

HOUSE BILL NO. 4339

February 24, 2021, Introduced by Reps. Cavanagh, Sabo, Brabec, Tate, Witwer, Rabhi, Haadsma, Sowerby, Brenda Carter, Shannon, Hope, Sneller, Ellison, Coleman, Manoogian, Koleszar, Puri, Young, Hertel, Aiyash, Tyrone Carter, Cherry, Steckloff, Stone, Cambensy, Garza, Peterson, Weiss, Neeley, Hood, Hammoud, Brixie, Scott, Bolden, Cynthia Johnson, Clemente, Kuppa, Thanedar, Breen, Pohutsky, Camilleri, Lasinski, Jones and Yancey and referred to the Committee on Commerce and Tourism.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending sections 27 and 28b (MCL 421.27 and 421.28b), section
27 as amended by 2020 PA 258 and section 28b as added by 2012 PA
216.

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 become payable from the fund and continue to be

1 payable to the unemployed individual, subject to the limitations
2 imposed by the individual's monetary entitlement, if the individual
3 continues to be unemployed and to file claims for benefits, until
4 the determination, redetermination, or decision is reversed, a
5 determination, redetermination, or decision on a new issue holding
6 the individual disqualified or ineligible is made, or, for benefit
7 years beginning before October 1, 2000, a new separation issue
8 arises resulting from subsequent work.

9 (2) Benefits are payable in person or by mail through
10 employment security offices in accordance with rules promulgated by
11 the unemployment agency.

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

1 a person fraudulently claims a dependent, that person is subject to
2 the penalties set forth in sections 54 and 54c. For benefit years
3 beginning on or after October 2, 1983, the weekly benefit rate must
4 be adjusted to the next lower multiple of \$1.00.

5 (2) For benefit years beginning before October 1, 2000, the
6 state average weekly wage for a calendar year is computed on the
7 basis of the 12 months ending the June 30 immediately before that
8 calendar year.

9 (3) For benefit years beginning before October 1, 2000, a
10 dependent means any of the following persons who are receiving and
11 for at least 90 consecutive days immediately before the week for
12 which benefits are claimed, or, in the case of a dependent husband,
13 wife, or child, for the duration of the marital or parental
14 relationship, if the relationship has existed less than 90 days,
15 has received more than 1/2 the cost of his or her support from the
16 individual claiming benefits:

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

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

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

28 (d) A brother or sister of the individual if the brother or
29 sister is orphaned or the living parents are dependent parents of

1 an individual, and the brother or sister is under 18 years of age,
2 or 18 years of age or over if, because of physical or mental
3 infirmity, the brother or sister is unable to engage in a gainful
4 occupation, or is a full-time student as defined by the particular
5 educational institution, at a high school, vocational school,
6 community or junior college, or college or university and is less
7 than 22 years of age.

8 (4) For benefit years beginning on or after October 1, 2000, a
9 dependent means any of the following persons who received for at
10 least 90 consecutive days immediately before the first week of the
11 benefit year or, in the case of a dependent husband, wife, or
12 child, for the duration of the marital or parental relationship if
13 the relationship existed less than 90 days before the beginning of
14 the benefit year, has received more than 1/2 the cost of his or her
15 support from the individual claiming the benefits:

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

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

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

27 (d) A brother or sister of the individual if the brother or
28 sister is orphaned or the living parents are dependent parents of
29 an individual, and the brother or sister is under 18 years of age,

1 or 18 years of age and over if, because of physical or mental
2 infirmity, the brother or sister is unable to engage in a gainful
3 occupation, or is a full-time student as defined by the particular
4 educational institution, at a high school, vocational school,
5 community or junior college, or college or university and is less
6 than 22 years of age.

7 (5) The number of dependents established for an individual at
8 the beginning of the benefit year shall remain in effect during the
9 entire benefit year.

10 (6) Dependency status of a dependent, child or otherwise, once
11 established or fixed in favor of a person is not transferable to or
12 usable by another person with respect to the same week.

13 Failure on the part of an individual, due to misinformation or
14 lack of information, to furnish all information material for
15 determination of the number of the individual's dependents is good
16 cause to issue a redetermination as to the amount of benefits based
17 on the number of the individual's dependents as of the beginning of
18 the benefit year.

19 (c) Subject to subsection (f), all of the following apply to
20 eligible individuals:

21 (1) Each eligible individual must be paid a weekly benefit
22 rate with respect to the week for which the individual earns or
23 receives no remuneration. Notwithstanding the definition of week in
24 section 50, if within 2 consecutive weeks in which an individual
25 was not unemployed within the meaning of section 48 there was a
26 period of 7 or more consecutive days for which the individual did
27 not earn or receive remuneration, that period is considered a week
28 for benefit purposes under this act if a claim for benefits for
29 that period is filed not later than 30 days after the end of the

1 period.

2 (2) The weekly benefit rate is reduced with respect to each
3 week in which the eligible individual earns or receives
4 remuneration at the rate of 40 cents for each whole \$1.00 of
5 remuneration earned or received during that week. Beginning October
6 1, 2015, an eligible individual's weekly benefit rate is reduced at
7 the rate of 50 cents for each whole \$1.00 of remuneration in which
8 the eligible individual earns or receives remuneration in that
9 benefit week. The weekly benefit rate is not reduced under this
10 subdivision for remuneration received for on-call or training
11 services as a volunteer firefighter, if the volunteer firefighter
12 receives less than \$10,000.00 in a calendar year for services as a
13 volunteer firefighter.

14 (3) An individual who receives or earns partial remuneration
15 may not receive a total of benefits and earnings that exceeds $1\frac{3}{5}$
16 times his or her weekly benefit amount. For each dollar of total
17 benefits and earnings that exceeds $1\frac{3}{5}$ times the individual's
18 weekly benefit amount, benefits are reduced by \$1.00. Beginning
19 October 1, 2015, the total benefits and earnings for an individual
20 who receives or earns partial remuneration may not exceed $1\frac{1}{2}$
21 times his or her weekly benefit amount. The individual's benefits
22 are reduced by \$1.00 for each dollar by which the total benefits
23 and earnings exceed $1\frac{1}{2}$ times the individual's weekly benefit
24 amount.

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

29 (5) All remuneration for work performed during a shift that

1 terminates on 1 day but that began on the preceding day is
2 considered to have been earned by the eligible individual on the
3 preceding day.

4 (6) The unemployment agency shall report annually to the
5 legislature the following information with regard to subdivisions
6 (2) and (3):

7 (a) The number of individuals whose weekly benefit rate was
8 reduced at the rate of 40 or 50 cents for each whole \$1.00 of
9 remuneration earned or received over the immediately preceding
10 calendar year.

11 (b) The number of individuals who received or earned partial
12 remuneration at or exceeding the applicable limit of 1-1/2 or 1-3/5
13 times their weekly benefit amount prescribed in subdivision (3) for
14 any 1 or more weeks during the immediately preceding calendar year.

15 (7) The unemployment agency shall not use prorated quarterly
16 wages to establish a reduction in benefits under this subsection.

17 (d) Subject to subsection (f) and this subsection, the maximum
18 benefit amount payable to an individual in a benefit year for
19 purposes of this section and section 20(d) is the number of weeks
20 of benefits payable to an individual during the benefit year,
21 multiplied by the individual's weekly benefit rate. The number of
22 weeks of benefits payable to an individual shall be calculated by
23 taking 43% of the individual's base period wages and dividing the
24 result by the individual's weekly benefit rate. If the quotient is
25 not a whole or half number, the result is rounded down to the
26 nearest half number. However, for each eligible individual filing
27 an initial claim before January 15, 2012, not more than 26 weeks of
28 benefits or less than 14 weeks of benefits are payable to an
29 individual in a benefit year. For each eligible individual filing

1 an initial claim on or after January 15, 2012, not more than 20
2 weeks of benefits or less than 14 weeks of benefits are payable to
3 an individual in a benefit year. The limitation of total benefits
4 set forth in this subsection does not apply to claimants declared
5 eligible for training benefits in accordance with subsection (g).
6 Notwithstanding any other provision of this act, and subject to
7 subsection ~~(q)~~, ~~(p)~~, with respect to benefit years and claims for
8 weeks beginning before April 1, 2021, for each eligible individual
9 who files a claim for benefits and establishes a benefit year, not
10 more than 26 weeks of benefits or less than 14 weeks of benefits
11 may be payable to an individual in a benefit year.

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

20 (f) (1) For benefit years beginning before October 1, 2000, and
21 notwithstanding any inconsistent provisions of this act, the weekly
22 benefit rate of each individual who is receiving or will receive a
23 "retirement benefit", as defined in subdivision (4), is adjusted as
24 provided in subparagraphs (a), (b), and (c). However, an
25 individual's extended benefit account and an individual's weekly
26 extended benefit rate under section 64 is established without
27 reduction under this subsection unless subdivision (5) is in
28 effect. Except as otherwise provided in this subsection, all other
29 provisions of this act continue to apply in connection with the

1 benefit claims of those retired persons.

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

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

21 (c) If the unemployment benefit payable under this act would
22 be chargeable to an employer who has not contributed to the
23 financing of a retirement plan under which the claimant is
24 receiving or will receive a retirement benefit, then the weekly
25 benefit rate of the claimant as otherwise established under this
26 act is not reduced due to receipt of a retirement benefit.

27 (d) If the unemployment benefit payable under this act is
28 computed on the basis of multiemployer credit weeks and a portion
29 of the benefit is allocable under section 20(e) to an employer who

1 has contributed to the financing of a retirement plan under which
2 the claimant is receiving or will receive a retirement benefit, the
3 adjustments required by subparagraph (a) or (b) apply only to that
4 portion of the weekly benefit rate that would otherwise be
5 allocable and chargeable to the employer.

6 (2) If an individual's weekly benefit rate under this act was
7 established before the period for which the individual first
8 receives a retirement benefit, any benefits received after a
9 retirement benefit becomes payable must be determined in accordance
10 with the formula stated in this subsection.

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

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

24 (i) Provided as an incident of employment under an established
25 retirement plan, policy, or agreement, including federal Social
26 Security if subdivision (5) is in effect.

27 (ii) Payable to an individual because the individual has
28 qualified on the basis of attained age, length of service, or
29 disability, whether or not the individual retired or was retired

1 from employment. Amounts paid to individuals in the course of
2 liquidation of a private pension or retirement fund because of
3 termination of the business or of a plant or department of the
4 business of the employer involved are not retirement benefits.

5 (b) If a benefit as described in subparagraph (a) is payable
6 or paid to the individual under a plan to which the individual has
7 contributed:

8 (i) Less than 1/2 of the cost of the benefit, then only 1/2 of
9 the benefit is treated as a retirement benefit.

10 (ii) One-half or more of the cost of the benefit, then none of
11 the benefit is treated as a retirement benefit.

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

16 (5) Notwithstanding any other provision of this subsection,
17 for any week that begins after March 31, 1980, and with respect to
18 which an individual is receiving a governmental or other pension
19 and claiming unemployment compensation, the weekly benefit amount
20 payable to the individual for those weeks is reduced, but not below
21 zero, by the entire prorated weekly amount of any governmental or
22 other pension, retirement or retired pay, annuity, or any other
23 similar payment that is based on any previous work of the
24 individual. This reduction is made only if it is required as a
25 condition for full tax credit against the tax imposed by the
26 federal unemployment tax act, 26 USC 3301 to 3311.

27 (6) For benefit years beginning on or after October 1, 2000,
28 notwithstanding any inconsistent provisions of this act, the weekly
29 benefit rate of each individual who is receiving or will receive a

1 retirement benefit, as defined in subdivision (4), is adjusted as
2 provided in subparagraphs (a), (b), and (c). However, an
3 individual's extended benefit account and an individual's weekly
4 extended benefit rate under section 64 is established without
5 reduction under this subsection, unless subdivision (5) is in
6 effect. Except as otherwise provided in this subsection, all the
7 other provisions of this act apply to the benefit claims of those
8 retired persons. However, if the reduction would impair the full
9 tax credit against the tax imposed by the federal unemployment tax
10 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as
11 provided in subparagraphs (a), (b), and (c) for receipt of any
12 governmental or other pension, retirement or retired pay, annuity,
13 or other similar payment that was not includable in the gross
14 income of the individual for the taxable year in which it was
15 received because it was a part of a rollover distribution.

16 (a) If any base period or chargeable employer has contributed
17 to the financing of a retirement plan under which the claimant is
18 receiving or will receive a retirement benefit yielding a pro rata
19 weekly amount equal to or larger than the claimant's weekly benefit
20 rate as otherwise established under this act, the claimant is not
21 eligible to receive unemployment benefits.

22 (b) If any base period employer or chargeable employer has
23 contributed to the financing of a retirement plan under which the
24 claimant is receiving or will receive a retirement benefit yielding
25 a pro rata weekly amount less than the claimant's weekly benefit
26 rate as otherwise established under this act, then the weekly
27 benefit rate otherwise payable to the claimant is reduced by an
28 amount equal to the pro rata weekly amount, adjusted to the next
29 lower multiple of \$1.00, which the claimant is receiving or will

1 receive as a retirement benefit.

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

7 (g) Notwithstanding any other provision of this act, an
8 individual pursuing vocational training or retraining pursuant to
9 section 28(2) who has exhausted all benefits available under
10 subsection (d) may be paid for each week of approved vocational
11 training pursued beyond the date of exhaustion a benefit amount in
12 accordance with subsection (c), but not in excess of the
13 individual's most recent weekly benefit rate. However, an
14 individual must not be paid training benefits totaling more than 18
15 times the individual's most recent weekly benefit rate. The
16 expiration or termination of a benefit year does not stop or
17 interrupt payment of training benefits if the training for which
18 the benefits were granted began before expiration or termination of
19 the benefit year.

20 (h) A payment of accrued unemployment benefits is not payable
21 to an eligible individual or in behalf of that individual as
22 provided in subsection (e) more than 6 years after the ending date
23 of the benefit year covering the payment or 2 calendar years after
24 the calendar year in which there is final disposition of a
25 contested case, whichever is later.

26 (i) Benefits based on service in employment described in
27 section 42(8), (9), and (10) are payable in the same amount, on the
28 same terms, and subject to the same conditions as compensation
29 payable on the basis of other service subject to this act, except

1 that:

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

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

1 will perform the service for an institution of higher education or
2 an educational institution other than an institution of higher
3 education in the second of the academic years or terms.

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

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

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

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

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

22 (7) For benefit years beginning on or after October 1, 2000,
23 and notwithstanding subdivisions (1), (2), and (3), the denial of
24 benefits does not prevent an individual from completing
25 requalifying weeks in accordance with section 29(3) and does not
26 prevent an individual from receiving benefits based on service with
27 another base period employer other than an educational institution
28 for any week of unemployment occurring between academic years or
29 terms, whether or not successive, or during an established and

1 customary vacation period or holiday recess. However, if benefits
2 are paid based on service with 1 or more base period employers
3 other than an educational institution, the individual's weekly
4 benefit rate is calculated in accordance with subsection (b)(1) but
5 during the denial period the individual's weekly benefit payment is
6 reduced by the portion of the payment attributable to base period
7 wages paid by an educational institution and the account or
8 experience account of the educational institution is not charged
9 for benefits payable to the individual. When a denial of benefits
10 under subdivision (1) is no longer applicable, benefits are paid
11 and charged on the basis of base period wages with each of the base
12 period employers including the educational institution.

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

19 (9) In accordance with subdivisions (1), (2), and (3),
20 benefits for any week of unemployment are denied to an individual
21 who performed services described in subdivision (1), (2), or (3) in
22 an educational institution while in the employ of an educational
23 service agency. For the purpose of this subdivision, "educational
24 service agency" means a governmental agency or governmental entity
25 that is established and operated exclusively for the purpose of
26 providing the services to 1 or more educational institutions.

27 (j) Benefits are not payable to an individual on the basis of
28 any base period services, substantially all of which consist of
29 participating in sports or athletic events or training or preparing

1 to participate, for a week that commences during the period between
2 successive sport seasons or similar periods if the individual
3 performed the services in the first of the seasons or similar
4 periods and there is a reasonable assurance that the individual
5 will perform the services in the later of the seasons or similar
6 periods.

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

16 (2) Any data or information required of individuals applying
17 for benefits to determine whether benefits are payable because of
18 their alien status are uniformly required from all applicants for
19 benefits.

20 (3) If an individual's application for benefits would
21 otherwise be approved, a determination that benefits to that
22 individual are not payable because of the individual's alien status
23 must not be made except upon a preponderance of the evidence.

24 (m)(1) An individual filing a new claim for unemployment
25 compensation under this act, at the time of filing the claim, shall
26 disclose whether the individual owes child support obligations as
27 defined in this subsection. If an individual discloses that he or
28 she owes child support obligations and is determined to be eligible
29 for unemployment compensation, the unemployment agency shall notify

1 the state or local child support enforcement agency enforcing the
2 obligation that the individual has been determined to be eligible
3 for unemployment compensation.

4 (2) Notwithstanding section 30, the unemployment agency shall
5 deduct and withhold from any unemployment compensation payable to
6 an individual who owes child support obligations by using whichever
7 of the following methods results in the greatest amount:

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

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

13 (c) Any amount otherwise required to be deducted and withheld
14 from unemployment compensation by legal process, as that term is
15 defined in 42 USC 659(i)(5), properly served upon the commission.

16 (3) The amount of unemployment compensation subject to
17 deduction under subdivision (2) is that portion that remains
18 payable to the individual after application of the recoupment
19 provisions of section 62(a) and the reduction provisions of
20 subsections (c) and (f).

21 (4) The unemployment agency shall pay any amount deducted and
22 withheld under subdivision (2) to the appropriate state or local
23 child support enforcement agency.

24 (5) Any amount deducted and withheld under subdivision (2) is
25 treated for all purposes as if it were paid to the individual as
26 unemployment compensation and paid by the individual to the state
27 or local child support enforcement agency in satisfaction of the
28 individual's child support obligations.

29 (6) Provisions concerning deductions under this subsection

1 apply only if the state or local child support enforcement agency
2 agrees in writing to reimburse and does reimburse the unemployment
3 agency for the administrative costs incurred by the unemployment
4 agency under this subsection that are attributable to child support
5 obligations being enforced by the state or local child support
6 enforcement agency. The administrative costs incurred are
7 determined by the unemployment agency. The unemployment agency, in
8 its discretion, may require payment of administrative costs in
9 advance.

10 (7) As used in this subsection:

11 (a) "Unemployment compensation", for purposes of subdivisions
12 (1) to (5), means any compensation payable under this act,
13 including amounts payable by the unemployment agency pursuant to an
14 agreement under any federal law providing for compensation,
15 assistance, or allowances with respect to unemployment.

16 (b) "Child support obligations" includes only obligations that
17 are being enforced pursuant to a plan described in 42 USC 654 that
18 has been approved by the Secretary of Health and Human Services
19 under 42 USC 651 to 669b.

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

23 (n) Subsection (i)(2) applies to services performed by school
24 bus drivers employed by a private contributing employer holding a
25 contractual relationship with an educational institution, but only
26 if at least 75% of the individual's base period wages with that
27 employer are attributable to services performed as a school bus
28 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies
29 to other services described in those subdivisions that are

1 performed by any employees under an employer's contract with an
2 educational institution or an educational service agency.

3 ~~(e)(1) For weeks of unemployment beginning after July 1, 1996,~~
4 ~~unemployment benefits based on services by a seasonal worker~~
5 ~~performed in seasonal employment are payable only for weeks of~~
6 ~~unemployment that occur during the normal seasonal work period.~~
7 ~~Benefits are not payable based on services performed in seasonal~~
8 ~~employment for any week of unemployment beginning after March 28,~~
9 ~~1996 that begins during the period between 2 successive normal~~
10 ~~seasonal work periods to any individual if that individual performs~~
11 ~~the service in the first of the normal seasonal work periods and if~~
12 ~~there is a reasonable assurance that the individual will perform~~
13 ~~the service for a seasonal employer in the second of the normal~~
14 ~~seasonal work periods. If benefits are denied to an individual for~~
15 ~~any week solely as a result of this subsection and the individual~~
16 ~~is not offered an opportunity to perform in the second normal~~
17 ~~seasonal work period for which reasonable assurance of employment~~
18 ~~had been given, the individual is entitled to a retroactive payment~~
19 ~~of benefits under this subsection for each week that the individual~~
20 ~~previously filed a timely claim for benefits. An individual may~~
21 ~~apply for any retroactive benefits under this subsection in~~
22 ~~accordance with R 421.210 of the Michigan Administrative Code.~~

23 ~~(2) Not less than 20 days before the estimated beginning date~~
24 ~~of a normal seasonal work period, an employer may apply to the~~
25 ~~commission in writing for designation as a seasonal employer. At~~
26 ~~the time of application, the employer shall conspicuously display a~~
27 ~~copy of the application on the employer's premises. Within 90 days~~
28 ~~after receipt of the application, the commission shall determine if~~
29 ~~the employer is a seasonal employer. A determination or~~

~~redetermination of the commission concerning the status of an employer as a seasonal employer, or a decision of an administrative law judge, the Michigan compensation appellate commission, or the courts of this state concerning the status of an employer as a seasonal employer, which has become final, together with the record thereof, may be introduced in any proceeding involving a claim for benefits, and the facts found and decision issued in the determination, redetermination, or decision is conclusive unless substantial evidence to the contrary is introduced by or on behalf of the claimant.~~

~~(3) If the employer is determined to be a seasonal employer, the employer shall conspicuously display on its premises a notice of the determination and the beginning and ending dates of the employer's normal seasonal work periods. The commission shall furnish the notice. The notice must additionally specify that an employee must timely apply for unemployment benefits at the end of a first seasonal work period to preserve his or her right to receive retroactive unemployment benefits if he or she is not reemployed by the seasonal employer in the second of the normal seasonal work periods.~~

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

1 ~~determination under this act.~~

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

6 ~~(6) If a seasonal employer informs an employee who received~~
7 ~~assurance of being rehired that, despite the assurance, the~~
8 ~~employee will not be rehired at the beginning of the employer's~~
9 ~~next normal seasonal work period, this subsection does not prevent~~
10 ~~the employee from receiving unemployment benefits in the same~~
11 ~~manner and to the same extent he or she would receive benefits~~
12 ~~under this act from an employer who has not been determined to be a~~
13 ~~seasonal employer.~~

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

19 ~~(8) At the time an employee is hired by a seasonal employer,~~
20 ~~the employer shall notify the employee in writing if the employee~~
21 ~~will be a seasonal worker. The employer shall provide the worker~~
22 ~~with written notice of any subsequent change in the employee's~~
23 ~~status as a seasonal worker. If an employee of a seasonal employer~~
24 ~~is denied benefits because that employee is a seasonal worker, the~~
25 ~~employee may contest that designation in accordance with section~~
26 ~~32a.~~

27 ~~(9) As used in this subsection:~~

28 ~~(a) "Construction industry" means the work activity designated~~
29 ~~in sector group 23 — construction of the North American~~

~~classification system — United States Office of Management and Budget, 1997 edition.~~

~~(b) "Normal seasonal work period" means that period or those periods of time determined under rules promulgated by the unemployment agency during which an individual is employed in seasonal employment.~~

~~(c) "Seasonal employment" means the employment of 1 or more individuals primarily hired to perform services during regularly recurring periods of 26 weeks or less in any 52-week period other than services in the construction industry.~~

~~(d) "Seasonal employer" means an employer, other than an employer in the construction industry, who applies to the unemployment agency for designation as a seasonal employer and who the unemployment agency determines is an employer whose operations and business require employees engaged in seasonal employment. A seasonal employer designation under this act need not correspond to a category assigned under the North American classification system — United States Office of Management and Budget.~~

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

~~(10) This subsection does not apply if the United States Department of Labor finds it to be contrary to the federal unemployment tax act, 26 USC 3301 to 3311, or the social security act, chapter 531, 49 Stat 620, and if conformity with the federal law is required as a condition for full tax credit against the tax imposed under the federal unemployment tax act, 26 USC 3301 to 3311, or as a condition for receipt by the commission of federal administrative grant funds under the social security act, chapter~~

1 ~~531, 49 Stat 620.~~

2 **(o)** ~~(p)~~ Benefits are not payable to an individual based upon
 3 his or her services as a school crossing guard for any week of
 4 unemployment that begins between 2 successive academic years or
 5 terms, if that individual performs the services of a school
 6 crossing guard in the first of the academic years or terms and has
 7 a reasonable assurance that he or she will perform those services
 8 in the second of the academic years or terms.

9 **(p)** ~~(q)~~ The extension of benefits for claims for weeks
 10 beginning after January 1, 2021 but before April 1, 2021 as
 11 described in subsection (d) does not take effect unless
 12 \$220,000,000.00 or more is appropriated as provided for in Senate
 13 Bill No. 748 of the 100th Legislature for deposit into the
 14 unemployment compensation fund to cover the extension of benefits.
 15 After March 1, 2021, from the funds appropriated in Senate Bill No.
 16 748 of the 100th Legislature for Michigan unemployment compensation
 17 funds, \$220,000,000.00 shall be deposited into the unemployment
 18 compensation fund for the sole purpose of funding the extension of
 19 benefits for claims for weeks beginning after January 1, 2021 but
 20 before April 1, 2021 as described in subsection (d). If federal
 21 funds are available and expenditures are allowable under federal
 22 law, expenditures of federal funds under this subsection shall
 23 occur before the expenditure of state general fund appropriations
 24 made for the same purpose described in this subsection. State
 25 general fund appropriations replaced by federal expenditures
 26 authorized under this subsection shall revert to the general fund.

27 Sec. 28b. As used in this section and sections 28c to 28m:

28 (a) "Affected unit" means a department, shift, or other
 29 organizational unit of 2 or more employees that is designated by an

1 employer to participate in a shared-work plan.

2 (b) "Approved shared-work plan" means an employer's shared-
3 work plan that meets the requirements of section 28d and that the
4 unemployment agency approves in writing.

5 (c) "Fringe benefit" means health insurance, a retirement
6 benefit received under a pension plan or defined contribution plan,
7 a paid vacation day, a paid holiday, sick leave, or any other
8 similar employee benefit provided by an employer.

9 (d) "Normal weekly hours of work" means the established
10 standard work times and number of hours in the workweek for the
11 position or, if standard work times and number of hours have not
12 been established for the position, the work times and average
13 number of hours per week actually worked by the employee in that
14 position over the most recent 3 months before the employer files
15 the application for designation as a participating employer.

16 (e) "Participating employee" means an employee in the affected
17 unit whose hours of work are reduced by the reduction percentage
18 under the shared-work plan. Participating employee does not include
19 ~~a seasonal worker as defined in section 27(e)(9)(c) or a worker~~
20 employed on a temporary or intermittent basis.

21 (f) "Participating employer" means an employer that has a
22 shared-work plan in effect.

23 (g) "Reduction percentage" means the percentage by which each
24 participating employee's normal weekly hours of work are reduced
25 under a shared-work plan in accordance with section 28d(2).

26 (h) "Shared-work plan" means a plan for reducing unemployment
27 under which employees of an affected unit share a reduced workload
28 through reduction in their normal weekly hours of work.