

HOUSE BILL NO. 5553

November 10, 2021, Introduced by Reps. Lightner, Steven Johnson, Bellino, O'Malley, Hoitenga, Outman, Hauck, Yaroch and Allor and referred to the Committee on Oversight.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 32 (MCL 421.32), as amended by 2020 PA 258, and by adding section 32g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (a) Claims for benefits shall be made pursuant to
2 regulations prescribed by the unemployment agency. The unemployment
3 agency shall designate representatives who shall ~~promptly~~ examine
4 claims and make a determination on the facts **within the time period**

1 **prescribed in section 32g.** The unemployment agency may establish
2 rules providing for the examination of claims, the determination of
3 the validity of the claims, and the amount and duration of benefits
4 to be paid. The claimant and other interested parties shall be
5 promptly notified of the determination and the reasons for the
6 determination.

7 (b) The unemployment agency shall mail to the claimant, to
8 each base period employer or employing unit, and to the separating
9 employer or employing unit, a monetary determination. The monetary
10 determination shall notify each of these employers or employing
11 units that the claimant has filed an application for benefits and
12 **of** the amount the claimant reported as earned with the separating
13 employer or employing unit, and shall state the name of each
14 employer or employing unit in the base period and the name of the
15 separating employer or employing unit. The monetary determination
16 shall also state the claimant's weekly benefit rate, the amount of
17 base period wages paid by each base period employer, the maximum
18 benefit amount that could be charged to each employer's account or
19 experience account, and the reason for separation reported by the
20 claimant. The monetary determination shall also state whether the
21 claimant is monetarily eligible to receive unemployment benefits.
22 Except for separations under section 29(1)(a), no further
23 reconsideration of a separation from any base period employer will
24 be made unless the base period employer notifies the unemployment
25 agency of a possible disqualifying separation within 30 days of the
26 separation in accordance with this subsection. Charges to the
27 employer and payments to the claimant shall be as described in
28 section 20(a). New, additional, or corrected information received
29 by the unemployment agency more than 10 days after mailing the

1 monetary determination shall be considered a request for
2 reconsideration by the employer of the monetary determination and
3 shall be reviewed as provided in section 32a.

4 (c) For the purpose of determining a claimant's nonmonetary
5 eligibility and qualification for benefits, if the claimant's most
6 recent base period or benefit year separation was for a reason
7 other than the lack of work, then a determination shall be issued
8 concerning that separation to the claimant and to the separating
9 employer. If a claimant is not disqualified based on his or her
10 most recent separation from employment and has satisfied the
11 requirements of section 29, the unemployment agency shall issue a
12 nonmonetary determination as to that separation only. If a claimant
13 is not disqualified based on his or her most recent separation from
14 employment and has not satisfied the requirements of section 29,
15 the unemployment agency shall issue 1 or more nonmonetary
16 determinations necessary to establish the claimant's qualification
17 for benefits based on any prior separation in inverse chronological
18 order. The unemployment agency shall consider all base period
19 separations involving disqualifications under section 29(1) (h),
20 (i), (j), (k), (m), or (n) in determining a claimant's nonmonetary
21 eligibility and qualification for benefits. An employer may
22 designate in writing to the unemployment agency an individual or
23 another employer or an employing unit to receive any notice
24 required to be given by the unemployment agency to that employer or
25 to represent that employer in any proceeding before the
26 unemployment agency as provided in section 31. Notwithstanding any
27 other provision of this act, beginning May 1, 2020, and until ~~the~~
28 ~~effective date of the amendatory act that added this subsection,~~
29 **October 20, 2020**, in determining a claimant's nonmonetary

1 eligibility to qualify for benefits, the unemployment agency shall
2 not issue a determination with respect to the claimant's separation
3 from a base period or benefit year employer other than the
4 separating employer, and the unemployment agency shall consider the
5 claimant to have satisfied the requirements of section 29(2) and
6 (3).

7 (d) If the unemployment agency requests additional monetary or
8 nonmonetary information from an employer or employing unit and the
9 unemployment agency fails to receive a written response from the
10 employer or employing unit within 10 calendar days after the date
11 of mailing the request for information, the unemployment agency
12 shall make a determination based upon the available information at
13 the time the determination is made. Charges to the employer and
14 payments to the claimant shall be as described in section 20(a).

15 (e) The claimant or interested party may file an application
16 with an office of the unemployment agency for a redetermination in
17 accordance with section 32a.

18 (f) The issuance of each benefit check shall be considered a
19 determination by the unemployment agency that the claimant
20 receiving the check was covered during the compensable period, and
21 eligible and qualified for benefits. A chargeable employer, upon
22 receipt of a listing of the check as provided in section 21(a), may
23 protest by requesting a redetermination of the claimant's
24 eligibility or qualification as to that period and a determination
25 as to later weeks and benefits still unpaid that are affected by
26 the protest. Upon receipt of the protest or request, the
27 unemployment agency shall investigate and redetermine whether the
28 claimant is eligible and qualified as to that period. If, upon the
29 redetermination, the claimant is found ineligible or not qualified,

1 the unemployment agency shall proceed as described in section 62.
2 In addition, the unemployment agency shall investigate and
3 determine whether the claimant obtained benefits for 1 or more
4 preceding weeks within the series of consecutive weeks that
5 includes the week covered by the redetermination and, if so, shall
6 proceed as described in section 62 as to those weeks.
7 Notwithstanding any other provision of this act, for benefits
8 charged after March 15, 2020 but before April 1, 2021, an employer
9 has 1 year after the date a benefit payment is charged against the
10 employer's account to protest that charge.

11 (g) If a claimant commences to file continued claims through a
12 different state claim office in this state or elsewhere, the
13 unemployment agency promptly shall issue written notice of that
14 fact to the chargeable employer.

15 (h) If a claimant refuses an offer of work, or fails to apply
16 for work of which the claimant has been notified, as provided in
17 section 29(1)(c) or (e), the unemployment agency shall promptly
18 make a written determination as to whether or not the refusal or
19 failure requires disqualification under section 29. Notice of the
20 determination, specifying the name and address of the employing
21 unit offering or giving notice of the work and of the chargeable
22 employer, shall be sent to the claimant, the employing unit
23 offering or giving notice of the work, and the chargeable employer.

24 (i) The unemployment agency shall issue a notification to the
25 claimant of claimant rights and responsibilities within 2 weeks
26 after the initial benefit payment on a claim and 6 months after the
27 initial benefit payment on the claim. If the claimant selected a
28 preferred form of communication, the notification must be conveyed
29 by that form. Issuing the notification must not delay or interfere

1 with the claimant's benefit payment. The notification must contain
2 clear and understandable information pertaining to all of the
3 following:

4 (i) Determinations as provided in section 62.

5 (ii) Penalties and other sanctions as provided in this act.

6 (iii) Legal right to protest the determination and the right to
7 appeal through the administrative hearing system.

8 (iv) Other information needed to understand and comply with
9 agency rules and regulations not specified in this section.

10 **Sec. 32g. (1) Notwithstanding any other provision of this act,**
11 **and except as otherwise provided in subsection (2), the**
12 **unemployment agency shall examine a claim for benefits and make a**
13 **determination on the facts not later than 10 business days after it**
14 **receives the claim for benefits.**

15 (2) For a claim for benefits received during an exigent
16 period, the unemployment agency shall examine the claim for
17 benefits and make a determination on the facts not later than 20
18 business days after it receives the claim for benefits.

19 (3) If the unemployment agency is unable to make a
20 determination within the time period prescribed in subsection (1)
21 or (2) because the claimant or employer did not provide the
22 unemployment agency with the necessary information as required
23 under this act, the unemployment agency shall immediately notify
24 the claimant that it was unable to make a determination and of the
25 reasons why it was unable to make a determination.

26 (4) As used in this section, "exigent period" means a calendar
27 week in which the total number of claims for benefits received by
28 the unemployment agency is at least 50% greater than the total
29 number of claims for benefits received by the unemployment agency

1 in the immediately preceding calendar week.