

# HOUSE BILL NO. 4772

May 04, 2021, Introduced by Reps. Aiyash, Cavanagh, Young, Scott, Thanedar, Brenda Carter and Yancey and referred to the Committee on Workforce, Trades, and Talent.

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 27 (MCL 421.27), as amended by 2020 PA 258.

**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  
4 payable to the unemployed individual, subject to the limitations  
5 imposed by the individual's monetary entitlement, if the individual

1 continues to be unemployed and to file claims for benefits, until  
2 the determination, redetermination, or decision is reversed, a  
3 determination, redetermination, or decision on a new issue holding  
4 the individual disqualified or ineligible is made, or, for benefit  
5 years beginning before October 1, 2000, a new separation issue  
6 arises resulting from subsequent work.

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

10 (b)(1) Subject to subsection (f), the weekly benefit rate for  
11 an individual, with respect to benefit years beginning before  
12 October 1, 2000, is 67% of the individual's average after tax  
13 weekly wage, except that the individual's maximum weekly benefit  
14 rate must not exceed \$300.00. However, with respect to benefit  
15 years beginning on or after October 1, 2000, the individual's  
16 weekly benefit rate is 4.1% of the individual's wages paid in the  
17 calendar quarter of the base period in which the individual was  
18 paid the highest total wages, plus \$6.00 for each dependent as  
19 defined in subdivision (4), up to a maximum of 5 dependents,  
20 claimed by the individual at the time the individual files a new  
21 claim for benefits, except that the individual's maximum weekly  
22 benefit rate must not exceed \$300.00 before April 26, 2002 and  
23 \$362.00 for claims filed on and after April 26, 2002. The weekly  
24 benefit rate for an individual claiming benefits on and after April  
25 26, 2002 must be recalculated subject to the \$362.00 maximum weekly  
26 benefit rate. The unemployment agency shall establish the  
27 procedures necessary to verify the number of dependents claimed. If  
28 a person fraudulently claims a dependent, that person is subject to  
29 the penalties set forth in sections 54 and 54c. For benefit years

1 beginning on or after October 2, 1983, the weekly benefit rate must  
2 be adjusted to the next lower multiple of \$1.00.

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

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

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

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

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

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

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

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

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

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

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

25 (d) A brother or sister of the individual if the brother or  
26 sister is orphaned or the living parents are dependent parents of  
27 an individual, and the brother or sister is under 18 years of age,  
28 or 18 years of age and over if, because of physical or mental  
29 infirmity, the brother or sister is unable to engage in a gainful

1 occupation, or is a full-time student as defined by the particular  
2 educational institution, at a high school, vocational school,  
3 community or junior college, or college or university and is less  
4 than 22 years of age.

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

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

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

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

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

29 (2) ~~The~~**Before October 1, 2015, the** weekly benefit rate is

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

13 (3) An individual who receives or earns partial remuneration  
14 may not receive a total of benefits and earnings that exceeds  $1\frac{3}{5}$   
15 times his or her weekly benefit amount. For each dollar of total  
16 benefits and earnings that exceeds  $1\frac{3}{5}$  times the individual's  
17 weekly benefit amount, benefits are reduced by \$1.00. Beginning  
18 October 1, 2015, the total benefits and earnings for an individual  
19 who receives or earns partial remuneration may not exceed  $1\frac{1}{2}$   
20 times his or her weekly benefit amount. The individual's benefits  
21 are reduced by \$1.00 for each dollar by which the total benefits  
22 and earnings exceed  $1\frac{1}{2}$  times the individual's weekly benefit  
23 amount. **Beginning January 1, 2022, all of the following apply:**

24 (a) **The total benefits and earnings for an individual who**  
25 **receives or earns partial remuneration may not exceed  $2\frac{1}{2}$  times**  
26 **his or her weekly benefit amount.**

27 (b) **An individual who receives or earns partial remuneration**  
28 **may earn up to  $\frac{1}{2}$  of his or her weekly benefit amount without a**  
29 **reduction to his or her benefits.**

1           (c) An individual's benefits are reduced by 50 cents for each  
2 dollar by which the remuneration received or earned by the  
3 individual exceeds 1/2 of his or her weekly benefit amount.

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

8           (5) All remuneration for work performed during a shift that  
9 terminates on 1 day but that began on the preceding day is  
10 considered to have been earned by the eligible individual on the  
11 preceding day.

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

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

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

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

25           (d) Subject to subsection (f) and this subsection, the maximum  
26 benefit amount payable to an individual in a benefit year for  
27 purposes of this section and section 20(d) is the number of weeks  
28 of benefits payable to an individual during the benefit year,  
29 multiplied by the individual's weekly benefit rate. The number of

1 weeks of benefits payable to an individual shall be calculated by  
2 taking 43% of the individual's base period wages and dividing the  
3 result by the individual's weekly benefit rate. If the quotient is  
4 not a whole or half number, the result is rounded down to the  
5 nearest half number. However, for each eligible individual filing  
6 an initial claim before January 15, 2012, not more than 26 weeks of  
7 benefits or less than 14 weeks of benefits are payable to an  
8 individual in a benefit year. For each eligible individual filing  
9 an initial claim on or after January 15, 2012, not more than 20  
10 weeks of benefits or less than 14 weeks of benefits are payable to  
11 an individual in a benefit year. The limitation of total benefits  
12 set forth in this subsection does not apply to claimants declared  
13 eligible for training benefits in accordance with subsection (g).  
14 Notwithstanding any other provision of this act, and subject to  
15 subsection (q), with respect to benefit years and claims for weeks  
16 beginning before April 1, 2021, for each eligible individual who  
17 files a claim for benefits and establishes a benefit year, not more  
18 than 26 weeks of benefits or less than 14 weeks of benefits may be  
19 payable to an individual in a benefit year.

20 (e) When a claimant dies or is judicially declared insane or  
21 mentally incompetent, unemployment compensation benefits accrued  
22 and payable to that person for weeks of unemployment before death,  
23 insanity, or incompetency, but not paid, become due and payable to  
24 the person who is the legal heir or guardian of the claimant or to  
25 any other person found by the ~~commission~~ **unemployment agency** to be  
26 equitably entitled to the benefits by reason of having incurred  
27 expense in behalf of the claimant for the claimant's burial or  
28 other necessary expenses.

29 (f) (1) For benefit years beginning before October 1, 2000, and



1 notwithstanding any inconsistent provisions of this act, the weekly  
2 benefit rate of each individual who is receiving or will receive a  
3 "retirement benefit", as defined in subdivision (4), is adjusted as  
4 provided in subparagraphs (a), (b), and (c). However, an  
5 individual's extended benefit account and an individual's weekly  
6 extended benefit rate under section 64 is established without  
7 reduction under this subsection unless subdivision (5) is in  
8 effect. Except as otherwise provided in this subsection, all other  
9 provisions of this act continue to apply in connection with the  
10 benefit claims of those retired persons.

11 (a) If and to the extent that unemployment benefits payable  
12 under this act would be chargeable to an employer who has  
13 contributed to the financing of a retirement plan under which the  
14 claimant is receiving or will receive a retirement benefit yielding  
15 a pro rata weekly amount equal to or larger than the claimant's  
16 weekly benefit rate as otherwise established under this act, the  
17 claimant must not receive unemployment benefits that would be  
18 chargeable to the employer under this act.

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

1 (c) If the unemployment benefit payable under this act would  
 2 be chargeable to an employer who has not contributed to the  
 3 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 is not reduced due to receipt of a retirement benefit.

7 (d) If the unemployment benefit payable under this act is  
 8 computed on the basis of multiemployer credit weeks and a portion  
 9 of the benefit is allocable under section 20(e) to an employer who  
 10 has contributed to the financing of a retirement plan under which  
 11 the claimant is receiving or will receive a retirement benefit, the  
 12 adjustments required by subparagraph (a) or (b) apply only to that  
 13 portion of the weekly benefit rate that would otherwise be  
 14 allocable and chargeable to the employer.

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

20 (3) When necessary to ~~assure~~**ensure** prompt payment of  
 21 benefits, the ~~commission~~**unemployment agency** shall determine the  
 22 pro rata weekly amount yielded by an individual's retirement  
 23 benefit based on the best information currently available to it. In  
 24 the absence of fraud, a determination must not be reconsidered  
 25 unless it is established that the individual's actual retirement  
 26 benefit in fact differs from the amount determined by \$2.00 or more  
 27 per week. The reconsideration applies only to benefits that may be  
 28 claimed after the information on which the reconsideration is based  
 29 was received by the ~~commission~~**unemployment agency**.

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

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

7           (ii) Payable to an individual because the individual has  
8 qualified on the basis of attained age, length of service, or  
9 disability, whether or not the individual retired or was retired  
10 from employment. Amounts paid to individuals in the course of  
11 liquidation of a private pension or retirement fund because of  
12 termination of the business or of a plant or department of the  
13 business of the employer involved are not retirement benefits.

14           (b) If a benefit as described in subparagraph (a) is payable  
15 or paid to the individual under a plan to which the individual has  
16 contributed:

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

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

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

25           (5) Notwithstanding any other provision of this subsection,  
26 for any week that begins after March 31, 1980, and with respect to  
27 which an individual is receiving a governmental or other pension  
28 and claiming unemployment compensation, the weekly benefit amount  
29 payable to the individual for those weeks is reduced, but not below

1 zero, by the entire prorated weekly amount of any governmental or  
2 other pension, retirement or retired pay, annuity, or any other  
3 similar payment that is based on any previous work of the  
4 individual. This reduction is made only if it is required as a  
5 condition for full tax credit against the tax imposed by the  
6 federal unemployment tax act, 26 USC 3301 to 3311.

7 (6) For benefit years beginning on or after October 1, 2000,  
8 notwithstanding any inconsistent provisions of this act, the weekly  
9 benefit rate of each individual who is receiving or will receive a  
10 retirement benefit, as defined in subdivision (4), is adjusted as  
11 provided in subparagraphs (a), (b), and (c). However, an  
12 individual's extended benefit account and an individual's weekly  
13 extended benefit rate under section 64 is established without  
14 reduction under this subsection, unless subdivision (5) is in  
15 effect. Except as otherwise provided in this subsection, all the  
16 other provisions of this act apply to the benefit claims of those  
17 retired persons. However, if the reduction would impair the full  
18 tax credit against the tax imposed by the federal unemployment tax  
19 act, 26 USC 3301 to 3311, unemployment benefits are not reduced as  
20 provided in subparagraphs (a), (b), and (c) for receipt of any  
21 governmental or other pension, retirement or retired pay, annuity,  
22 or other similar payment that was not includable in the gross  
23 income of the individual for the taxable year in which it was  
24 received because it was a part of a rollover distribution.

25 (a) If any base period or chargeable employer has contributed  
26 to the financing of a retirement plan under which the claimant is  
27 receiving or will receive a retirement benefit yielding a pro rata  
28 weekly amount equal to or larger than the claimant's weekly benefit  
29 rate as otherwise established under this act, the claimant is not

1 eligible to receive unemployment benefits.

2 (b) If any base period employer or chargeable employer has  
3 contributed to the financing of a retirement plan under which the  
4 claimant is receiving or will receive a retirement benefit yielding  
5 a pro rata weekly amount less than the claimant's weekly benefit  
6 rate as otherwise established under this act, then the weekly  
7 benefit rate otherwise payable to the claimant is reduced by an  
8 amount equal to the pro rata weekly amount, adjusted to the next  
9 lower multiple of \$1.00, which the claimant is receiving or will  
10 receive as a retirement benefit.

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

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

29 (h) A payment of accrued unemployment benefits is not payable

1 to an eligible individual or in behalf of that individual as  
2 provided in subsection (e) more than 6 years after the ending date  
3 of the benefit year covering the payment or 2 calendar years after  
4 the calendar year in which there is final disposition of a  
5 contested case, whichever is later.

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

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

29 (2) With respect to service performed in other than an

1 instructional, research, or principal administrative capacity for  
2 an institution of higher education as defined in section 53(2) or  
3 for an educational institution other than an institution of higher  
4 education as defined in section 53(3), benefits are not payable  
5 based on those services for any week of unemployment beginning  
6 after December 31, 1977 that commences during the period between 2  
7 successive academic years or terms to any individual if that  
8 individual performs the service in the first of the academic years  
9 or terms and if there is a reasonable assurance that the individual  
10 will perform the service for an institution of higher education or  
11 an educational institution other than an institution of higher  
12 education in the second of the academic years or terms.

13 (3) With respect to any service described in subdivision (1)  
14 or (2), benefits are not payable to an individual based upon  
15 service for any week of unemployment that commences during an  
16 established and customary vacation period or holiday recess if the  
17 individual performs the service in the period immediately before  
18 the vacation period or holiday recess and there is a contract or  
19 reasonable assurance that the individual will perform the service  
20 in the period immediately following the vacation period or holiday  
21 recess.

22 (4) If benefits are denied to an individual for any week  
23 solely as a result of subdivision (2) and the individual was not  
24 offered an opportunity to perform in the second academic year or  
25 term the service for which reasonable assurance had been given, the  
26 individual is entitled to a retroactive payment of benefits for  
27 each week for which the individual had previously filed a timely  
28 claim for benefits. An individual entitled to benefits under this  
29 subdivision may apply for those benefits by mail in accordance with

1 R 421.210 of the Michigan Administrative Code. ~~as promulgated by~~  
2 ~~the commission.~~

3 (5) Benefits based upon services in other than an  
4 instructional, research, or principal administrative capacity for  
5 an institution of higher education are not denied for any week of  
6 unemployment commencing during the period between 2 successive  
7 academic years or terms solely because the individual had performed  
8 the service in the first of the academic years or terms and there  
9 is reasonable assurance that the individual will perform the  
10 service for an institution of higher education or an educational  
11 institution other than an institution of higher education in the  
12 second of the academic years or terms, unless a denial is required  
13 as a condition for full tax credit against the tax imposed by the  
14 federal unemployment tax act, 26 USC 3301 to 3311.

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



1 sequence of charging as provided in section 20(b).

2 (7) For benefit years beginning on or after October 1, 2000,  
3 and notwithstanding subdivisions (1), (2), and (3), the denial of  
4 benefits does not prevent an individual from completing  
5 requalifying weeks in accordance with section 29(3) and does not  
6 prevent an individual from receiving benefits based on service with  
7 another base period employer other than an educational institution  
8 for any week of unemployment occurring between academic years or  
9 terms, whether or not successive, or during an established and  
10 customary vacation period or holiday recess. However, if benefits  
11 are paid based on service with 1 or more base period employers  
12 other than an educational institution, the individual's weekly  
13 benefit rate is calculated in accordance with subsection (b)(1) but  
14 during the denial period the individual's weekly benefit payment is  
15 reduced by the portion of the payment attributable to base period  
16 wages paid by an educational institution and the account or  
17 experience account of the educational institution is not charged  
18 for benefits payable to the individual. When a denial of benefits  
19 under subdivision (1) is no longer applicable, benefits are paid  
20 and charged on the basis of base period wages with each of the base  
21 period employers including the educational institution.

22 (8) For the purposes of this subsection, "academic year" means  
23 that period, as defined by the educational institution, when  
24 classes are in session for that length of time required for  
25 students to receive sufficient instruction or earn sufficient  
26 credit to complete academic requirements for a particular grade  
27 level or to complete instruction in a noncredit course.

28 (9) In accordance with subdivisions (1), (2), and (3),  
29 benefits for any week of unemployment are denied to an individual

1 who performed services described in subdivision (1), (2), or (3) in  
2 an educational institution while in the employ of an educational  
3 service agency. For the purpose of this subdivision, "educational  
4 service agency" means a governmental agency or governmental entity  
5 that is established and operated exclusively for the purpose of  
6 providing the services to 1 or more educational institutions.

7 (j) Benefits are not payable to an individual on the basis of  
8 any base period services, substantially all of which consist of  
9 participating in sports or athletic events or training or preparing  
10 to participate, for a week that commences during the period between  
11 2 successive sport seasons or similar periods if the individual  
12 performed the services in the first of the seasons or similar  
13 periods and there is a reasonable assurance that the individual  
14 will perform the services in the later of the seasons or similar  
15 periods.

16 (k) (1) Benefits are not payable on the basis of services  
17 performed by an alien unless the alien is an individual who was  
18 lawfully admitted for permanent residence at the time the services  
19 were performed, was lawfully present for the purpose of performing  
20 the services, or was permanently residing in the United States  
21 under color of law at the time the services were performed,  
22 including an alien who was lawfully present in the United States  
23 under section 212(d) (5) of the immigration and nationality act, 8  
24 USC 1182.

25 (2) Any data or information required of individuals applying  
26 for benefits to determine whether benefits are payable because of  
27 their alien status are uniformly required from all applicants for  
28 benefits.

29 (3) If an individual's application for benefits would

1 otherwise be approved, a determination that benefits to that  
2 individual are not payable because of the individual's alien status  
3 must not be made except upon a preponderance of the evidence.

4 (m) (1) An individual filing a new claim for unemployment  
5 compensation under this act, at the time of filing the claim, shall  
6 disclose whether the individual owes child support obligations as  
7 defined in this subsection. If an individual discloses that he or  
8 she owes child support obligations and is determined to be eligible  
9 for unemployment compensation, the unemployment agency shall notify  
10 the state or local child support enforcement agency enforcing the  
11 obligation that the individual has been determined to be eligible  
12 for unemployment compensation.

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

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

19 (b) The amount, if any, determined pursuant to an agreement  
20 submitted to the ~~commission~~**unemployment agency** under 42 USC  
21 654(19)(B)(i), by the state or local child support enforcement  
22 agency.

23 (c) Any amount otherwise required to be deducted and withheld  
24 from unemployment compensation by legal process, as that term is  
25 defined in 42 USC 659(i)(5), properly served upon the  
26 ~~commission~~**unemployment agency**.

27 (3) The amount of unemployment compensation subject to  
28 deduction under subdivision (2) is that portion that remains  
29 payable to the individual after application of the recoupment

1 provisions of section 62(a) and the reduction provisions of  
2 subsections (c) and (f).

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

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

11 (6) Provisions concerning deductions under this subsection  
12 apply only if the state or local child support enforcement agency  
13 agrees in writing to reimburse and does reimburse the unemployment  
14 agency for the administrative costs incurred by the unemployment  
15 agency under this subsection that are attributable to child support  
16 obligations being enforced by the state or local child support  
17 enforcement agency. The administrative costs incurred are  
18 determined by the unemployment agency. The unemployment agency, in  
19 its discretion, may require payment of administrative costs in  
20 advance.

21 (7) As used in this subsection:

22 (a) "Unemployment compensation", for purposes of subdivisions  
23 (1) to (5), means any compensation payable under this act,  
24 including amounts payable by the unemployment agency pursuant to an  
25 agreement under any federal law providing for compensation,  
26 assistance, or allowances with respect to unemployment.

27 (b) "Child support obligations" includes only obligations that  
28 are being enforced pursuant to a plan described in 42 USC 654 that  
29 has been approved by the Secretary of Health and Human Services

1 under 42 USC 651 to 669b.

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

5 (n) Subsection (i)(2) applies to services performed by school  
6 bus drivers employed by a private contributing employer holding a  
7 contractual relationship with an educational institution, but only  
8 if at least 75% of the individual's base period wages with that  
9 employer are attributable to services performed as a school bus  
10 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies  
11 to other services described in those subdivisions that are  
12 performed by any employees under an employer's contract with an  
13 educational institution or an educational service agency.

14 (o)(1) For weeks of unemployment beginning after July 1, 1996,  
15 unemployment benefits based on services by a seasonal worker  
16 performed in seasonal employment are payable only for weeks of  
17 unemployment that occur during the normal seasonal work period.  
18 Benefits are not payable based on services performed in seasonal  
19 employment for any week of unemployment beginning after March 28,  
20 1996 that begins during the period between 2 successive normal  
21 seasonal work periods to any individual if that individual performs  
22 the service in the first of the normal seasonal work periods and if  
23 there is a reasonable assurance that the individual will perform  
24 the service for a seasonal employer in the second of the normal  
25 seasonal work periods. If benefits are denied to an individual for  
26 any week solely as a result of this subsection and the individual  
27 is not offered an opportunity to perform in the second normal  
28 seasonal work period for which reasonable assurance of employment  
29 had been given, the individual is entitled to a retroactive payment

1 of benefits under this subsection for each week that the individual  
2 previously filed a timely claim for benefits. An individual may  
3 apply for any retroactive benefits under this subsection in  
4 accordance with R 421.210 of the Michigan Administrative Code.

5 (2) Not less than 20 days before the estimated beginning date  
6 of a normal seasonal work period, an employer may apply to the  
7 ~~commission~~**unemployment agency** in writing for designation as a  
8 seasonal employer. At the time of application, the employer shall  
9 conspicuously display a copy of the application on the employer's  
10 premises. Within 90 days after receipt of the application, the  
11 ~~commission~~**unemployment agency** shall determine if the employer is a  
12 seasonal employer. A determination or redetermination of the  
13 ~~commission~~**unemployment agency** concerning the status of an employer  
14 as a seasonal employer, or a decision of an administrative law  
15 judge, the Michigan compensation appellate commission, or the  
16 courts of this state concerning the status of an employer as a  
17 seasonal employer, which has become final, together with the record  
18 thereof, may be introduced in any proceeding involving a claim for  
19 benefits, and the facts found and decision issued in the  
20 determination, redetermination, or decision is conclusive unless  
21 substantial evidence to the contrary is introduced by or on behalf  
22 of the claimant.

23 (3) If the employer is determined to be a seasonal employer,  
24 the employer shall conspicuously display on its premises a notice  
25 of the determination and the beginning and ending dates of the  
26 employer's normal seasonal work periods. The ~~commission~~  
27 **unemployment agency** shall furnish the notice. The notice must  
28 additionally specify that an employee must timely apply for  
29 unemployment benefits at the end of a first seasonal work period to

1 preserve his or her right to receive retroactive unemployment  
2 benefits if he or she is not reemployed by the seasonal employer in  
3 the second of the normal seasonal work periods.

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

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

19 (6) If a seasonal employer informs an employee who received  
20 assurance of being rehired that, despite the assurance, the  
21 employee will not be rehired at the beginning of the employer's  
22 next normal seasonal work period, this subsection does not prevent  
23 the employee from receiving unemployment benefits in the same  
24 manner and to the same extent he or she would receive benefits  
25 under this act from an employer who has not been determined to be a  
26 seasonal employer.

27 (7) A successor of a seasonal employer is considered to be a  
28 seasonal employer unless the successor provides the ~~commission,~~  
29 **unemployment agency**, within 120 days after the transfer, with a

1 written request for termination of its status as a seasonal  
2 employer in accordance with subdivision (4).

3 (8) At the time an employee is hired by a seasonal employer,  
4 the employer shall notify the employee in writing if the employee  
5 will be a seasonal worker. The employer shall provide the worker  
6 with written notice of any subsequent change in the employee's  
7 status as a seasonal worker. If an employee of a seasonal employer  
8 is denied benefits because that employee is a seasonal worker, the  
9 employee may contest that designation in accordance with section  
10 32a.

11 (9) As used in this subsection:

12 (a) "Construction industry" means the work activity designated  
13 in sector group 23 - construction of the North American  
14 classification system - United States Office of Management and  
15 Budget, 1997 edition.

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

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

24 (d) "Seasonal employer" means an employer, other than an  
25 employer in the construction industry, who applies to the  
26 unemployment agency for designation as a seasonal employer and who  
27 the unemployment agency determines is an employer whose operations  
28 and business require employees engaged in seasonal employment. A  
29 seasonal employer designation under this act need not correspond to



1 a category assigned under the North American classification system  
2 – United States Office of Management and Budget.

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

6 (10) This subsection does not apply if the United States  
7 Department of Labor finds it to be contrary to the federal  
8 unemployment tax act, 26 USC 3301 to 3311, or the social security  
9 act, chapter 531, 49 Stat 620, and if conformity with the federal  
10 law is required as a condition for full tax credit against the tax  
11 imposed under the federal unemployment tax act, 26 USC 3301 to  
12 3311, or as a condition for receipt by the ~~commission~~**unemployment**  
13 **agency** of federal administrative grant funds under the social  
14 security act, chapter 531, 49 Stat 620.

15 (p) Benefits are not payable to an individual based upon his  
16 or her services as a school crossing guard for any week of  
17 unemployment that begins between 2 successive academic years or  
18 terms, if that individual performs the services of a school  
19 crossing guard in the first of the academic years or terms and has  
20 a reasonable assurance that he or she will perform those services  
21 in the second of the academic years or terms.

22 (q) The extension of benefits for claims for weeks beginning  
23 after January 1, 2021 but before April 1, 2021 as described in  
24 subsection (d) does not take effect unless \$220,000,000.00 or more  
25 is appropriated as provided for in Senate Bill No. 748 of the 100th  
26 Legislature for deposit into the unemployment compensation fund to  
27 cover the extension of benefits. After March 1, 2021, from the  
28 funds appropriated in Senate Bill No. 748 of the 100th Legislature  
29 for Michigan unemployment compensation funds, \$220,000,000.00 shall

1 be deposited into the unemployment compensation fund for the sole  
2 purpose of funding the extension of benefits for claims for weeks  
3 beginning after January 1, 2021 but before April 1, 2021 as  
4 described in subsection (d). If federal funds are available and  
5 expenditures are allowable under federal law, expenditures of  
6 federal funds under this subsection shall occur before the  
7 expenditure of state general fund appropriations made for the same  
8 purpose described in this subsection. State general fund  
9 appropriations replaced by federal expenditures authorized under  
10 this subsection shall revert to the general fund.