

## LEAVING EMPLOYMENT DUE TO CERTAIN CRIMES NOT A DISQUALIFICATION FOR BENEFITS

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**House Bill 6239 as reported from committee**  
**Sponsor: Rep. Jimmie Wilson, Jr.**  
**Committee: Labor**  
**Complete to 12-13-24**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 6239 would amend the Michigan Employment Security Act to provide that a person who left work voluntarily due to domestic violence, sexual violence, or gender violence is not disqualified from receiving unemployment benefits if they are otherwise qualified for benefits and can demonstrate to the Unemployment Agency that reason for leaving work. As regards domestic violence, these provisions were added to the act in 2020 and effective for about three months, from December 29, 2020, through March 31, 2021. The bill would reinstate them, and add similar disqualification exemptions related to sexual violence and gender violence.

The act generally provides that an individual is disqualified from receiving unemployment benefits under the act if they left work voluntarily without a good cause attributable to their employer, and it also provides exceptions to this disqualification.

The bill would newly provide that an otherwise eligible individual is not disqualified from receiving benefits under the above provision if they demonstrate to the Unemployment Agency that their reason for leaving work is due to ***domestic violence, sexual violence, or gender violence***, including one or more of the following:

- Their reasonable belief ending their employment is necessary for their future safety or that of their ***family or household member*** because of domestic violence, sexual violence, or gender violence.
- Their reasonable fear of future domestic violence [but not sexual violence or gender violence] at, or on their way to or from, their place of employment.
- Their need to relocate to another area to avoid future domestic violence [but not sexual violence or gender violence].
- Their need to address the physical, psychological, or legal effects of domestic violence [but not sexual violence or gender violence].
- Their need to leave employment as a condition of receiving services or shelter from an agency that provides support services or shelter to victims of domestic violence [but not sexual violence or gender violence].

***Domestic violence*** would mean any of the following that are not acts of self-defense:

- Causing or attempting to cause physical or mental harm to a family or household member.

- Placing a family or household member in fear of physical or mental harm.
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

***Gender violence*** would mean an act committed against an individual because of their expressed gender identity that results in, or is likely to result in, their physical, sexual, or psychological harm or suffering.

***Sexual violence*** would mean a sexual act committed or attempted against an individual without their explicit consent, including if the individual lacks the capacity to give consent, and that is prohibited by federal, state, or tribal law.

***Family or household member*** would include any of the following:<sup>1</sup>

- A spouse or former spouse.
- Someone with whom the person individual resides or has resided.
- Someone with whom the individual has or has had a dating relationship.
- Someone with whom the individual is or has engaged in a sexual relationship.
- Someone the individual is related to or was formerly related to by marriage or civil union.
- Someone with whom the individual shares a child.
- The minor child of anyone described above.

An individual could demonstrate to the Unemployment Agency the existence of domestic violence [but not sexual violence or gender violence] by providing one or more documents, such as the following:

- A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction in a domestic violence case.
- A police record documenting domestic violence.
- Documentation that the perpetrator of the domestic violence against the individual has been convicted of a crime involving domestic violence.
- Medical documentation of domestic violence.
- A statement provided on business or organization letterhead by a counselor, social worker, health worker, member of the clergy, shelter worker, attorney, or other professional who has assisted the individual in addressing the effects of the domestic violence on the individual or their family.

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<sup>1</sup> This definition is typically used to describe the relationship of victim to perpetrator in defining domestic violence. Under the bill, it would also limit which family or household members whose future safety, due to domestic, sexual, or gender violence, the individual believes they must leave work to protect.

The Unemployment Agency could not disclose evidence of domestic violence, sexual violence, or gender violence experienced by an individual, including the individual's statement or corroborating evidence.

MCL 421.29 and 421.29a

**FISCAL IMPACT:**

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.