

HOUSE BILL NO. 4341

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

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 2020 PA 229 and section 29 as amended by 2020 PA 258.

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 has registered for work and has continued

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

1 respect to a preceding week in that period and the individual has
2 reported with respect to the week by mail pursuant to the rules
3 promulgated by the unemployment agency.

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

7 (i) His or her Social Security number.

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

12 (iii) If the unemployment agency has requested them, copies of
13 the acceptable documents as provided in the Form I-9. As used in
14 this subdivision, "Form I-9" means the employment verification form
15 that fulfills the employment verification obligations under 8 CFR
16 274a.2.

17 (c) The individual is able and available to appear at a
18 location of the unemployment agency's choosing for evaluation of
19 eligibility for benefits, if required, and to perform suitable
20 full-time work of a character that the individual is qualified to
21 perform by past experience or training, which is of a character
22 generally similar to work for which the individual has previously
23 received wages, and for which the individual is available, full
24 time, either at a locality at which the individual earned wages for
25 insured work during his or her base period or at a locality where
26 it is found by the unemployment agency that such work is available.
27 An individual is considered unavailable for work under any of the
28 following circumstances:

29 (i) The individual fails during a benefit year to notify or

1 update a chargeable employer with telephone, electronic mail, or
2 other information sufficient to allow the employer to contact the
3 individual about available work.

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

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

16 (d) In the event of the death of an individual's immediate
17 family member, the eligibility requirements of availability and
18 reporting are waived for the day of the death and for 4 consecutive
19 calendar days thereafter. As used in this subdivision, "immediate
20 family member" means a spouse, child, stepchild, adopted child,
21 grandchild, parent, grandparent, brother, or sister of the
22 individual or his or her spouse. It shall also include the spouse
23 of any of the persons specified in the previous sentence.

24 (e) The individual participates in reemployment services, such
25 as job search assistance services, if the individual has been
26 determined or redetermined by the unemployment agency to be likely
27 to exhaust regular benefits and need reemployment services pursuant
28 to a profiling system established by the unemployment agency.

29 (2) The unemployment agency may authorize an individual with

1 an unexpired benefit year to pursue vocational training or
2 retraining only if the unemployment agency finds all of the
3 following:

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

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

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

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

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

18 (3) Notwithstanding any other provision of this act, an
19 otherwise eligible individual is not ineligible for benefits
20 because he or she is participating in training with the approval of
21 the unemployment agency. For each week that the unemployment agency
22 finds that an individual who is claiming benefits under this act
23 and who is participating in training with the approval of the
24 unemployment agency, is satisfactorily pursuing an approved course
25 of vocational training, it shall waive the requirements that he or
26 she be available for work and be seeking work as prescribed in
27 subsection (1)(a) and (c), and it shall find good cause for his or
28 her failure to apply for suitable work, report to a former employer
29 for an interview concerning suitable work, or accept suitable work

1 as required in section 29(1)(c), (d), and (e).

2 (4) Notwithstanding any other provisions of this act, an
3 otherwise eligible individual must not be denied benefits solely
4 because the individual is in training approved under section
5 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the
6 individual be denied benefits by reason of leaving work to enter
7 such training if the work left is not suitable employment.
8 Furthermore, an otherwise eligible individual must not be denied
9 benefits because of the application to any such week in training of
10 provisions of this act, or any applicable federal unemployment
11 compensation law, relating to availability for work, active search
12 for work, or refusal to accept work. For purposes of this
13 subsection, "suitable employment" means, with respect to an
14 individual, work of a substantially equal or higher skill level
15 than the individual's past adversely affected employment, as
16 defined for purposes of the trade act of 1974, 19 USC 2101 to
17 2497b, and wages for that work at not less than 80% of the
18 individual's average weekly wage as determined for the purposes of
19 the trade act of 1974, 19 USC 2101 to 2497b.

20 (5) Except as otherwise provided in subsection (6), for
21 purposes of this section, for benefit years beginning on or after
22 January 1, 2013, to be actively engaged in seeking work, an
23 individual must conduct a systematic and sustained search for work
24 in each week the individual is claiming benefits, using any of the
25 following methods to report the details of the work search:

26 (a) Reporting at monthly intervals on the unemployment
27 agency's online reporting system the name of each employer and
28 physical or online location of each employer where work was sought
29 and the date and method by which work was sought with each

1 employer.

2 (b) Filing a written report with the unemployment agency by
3 mail or facsimile transmission not later than the end of the fourth
4 calendar week after the end of the week in which the individual
5 engaged in the work search, on a form approved by the unemployment
6 agency, indicating the name of each employer and physical or online
7 location of each employer where work was sought and the date and
8 method by which work was sought with each employer.

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

14 (6) For purposes of this section, beginning on April 2, 2020,
15 to be actively engaged in seeking work, an individual must conduct
16 a systematic and sustained search for work in each week the
17 individual is claiming benefits and must report to the unemployment
18 agency the details of the work search at least once every 2 weeks
19 or, if the unemployment agency prescribes a shorter reporting
20 period, the reporting period prescribed by the unemployment agency.
21 An individual may conduct a systematic and sustained search for
22 work by doing any of the following:

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

25 (i) Participate in reemployment services and eligibility
26 assessment activities.

27 (ii) Identify the skills the individual possesses that are
28 consistent with target or demand occupations in the local workforce
29 development area.

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

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

6 (c) Creating a user profile on a professional networking site
7 or using an online career tool. Creating duplicate user profiles or
8 resubmitting or reuploading the same resume to the same
9 professional networking site does not satisfy the requirements of
10 this subdivision.

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

17 (e) Registering for work with a private employment agency or,
18 if it is available to the individual in his or her occupation or
19 profession, the placement facility of a school, college, or
20 university.

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

23 (7) The work search conducted by the claimant is subject to
24 audit by the unemployment agency.

25 (8) The unemployment agency shall request but shall not
26 require an individual who is applying for benefits to submit his or
27 her base period employer's unemployment agency account number and
28 federal employer identification number.

29 (9) The unemployment agency shall use all of the documentation

1 and information provided by an individual applying for benefits to
2 verify the identity of the individual before making an initial
3 payment on the individual's claim.

4 Sec. 29. (1) Except as provided in subsection (5), an
5 individual is disqualified from receiving benefits if he or she:

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

1 Notwithstanding any other provision of this act, with respect to
2 claims for weeks beginning before April 1, 2021, an individual is
3 considered to have left work involuntarily for medical reasons if
4 he or she leaves work to self-isolate or self-quarantine in
5 response to elevated risk from COVID-19 because he or she is
6 immunocompromised, displayed a commonly recognized principal
7 symptom of COVID-19 that was not otherwise associated with a known
8 medical or physical condition of the individual, had contact in the
9 last 14 days with an individual with a confirmed diagnosis of
10 COVID-19, needed to care for an individual with a confirmed
11 diagnosis of COVID-19, or had a family care responsibility that was
12 the result of a government directive regarding COVID-19.

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

27 (i) The individual has an established benefit year in effect
28 and during that benefit year leaves unsuitable work within 60 days
29 after the beginning of that work. Benefits paid after a leaving

1 under this subparagraph must not be charged to the experience
2 account of the employer the individual left, but must be charged
3 instead to the nonchargeable benefits account.

4 (ii) The individual is the spouse of a full-time member of the
5 United States Armed Forces, and the leaving is due to the military
6 duty reassignment of that member of the United States Armed Forces
7 to a different geographic location. Benefits paid after a leaving
8 under this subparagraph must not be charged to the experience
9 account of the employer the individual left, but must be charged
10 instead to the nonchargeable benefits account.

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

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

25 (v) **During an emergency declared by the governor concerning an**
26 **infectious disease, any of the following conditions are met:**

27 (A) **The individual is formally quarantined or self-isolates**
28 **based on the advice of a medical professional because of 1 or more**
29 **of the following:**

1 (I) The individual showed symptoms of or tested positive for
2 the infectious disease.

3 (II) The individual had contact with an individual who showed
4 symptoms of or tested positive for the infectious disease.

5 (B) The individual is at increased risk of negative health
6 consequences from the infectious disease because he or she is
7 immunocompromised.

8 (C) The individual is caring for a minor younger than 16 years
9 of age during the time that the minor's school is closed because of
10 the emergency.

11 (D) The individual is caring for a quarantined or isolated
12 family member who has tested positive for the infectious disease or
13 is showing symptoms of the infectious disease.

14 (E) The individual's place of employment is closed as a result
15 of state action because of the emergency.

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

18 (c) Failed without good cause to apply diligently for
19 available suitable work after receiving notice from the
20 unemployment agency of the availability of that work or failed to
21 apply for work with employers that could reasonably be expected to
22 have suitable work available.

23 (d) Failed without good cause while unemployed to report to
24 the individual's former employer or employing unit within a
25 reasonable time after that employer or employing unit provided
26 notice of the availability of an interview concerning available
27 suitable work with the former employer or employing unit.

28 (e) Failed without good cause to accept suitable work offered
29 to the individual or to return to the individual's customary self-

1 employment, if any, when directed by the employment office or the
2 unemployment agency. An employer that receives a monetary
3 determination under section 32 may notify the unemployment agency
4 regarding the availability of suitable work with the employer on
5 the monetary determination or other form provided by the
6 unemployment agency. Upon receipt of the notice of the availability
7 of suitable work, the unemployment agency shall notify the claimant
8 of the availability of suitable work.

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

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

20 (i) A strike or other concerted action in violation of an
21 applicable collective bargaining agreement that results in
22 curtailment of work or restriction of or interference with
23 production.

24 (ii) A wildcat strike or other concerted action not authorized
25 by the individual's recognized bargaining representative.

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

28 (i) Was discharged for theft connected with the individual's
29 work.

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

3 (k) Committed a theft after receiving notice of a layoff or
4 discharge, but before the effective date of the layoff or
5 discharge, resulting in loss or damage to the employer who would
6 otherwise be chargeable for the benefits, regardless of whether the
7 individual qualified for the benefits before the theft.

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

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

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

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

25 (ii) The employee did not provide the temporary help firm with
26 notice that the employee had completed his or her services for the
27 client within 7 days after completion of his or her services for
28 the client.

29 (m) Was discharged for illegally ingesting, injecting,

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

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

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

20 (iii) "Nondiscriminatory manner" means administered impartially
21 and objectively in accordance with a collective bargaining
22 agreement, rule, policy, a verbal or written notice, or a labor-
23 management contract.

24 (n) Theft from the employer that resulted in the employee's
25 conviction, within 2 years of the date of the discharge, of theft
26 or a lesser included offense.

27 (2) A disqualification under subsection (1) begins the week in
28 which the act or discharge that caused the disqualification occurs
29 and continues until the disqualified individual regualifies under

1 subsection (3).

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

5 (a) For benefit years established before October 1, 2000, the
6 individual must complete 6 requalifying weeks if he or she was
7 disqualified under subsection (1)(c), (d), (e), (f), (g), or (l), or
8 13 requalifying weeks if he or she was disqualified under
9 subsection (1)(h), (i), (j), (k), or (m). A requalifying week
10 required under this subdivision is each week in which the
11 individual does any of the following:

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

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

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

20 (b) For benefit years established before October 1, 2000, if
21 the individual is disqualified under subsection (1)(a) or (b), he
22 or she must requalify, after the week in which the disqualifying
23 discharge occurred by earning in employment for an employer liable
24 under this act or the unemployment compensation act of another
25 state an amount equal to, or in excess of, 7 times the individual's
26 potential weekly benefit rate, calculated on the basis of
27 employment with the employer involved in the disqualification, or
28 by earning in employment for an employer liable under this act or
29 the unemployment compensation act of another state an amount equal

1 to, or in excess of, 40 times the state minimum hourly wage times
2 7, whichever is the lesser amount.

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

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

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

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

23 (e) For benefit years beginning on or after October 1, 2000
24 and beginning before April 26, 2002, if the individual is
25 disqualified under subsection (1)(a) or (b), he or she must
26 requalify, after the week in which the disqualifying act or
27 discharge occurred by earning in employment for an employer liable
28 under this act or the unemployment compensation law of another
29 state at least the lesser of the following:

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

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

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

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

15 (h) A benefit payable to the individual disqualified or
16 separated under disqualifying circumstances under subsection (1)(a)
17 or (b) must be charged to the nonchargeable benefits account, and
18 not to the account of the employer with whom the individual was
19 involved in the separation. Benefits payable to an individual
20 determined by the unemployment agency to be separated under
21 disqualifying circumstances must not be charged to the account of
22 the employer involved in the disqualification for any period after
23 the employer notifies the unemployment agency of the claimant's
24 possible ineligibility or disqualification. However, an individual
25 filing a new claim for benefits who reports the reason for
26 separation from a base period employer as a voluntary leaving is
27 presumed to have voluntarily left without good cause attributable
28 to the employer and is disqualified unless the individual provides
29 substantial evidence to rebut the presumption. If a disqualifying

1 act or discharge occurs during the individual's benefit year, any
2 benefits that may become payable to the individual in a later
3 benefit year based on employment with the employer involved in the
4 disqualification must be charged to the nonchargeable benefits
5 account.

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

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

16 (i) The number of requalifying weeks required of the individual
17 under this section.

18 (ii) The number of weeks of benefit entitlement remaining with
19 that employer.

20 (b) If the individual has insufficient or no potential benefit
21 entitlement remaining with the employer involved in the
22 disqualification in the benefit year in existence on the date of
23 the disqualifying determination, a reduction of benefits described
24 in this subsection applies in a succeeding benefit year with
25 respect to any benefit entitlement based upon credit weeks earned
26 with the employer before the disqualifying act or discharge.

27 (c) For benefit years established before October 1, 2000, an
28 individual disqualified under subsection (1)(h), (i), (j), (k), or
29 (m) is not entitled to benefits based on wages and credit weeks

1 earned before the disqualifying act or discharge with the employer
2 involved in the disqualification.

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

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

8 (f) For benefit years established on or after October 1, 2000,
9 if the individual is disqualified under subsection (1)(c), (d),
10 (e), (f), (g), or (l), the maximum number of weeks otherwise
11 applicable in calculating benefits for the individual under section
12 27(d) must be reduced by the lesser of the following:

13 (i) The number of requalifying weeks required of the individual
14 under this section.

15 (ii) The number of weeks of benefit entitlement remaining on
16 the claim.

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

25 (5) Subject to subsection (11), if an individual leaves work
26 to accept permanent full-time work with another employer or to
27 accept a referral to another employer from the individual's union
28 hiring hall and performs services for that employer, or if an
29 individual leaves work to accept a recall from a former employer,

1 all of the following apply:

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

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

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

15 (6) In determining whether work is suitable for an individual,
16 the unemployment agency shall consider the degree of risk involved
17 to the individual's health, safety, and morals, the individual's
18 physical fitness and prior training, the individual's length of
19 unemployment and prospects for securing local work in the
20 individual's customary occupation, and the distance of the
21 available work from the individual's residence. Additionally, the
22 unemployment agency shall consider the individual's experience and
23 prior earnings, but an unemployed individual who refuses an offer
24 of work determined to be suitable under this section must be denied
25 benefits if the pay rate for that work is at least 70% of the gross
26 pay rate he or she received immediately before becoming unemployed.
27 Beginning January 15, 2012, after an individual has received
28 benefits for 50% of the benefit weeks in the individual's benefit
29 year, work is not considered unsuitable because it is outside of

1 the individual's training or experience or unsuitable as to pay
2 rate if the pay rate for that work meets or exceeds the minimum
3 wage; is at least the prevailing mean wage for similar work in the
4 locality for the most recent full calendar year for which data are
5 available as published by the department of technology, management,
6 and budget as "wages by job title", by standard metropolitan
7 statistical area; and is 120% or more of the individual's weekly
8 benefit amount.

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

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

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

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

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

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

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

28 (ii) A labor dispute, other than a lockout, in active progress
29 or a shutdown or start-up operation caused by that labor dispute in

1 any other establishment within the United States that is both
2 functionally integrated with the establishment described in
3 subparagraph (i) and operated by the same employing unit.

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

11 (c) An individual is not disqualified under this subsection if
12 the individual is not directly involved in the labor dispute. An
13 individual is not directly involved in a labor dispute unless any
14 of the following are established:

15 (i) At the time or in the course of a labor dispute in the
16 establishment in which the individual was then employed, the
17 individual in concert with 1 or more other employees voluntarily
18 stopped working other than at the direction of the individual's
19 employing unit.

20 (ii) The individual is participating in, financing, or directly
21 interested in the labor dispute that causes the individual's total
22 or partial unemployment. The payment of regular union dues, in
23 amounts and for purposes established before the inception of the
24 labor dispute, is not financing a labor dispute within the meaning
25 of this subparagraph.

26 (iii) At any time a labor dispute in the establishment or
27 department in which the individual was employed does not exist, and
28 the individual voluntarily stops working, other than at the
29 direction of the individual's employing unit, in sympathy with

1 employees in some other establishment or department in which a
2 labor dispute is in progress.

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

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

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

27 (ii) If it is established that 1 of the issues in or purposes
28 of the labor dispute is to obtain a change in the terms and
29 conditions of employment for members of the individual's grade or

1 class of workers in the establishment in which the individual is or
2 was last employed.

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

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

13 (i) Representation of the workers by the same national or
14 international organization or by local affiliates of that national
15 or international organization.

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

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

23 (iv) Any functional integration of the work performed by those
24 workers.

25 (v) Whether the resolution of those issues involved in the
26 labor dispute as to some of the workers could directly or
27 indirectly affect the advancement, negotiation, or settlement of
28 the same or similar issues in respect to the remaining workers.

29 (vi) Whether the workers are currently or have been covered by

1 the same or similar demands by their recognized or certified
2 bargaining agent or agents for changes in their wages, hours, or
3 other conditions of employment.

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

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

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

24 (11) Beginning on May 1, 2020, and until the effective date of
25 the amendatory act that added this subsection, if an individual
26 leaves work to accept permanent full-time work with another
27 employer, the individual is considered to have met the requirements
28 of subsection (5) regardless of whether the individual actually
29 performed services for the other employer or whether the work was

- 1 permanent full-time work. Benefits payable to the individual must
- 2 be charged to the nonchargeable benefits account.