 (A) That within 7 days after completing services for a client
22 of the temporary help firm, the employee is under a duty to notify
23 the temporary help firm of the completion of those services.

24 (B) That a failure to provide the temporary help firm with
25 notice of the employee's completion of services pursuant to sub-
26 subparagraph (A) constitutes a voluntary quit that will affect the
27 employee's eligibility for unemployment compensation if the
28 employee seeks unemployment compensation following completion of
29 those services.



1 (ii) The employee did not provide the temporary help firm with
2 notice that the employee had completed his or her services for the
3 client within 7 days after completion of his or her services for
4 the client.

5 (m) Was discharged for illegally ingesting, injecting,
6 inhaling, or possessing a controlled substance on the premises of
7 the employer; refusing to submit to a drug test that was required
8 to be administered in a nondiscriminatory manner; or testing
9 positive on a drug test, if the test was administered in a
10 nondiscriminatory manner. If the worker disputes the result of the
11 testing, and if a generally accepted confirmatory test has not been
12 administered on the same sample previously tested, then a generally
13 accepted confirmatory test must be administered on that sample. If
14 the confirmatory test also indicates a positive result for the
15 presence of a controlled substance, the worker who is discharged as
16 a result of the test result will be disqualified under this
17 subdivision. A report by a drug testing facility showing a positive
18 result for the presence of a controlled substance is conclusive
19 unless there is substantial evidence to the contrary. As used in
20 this subdivision:

21 (i) "Controlled substance" means that term as defined in
22 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

23 (ii) "Drug test" means a test designed to detect the illegal
24 use of a controlled substance.

25 (iii) "Nondiscriminatory manner" means administered impartially
26 and objectively in accordance with a collective bargaining
27 agreement, rule, policy, a verbal or written notice, or a labor-
28 management contract.

29 (n) Theft from the employer that resulted in the employee's



1 conviction, within 2 years of the date of the discharge, of theft
2 or a lesser included offense.

3 (2) A disqualification under subsection (1) begins the week in
4 which the act or discharge that caused the disqualification occurs
5 and continues until the disqualified individual requalifies under
6 subsection (3).

7 (3) After the week in which the disqualifying act or discharge
8 described in subsection (1) occurs, an individual who seeks to
9 requalify for benefits is subject to all of the following:

10 (a) For benefit years established before October 1, 2000, the
11 individual must complete 6 requalifying weeks if he or she was
12 disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or
13 13 requalifying weeks if he or she was disqualified under
14 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
15 required under this subdivision is each week in which the
16 individual does any of the following:

17 (i) Earns or receives remuneration in an amount at least equal
18 to an amount needed to earn a credit week, as that term is defined
19 in section 50.

20 (ii) Otherwise meets all of the requirements of this act to
21 receive a benefit payment if the individual were not disqualified
22 under subsection (1).

23 (iii) Receives a benefit payment based on credit weeks
24 subsequent to the disqualifying act or discharge.

25 (b) For benefit years established before October 1, 2000, if
26 the individual is disqualified under subsection (1)(a) or (b), he
27 or she must requalify, after the week in which the disqualifying
28 discharge occurred by earning in employment for an employer liable
29 under this act or the unemployment compensation act of another



1 state an amount equal to, or in excess of, 7 times the individual's
2 potential weekly benefit rate, calculated on the basis of
3 employment with the employer involved in the disqualification, or
4 by earning in employment for an employer liable under this act or
5 the unemployment compensation act of another state an amount equal
6 to, or in excess of, 40 times the state minimum hourly wage times
7 7, whichever is the lesser amount.

8 (c) For benefit years established before October 1, 2000, a
9 benefit payable to an individual disqualified under subsection
10 (1)(a) or (b) must be charged to the nonchargeable benefits
11 account, and not to the account of the employer with whom the
12 individual was involved in the disqualification.

13 (d) For benefit years beginning on or after October 1, 2000,
14 after the week in which the disqualifying act or discharge
15 occurred, an individual must complete 13 requalifying weeks if he
16 or she was disqualified under subsection (1)(c), (d), (e), (f),
17 (g), or (l), or 26 requalifying weeks if he or she was disqualified
18 under subsection (1)(h), (i), (j), (k), (m), or (n). A requalifying
19 week required under this subdivision is each week in which the
20 individual does any of the following:

21 (i) Earns or receives remuneration in an amount equal to at
22 least 1/13 of the minimum amount needed in a calendar quarter of
23 the base period for an individual to qualify for benefits, rounded
24 down to the nearest whole dollar.

25 (ii) Otherwise meets all of the requirements of this act to
26 receive a benefit payment if the individual was not disqualified
27 under subsection (1).

28 (e) For benefit years beginning on or after October 1, 2000
29 and beginning before April 26, 2002, if the individual is



1 disqualified under subsection (1)(a) or (b), he or she must
 2 requalify, after the week in which the disqualifying act or
 3 discharge occurred by earning in employment for an employer liable
 4 under this act or the unemployment compensation law of another
 5 state at least the lesser of the following:

6 (i) Seven times the individual's weekly benefit rate.

7 (ii) Forty times the state minimum hourly wage times 7.

8 (f) For benefit years beginning on or after April 26, 2002, if
 9 the individual is disqualified under subsection (1)(a), he or she
 10 must requalify, after the week in which the disqualifying act or
 11 discharge occurred by earning in employment for an employer liable
 12 under this act or the unemployment compensation law of another
 13 state at least 12 times the individual's weekly benefit rate.

14 (g) For benefit years beginning on or after April 26, 2002, if
 15 the individual is disqualified under subsection (1)(b), he or she
 16 must requalify, after the week in which the disqualifying act or
 17 discharge occurred by earning in employment for an employer liable
 18 under this act or the unemployment compensation law of another
 19 state at least 17 times the individual's weekly benefit rate.

20 (h) A benefit payable to the individual disqualified or
 21 separated under disqualifying circumstances under subsection (1)(a)
 22 or (b) must be charged to the nonchargeable benefits account, and
 23 not to the account of the employer with whom the individual was
 24 involved in the separation. Benefits payable to an individual
 25 determined by the unemployment agency to be separated under
 26 disqualifying circumstances must not be charged to the account of
 27 the employer involved in the disqualification for any period after
 28 the employer notifies the unemployment agency of the claimant's
 29 possible ineligibility or disqualification. However, an individual



1 filing a new claim for benefits who reports the reason for
2 separation from a base period employer as a voluntary leaving is
3 presumed to have voluntarily left without good cause attributable
4 to the employer and is disqualified unless the individual provides
5 substantial evidence to rebut the presumption. If a disqualifying
6 act or discharge occurs during the individual's benefit year, any
7 benefits that may become payable to the individual in a later
8 benefit year based on employment with the employer involved in the
9 disqualification must be charged to the nonchargeable benefits
10 account.

11 (4) The maximum amount of benefits otherwise available under
12 section 27(d) to an individual disqualified under subsection (1) is
13 subject to all of the following conditions:

14 (a) For benefit years established before October 1, 2000, if
15 the individual is disqualified under subsection (1)(c), (d), (e),
16 (f), (g), or (l) and the maximum amount of benefits is based on
17 wages and credit weeks earned from an employer before an act or
18 discharge involving that employer, the amount must be reduced by an
19 amount equal to the individual's weekly benefit rate as to that
20 employer multiplied by the lesser of either of the following:

21 (i) The number of requalifying weeks required of the individual
22 under this section.

23 (ii) The number of weeks of benefit entitlement remaining with
24 that employer.

25 (b) If the individual has insufficient or no potential benefit
26 entitlement remaining with the employer involved in the
27 disqualification in the benefit year in existence on the date of
28 the disqualifying determination, a reduction of benefits described
29 in this subsection applies in a succeeding benefit year with



1 respect to any benefit entitlement based upon credit weeks earned
2 with the employer before the disqualifying act or discharge.

3 (c) For benefit years established before October 1, 2000, an
4 individual disqualified under subsection (1)(h), (i), (j), (k), or
5 (m) is not entitled to benefits based on wages and credit weeks
6 earned before the disqualifying act or discharge with the employer
7 involved in the disqualification.

8 (d) The benefit entitlement of an individual disqualified
9 under subsection (1)(a) or (b) is not subject to reduction as a
10 result of that disqualification.

11 (e) A denial or reduction of benefits under this subsection
12 does not apply to benefits based upon multiemployer credit weeks.

13 (f) For benefit years established on or after October 1, 2000,
14 if the individual is disqualified under subsection (1)(c), (d),
15 (e), (f), (g), or (l), the maximum number of weeks otherwise
16 applicable in calculating benefits for the individual under section
17 27(d) must be reduced by the lesser of the following:

18 (i) The number of requalifying weeks required of the individual
19 under this section.

20 (ii) The number of weeks of benefit entitlement remaining on
21 the claim.

22 (g) For benefit years beginning on or after October 1, 2000,
23 the benefits of an individual disqualified under subsection (1)(h),
24 (i), (j), (k), (m), or (n) must be reduced by 13 weeks and any
25 weekly benefit payments made to the claimant thereafter must be
26 reduced by the portion of the payment attributable to base period
27 wages paid by the base period employer involved in a
28 disqualification under subsection (1)(h), (i), (j), (k), (m), or
29 (n).



1 (5) Subject to subsection (11), if an individual leaves work
2 to accept permanent full-time work with another employer or to
3 accept a referral to another employer from the individual's union
4 hiring hall and performs services for that employer, or if an
5 individual leaves work to accept a recall from a former employer,
6 all of the following apply:

7 (a) Subsection (1) does not apply.

8 (b) Wages earned with the employer whom the individual last
9 left, including wages previously transferred under this subsection
10 to the last employer, for the purpose of computing and charging
11 benefits, are wages earned from the employer with whom the
12 individual accepted work or recall, and benefits paid based upon
13 those wages must be charged to that employer.

14 (c) When issuing a determination covering the period of
15 employment with a new or former employer described in this
16 subsection, the unemployment agency shall advise the chargeable
17 employer of the name and address of the other employer, the period
18 covered by the employment, and the extent of the benefits that may
19 be charged to the account of the chargeable employer.

20 (6) In determining whether work is suitable for an individual,
21 the unemployment agency shall consider the degree of risk involved
22 to the individual's health, safety, and morals, the individual's
23 physical fitness and prior training, the individual's length of
24 unemployment and prospects for securing local work in the
25 individual's customary occupation, and the distance of the
26 available work from the individual's residence. Additionally, the
27 unemployment agency shall consider the individual's experience and
28 prior earnings, but an unemployed individual who refuses an offer
29 of work determined to be suitable under this section must be denied



1 benefits if the pay rate for that work is at least 70% of the gross
2 pay rate he or she received immediately before becoming unemployed.
3 Beginning January 15, 2012, after an individual has received
4 benefits for 50% of the benefit weeks in the individual's benefit
5 year, work is not considered unsuitable because it is outside of
6 the individual's training or experience or unsuitable as to pay
7 rate if the pay rate for that work meets or exceeds the minimum
8 wage; is at least the prevailing mean wage for similar work in the
9 locality for the most recent full calendar year for which data are
10 available as published by the department of technology, management,
11 and budget as "wages by job title", by standard metropolitan
12 statistical area; and is 120% or more of the individual's weekly
13 benefit amount.

14 (7) Work is not suitable and benefits must not be denied under
15 this act to an otherwise eligible individual for refusing to accept
16 new work under any of the following conditions:

17 (a) If the position offered is vacant due directly to a
18 strike, lockout, or other labor dispute.

19 (b) If the remuneration, hours, or other conditions of the
20 work offered are substantially less favorable to the individual
21 than those prevailing for similar work in the locality.

22 (c) If as a condition of being employed, the individual would
23 be required to join a company union or to resign from or refrain
24 from joining a bona fide labor organization.

25 (8) All of the following apply to an individual who seeks
26 benefits under this act:

27 (a) An individual is disqualified from receiving benefits for
28 a week in which the individual's total or partial unemployment is
29 due to either of the following:



1 (i) A labor dispute in active progress at the place at which
 2 the individual is or was last employed, or a shutdown or start-up
 3 operation caused by that labor dispute.

4 (ii) A labor dispute, other than a lockout, in active progress
 5 or a shutdown or start-up operation caused by that labor dispute in
 6 any other establishment within the United States that is both
 7 functionally integrated with the establishment described in
 8 subparagraph (i) and operated by the same employing unit.

9 (b) An individual's disqualification imposed or imposable
 10 under this subsection is terminated if the individual performs
 11 services in employment with an employer in at least 2 consecutive
 12 weeks falling wholly within the period of the individual's total or
 13 partial unemployment due to the labor dispute, and in addition
 14 earns wages in each of those weeks in an amount equal to or greater
 15 than the individual's actual or potential weekly benefit rate.

16 (c) An individual is not disqualified under this subsection if
 17 the individual is not directly involved in the labor dispute. An
 18 individual is not directly involved in a labor dispute unless any
 19 of the following are established:

20 (i) At the time or in the course of a labor dispute in the
 21 establishment in which the individual was then employed, the
 22 individual in concert with 1 or more other employees voluntarily
 23 stopped working other than at the direction of the individual's
 24 employing unit.

25 (ii) The individual is participating in, financing, or directly
 26 interested in the labor dispute that causes the individual's total
 27 or partial unemployment. The payment of regular union dues, in
 28 amounts and for purposes established before the inception of the
 29 labor dispute, is not financing a labor dispute within the meaning



1 of this subparagraph.

2 (iii) At any time a labor dispute in the establishment or
3 department in which the individual was employed does not exist, and
4 the individual voluntarily stops working, other than at the
5 direction of the individual's employing unit, in sympathy with
6 employees in some other establishment or department in which a
7 labor dispute is in progress.

8 (iv) The individual's total or partial unemployment is due to a
9 labor dispute that was or is in progress in a department, unit, or
10 group of workers in the same establishment.

11 (d) As used in this subsection, "directly interested" must be
12 construed and applied so as not to disqualify individuals
13 unemployed as a result of a labor dispute the resolution of which
14 may not reasonably be expected to affect their wages, hours, or
15 other conditions of employment, and to disqualify individuals whose
16 wages, hours, or conditions of employment may reasonably be
17 expected to be affected by the resolution of the labor dispute. A
18 "reasonable expectation" of an effect on an individual's wages,
19 hours, or other conditions of employment exists, in the absence of
20 a substantial preponderance of evidence to the contrary, in any of
21 the following situations:

22 (i) If it is established that there is in the particular
23 establishment or employing unit a practice, custom, or contractual
24 obligation to extend within a reasonable period to members of the
25 individual's grade or class of workers in the establishment in
26 which the individual is or was last employed changes in terms and
27 conditions of employment that are substantially similar or related
28 to some or all of the changes in terms and conditions of employment
29 that are made for the workers among whom there exists the labor



1 dispute that has caused the individual's total or partial
2 unemployment.

3 (ii) If it is established that 1 of the issues in or purposes
4 of the labor dispute is to obtain a change in the terms and
5 conditions of employment for members of the individual's grade or
6 class of workers in the establishment in which the individual is or
7 was last employed.

8 (iii) If a collective bargaining agreement covers both the
9 individual's grade or class of workers in the establishment in
10 which the individual is or was last employed and the workers in
11 another establishment of the same employing unit who are actively
12 participating in the labor dispute, and that collective bargaining
13 agreement is subject by its terms to modification, supplementation,
14 or replacement, or has expired or been opened by mutual consent at
15 the time of the labor dispute.

16 (e) In determining the scope of the grade or class of workers,
17 evidence of the following is relevant:

18 (i) Representation of the workers by the same national or
19 international organization or by local affiliates of that national
20 or international organization.

21 (ii) Whether the workers are included in a single, legally
22 designated, or negotiated bargaining unit.

23 (iii) Whether the workers are or within the past 6 months have
24 been covered by a common master collective bargaining agreement
25 that sets forth all or any part of the terms and conditions of the
26 workers' employment, or by separate agreements that are or have
27 been bargained as a part of the same negotiations.

28 (iv) Any functional integration of the work performed by those
29 workers.



1 (v) Whether the resolution of those issues involved in the
2 labor dispute as to some of the workers could directly or
3 indirectly affect the advancement, negotiation, or settlement of
4 the same or similar issues in respect to the remaining workers.

5 (vi) Whether the workers are currently or have been covered by
6 the same or similar demands by their recognized or certified
7 bargaining agent or agents for changes in their wages, hours, or
8 other conditions of employment.

9 (vii) Whether issues on the same subject matter as those
10 involved in the labor dispute have been the subject of proposals or
11 demands made upon the employing unit that would by their terms have
12 applied to those workers.

13 (9) Notwithstanding subsections (1) to (8), if the employing
14 unit submits notice to the unemployment agency of possible
15 ineligibility or disqualification beyond the time limits prescribed
16 by unemployment agency rule and the unemployment agency concludes
17 that benefits should not have been paid, the claimant shall repay
18 the benefits paid during the entire period of ineligibility or
19 disqualification. The unemployment agency shall not charge interest
20 on repayments required under this subsection.

21 (10) An individual is disqualified from receiving benefits for
22 any week or part of a week in which the individual has received, is
23 receiving, or is seeking unemployment benefits under an
24 unemployment compensation law of another state or of the United
25 States. If the appropriate agency of the other state or of the
26 United States finally determines that the individual is not
27 entitled to unemployment benefits, the disqualification described
28 in this subsection does not apply.

29 (11) Beginning on May 1, 2020, and until ~~the effective date of~~



1 ~~the amendatory act that added this subsection, October 20, 2020,~~ if
 2 an individual leaves work to accept permanent full-time work with
 3 another employer, the individual is considered to have met the
 4 requirements of subsection (5) regardless of whether the individual
 5 actually performed services for the other employer or whether the
 6 work was permanent full-time work. Benefits payable to the
 7 individual must be charged to the nonchargeable benefits account.

8 **(12) An employer may do either of the following:**

9 **(a) Notify the unemployment agency that a claimant refused**
 10 **suitable work with the employer.**

11 **(b) Notify the unemployment agency of a job opening with the**
 12 **employer.**

13 **(13) Each week, the unemployment agency shall transmit to the**
 14 **Michigan works agencies all of the job openings the unemployment**
 15 **agency received during that week under subsection (12) (b).**

16 **(14) Except as otherwise provided in this section, the**
 17 **unemployment agency shall not waive any of the provisions of this**
 18 **section.**

19 **Sec. 67c. The unemployment agency shall submit a report to the**
 20 **house of representatives and senate each fiscal quarter that**
 21 **includes all of the following information:**

22 **(a) The total number of claimants the unemployment agency**
 23 **determined to have not complied with section 28 or 29.**

24 **(b) The total amount of benefits paid to and the total amount**
 25 **of benefits recovered from claimants whom the unemployment agency**
 26 **determined to have done 1 or more of the following:**

27 **(i) Committed a violation described in section 54.**

28 **(ii) Not complied with section 28 or 29.**

29 **(c) The total number of claimants that the unemployment agency**



1 determined were ineligible for benefits because the claimants did
2 not comply with section 28 or 29.

3 (d) The average duration of regular and extended benefits
4 drawn by claimants.

5 (e) The total number of employers that notified the
6 unemployment agency of a job opening under section 29(12)(b).

7 (f) The number of claimants that enrolled in a workforce
8 development program.