

SENATE BILL NO. 175

February 24, 2021, Introduced by Senators GEISS, ANANICH, BRINKS, IRWIN, WOJNO, SANTANA, CHANG, POLEHANKI, MCCANN, BAYER, ALEXANDER, MOSS, HERTEL and HOLLIER and referred to the Committee on Economic and Small Business Development.

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
5 to report pursuant to unemployment agency rules and is actively

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

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

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

6 (i) His or her Social Security number.

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

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

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

28 (i) The individual fails during a benefit year to notify or
29 update a chargeable employer with telephone, electronic mail, or

1 other information sufficient to allow the employer to contact the
2 individual about available work.

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

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

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

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

28 (2) The unemployment agency may authorize an individual with
29 an unexpired benefit year to pursue vocational training or

1 retraining only if the unemployment agency finds all of the
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (iii) Obtain job postings and seek employment for suitable

1 positions needed by local employers.

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

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

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

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

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

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

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

28 (9) The unemployment agency shall use all of the documentation
29 and information provided by an individual applying for benefits to

1 verify the identity of the individual before making an initial
2 payment on the individual's claim.

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

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

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

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

26 (i) The individual has an established benefit year in effect
27 and during that benefit year leaves unsuitable work within 60 days
28 after the beginning of that work. Benefits paid after a leaving
29 under this subparagraph must not be charged to the experience

1 account of the employer the individual left, but must be charged
2 instead to the nonchargeable benefits account.

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

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

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

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

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

29 (I) **The individual showed symptoms of or tested positive for**

1 the infectious disease.

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

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

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

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

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

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

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

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

27 (e) Failed without good cause to accept suitable work offered
28 to the individual or to return to the individual's customary self-
29 employment, if any, when directed by the employment office or the

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

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

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

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

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

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

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

29 (j) Was discharged for willful destruction of property

1 connected with the individual's work.

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

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

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

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

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

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

28 (m) Was discharged for illegally ingesting, injecting,
29 inhaling, or possessing a controlled substance on the premises of

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

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

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

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

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

26 (2) A disqualification under subsection (1) begins the week in
27 which the act or discharge that caused the disqualification occurs
28 and continues until the disqualified individual requalifies under
29 subsection (3).

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

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

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

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

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

19 (b) For benefit years established before October 1, 2000, if
20 the individual is disqualified under subsection (1)(a) or (b), he
21 or she must requalify, after the week in which the disqualifying
22 discharge occurred by earning in employment for an employer liable
23 under this act or the unemployment compensation act of another
24 state an amount equal to, or in excess of, 7 times the individual's
25 potential weekly benefit rate, calculated on the basis of
26 employment with the employer involved in the disqualification, or
27 by earning in employment for an employer liable under this act or
28 the unemployment compensation act of another state an amount equal
29 to, or in excess of, 40 times the state minimum hourly wage times

1 7, whichever is the lesser amount.

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

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

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

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

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

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

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

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

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

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

1 benefits that may become payable to the individual in a later
2 benefit year based on employment with the employer involved in the
3 disqualification must be charged to the nonchargeable benefits
4 account.

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

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

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

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

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

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

1 involved in the disqualification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (ii) A labor dispute, other than a lockout, in active progress
28 or a shutdown or start-up operation caused by that labor dispute in
29 any other establishment within the United States that is both

1 functionally integrated with the establishment described in
2 subparagraph (i) and operated by the same employing unit.

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

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

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

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

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

1 labor dispute is in progress.

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

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

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

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

1 was last employed.

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

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

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

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

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

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

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

28 (vi) Whether the workers are currently or have been covered by
29 the same or similar demands by their recognized or certified

1 bargaining agent or agents for changes in their wages, hours, or
2 other conditions of employment.

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

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

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

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

1 be charged to the nonchargeable benefits account.