

SENATE BILL No. 719

February 23, 1988, Introduced by Senators CONROY, J. HART, CHERRY, KELLY, MACK, GEO. HART, FAUST, O'BRIEN, POLLACK, DINGELL, MILLER, VAUGHN and BARCIA and referred to the Committee on Human Resources and Senior Citizens.

A bill to amend section 27 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 172 of the Public Acts of 1984, being section 421.27 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 27 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 172 of the
3 Public Acts of 1984, being section 421.27 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 27. (a)(1) When a determination, redetermination, or
6 decision is made that benefits are due an unemployed individual,
7 the benefits shall immediately become payable from the fund, and
8 continue to be payable to the unemployed individual, subject to
9 the limitations imposed by the individual's monetary entitlement,

1 as long as the individual continues to be unemployed and to file
2 claims for benefits, until the determination, redetermination, or
3 decision is reversed, a determination, redetermination, or deci-
4 sion on a new issue holding the individual disqualified or ineli-
5 gible is made, or a new separation issue arises resulting from
6 subsequent work.

7 (2) Benefits shall be paid in person or by mail through
8 employment offices, in accordance with rules promulgated by the
9 commission.

10 (b)(1) Subject to subsection (f), the weekly benefit rate
11 for an individual, with respect to benefit years beginning on or
12 after January 2, 1983, but before January 4, 1987, shall be 65%
13 of the individual's average after tax weekly wage, except that
14 the individual's weekly benefit rate shall not exceed 58% of the
15 state average weekly wage. However, the maximum weekly benefit
16 amount established under this subsection shall not exceed \$197.00
17 for weeks of unemployment beginning on or after January 2, 1983
18 through weeks of unemployment beginning prior to January 4,
19 1987. With respect to benefit years beginning on or after
20 January 4, 1987, the individual's weekly benefit rate shall be
21 70% of the individual's average after tax weekly wage, except
22 that the individual's weekly benefit rate shall not exceed 53% of
23 the state average weekly wage, and with respect to benefit years
24 beginning on or after January 3, 1988, the individual's weekly
25 benefit rate shall not exceed 55% of the state average weekly
26 wage, and with respect to benefit years beginning on or after
27 January 1, 1989, the individual's weekly benefit rate shall not

1 exceed 58% of the state average weekly wage. With respect to
2 benefit years beginning before October 2, 1983, the weekly bene-
3 fit rate shall be adjusted to the next higher multiple of \$1.00.
4 With respect to benefit years beginning on or after October 2,
5 1983, the weekly benefit rate shall be adjusted to the next lower
6 multiple of \$1.00.

7 (2) The state average weekly wage for a calendar year shall
8 be computed on the basis of the 12 months ending the June 30 pre-
9 ceding that calendar year. The commission shall prepare a table
10 of weekly benefit rates based on an "average after tax weekly
11 wage" calculated by subtracting, from an individual's average
12 weekly wage as determined in accordance with section 51, a rea-
13 sonable approximation of the weekly amount required to be with-
14 held by the employer from the remuneration of the individual
15 based on dependents and exemptions for income taxes under
16 chapter 24 of the internal revenue code and under section 351 of
17 THE INCOME TAX ACT OF 1967, Act No. 281 of the Public Acts of
18 1967, being section 206.351 of the Michigan Compiled Laws, and
19 for old age and survivor's disability insurance taxes under the
20 federal insurance contributions act, 26 U.S.C. 3101 to ~~3126~~
21 3102, 3111 TO 3112, AND 3121 TO 3127. For purposes of applying
22 the table to an individual's claim, a dependent shall be as
23 defined in subdivision (3). The table applicable to an
24 individual's claim shall be the table reflecting the number of
25 dependents claimed by the individual under subdivision (3). The
26 commission shall adjust the tables based on changes in
27 withholding schedules published by the United States department

1 of treasury, internal revenue service, and by the department of
2 treasury. The number of dependents allowed shall be determined
3 with respect to each week of unemployment for which an individual
4 is claiming benefits.

5 (3) A dependent means any of the following persons who is
6 receiving and for at least 90 consecutive days immediately pre-
7 ceding the week for which benefits are claimed, or, in the case
8 of a dependent husband, wife, or child, for the duration of the
9 marital or parental relationship, if the relationship has existed
10 less than 90 days, has received more than half the cost of his or
11 her support from the individual claiming benefits:

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

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

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

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

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

6 (4) Dependency status of a dependent, child or otherwise,
7 once established or fixed in favor of an individual, shall con-
8 tinue during the individual's benefit year until terminated.
9 Dependency status of a dependent shall terminate at the end of
10 the week in which the dependent ceases to be an individual
11 described in subdivision (3)(a), (b), (c), or (d) because of age,
12 death, or divorce.

13 (5) If an individual is assigned to a dependency class with
14 respect to a week by reason of having 1 or more dependents, and
15 any of those dependents files an application for benefits for
16 that week, that dependent shall be assigned to dependency class
17 "0" for that week.

18 (6) Failure on the part of an individual, due to misinforma-
19 tion or lack of information, to furnish all information material
20 for determination of the individual's dependency class when the
21 individual files a claim for benefits with respect to a week,
22 shall be considered good cause for the issuance of a redetermina-
23 tion as to the amount of benefits based on the individual's
24 dependency class as of the beginning date of that week.
25 Dependency status of a dependent, child or otherwise, once estab-
26 lished or fixed in favor of a person, shall not be transferable
27 to or used by another person with respect to the same week.

1 (c) Subject to subsection (f), each eligible individual
2 shall be paid a weekly benefit rate with respect to the week for
3 which the individual earns or receives no remuneration or remuneration equal to less than $1/2$ the individual's weekly benefit
4 rate, or shall be paid $1/2$ his or her weekly benefit rate with
5 respect to the week for which the individual earns or receives
6 remuneration equal to at least $1/2$ but less than the individual's
7 weekly benefit rate. Notwithstanding the definition of week as
8 contained in section 50, if within 2 consecutive weeks in which
9 an individual was not unemployed within the meaning of section 48
10 there was a period of 7 or more consecutive days for which the
11 individual did not earn or receive remuneration, that period
12 shall be considered a week for benefit purposes under this act,
13 if a claim for benefits for that period is filed not later than
14 30 days subsequent to the end of the period. All remuneration
15 for work performed during a shift which terminates on 1 day but
16 which began on the day preceding, shall be deemed to have been
17 earned on the preceding day.

18
19 (d) Subject to subsection (f) and this subsection, the
20 amount of benefits to which an individual who is otherwise eligible shall be entitled during a benefit year from an employer with
21 respect to employment during the base period, is the amount
22 obtained by multiplying the weekly benefit rate with respect to
23 that employment by $3/4$ of the number of credit weeks earned in
24 the employment. For the purpose of this subsection and section
25 20(c), should the resultant product not be an even multiple of
26 $1/2$ the weekly benefit rate, the product shall be raised to an
27

1 amount equal to the next higher multiple of $1/2$ the weekly
2 benefit rate, and, when an individual who was employed by only 1
3 employer in the individual's base period and earned 34 credit
4 weeks with that employer, the product shall be raised to the next
5 higher multiple of the weekly benefit rate. The maximum amount
6 of benefits payable to an individual, within a benefit year, with
7 respect to employment by an employer shall not exceed 26 times
8 the weekly benefit rate with respect to that employment. The
9 maximum amount of benefits payable to an individual within a ben-
10 efit year shall not exceed the amount to which the individual
11 would be entitled for 26 weeks of unemployment in which remunera-
12 tion was not earned or received. The limitation of total bene-
13 fits set forth in this subsection shall not apply to claimants
14 declared eligible for training benefits in accordance with sub-
15 section (g), NOR TO CLAIMANTS IN CITIES OR COUNTIES WITH A HIGH
16 RATE OF UNEMPLOYMENT AS PROVIDED IN SUBSECTION (O).

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

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

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

20 (b) If and to the extent that unemployment benefits payable
21 under this act would be chargeable to an employer who has con-
22 tributed to the financing of a retirement plan under which the
23 claimant is receiving or will receive a retirement benefit yield-
24 ing a pro rata weekly amount less than the claimant's weekly ben-
25 efit rate as otherwise established under this act, then the
26 weekly benefit rate otherwise payable to the claimant and
27 chargeable to the employer under this act shall be reduced by an

1 amount equal to the pro rata weekly amount, adjusted to the next
2 lower multiple of \$1.00, which the claimant is receiving or will
3 receive as a retirement benefit.

4 (c) If the unemployment benefit payable under this act would
5 be chargeable to an employer who has not contributed to the
6 financing of a retirement plan under which the claimant is
7 receiving or will receive a retirement benefit, then the weekly
8 benefit rate of the claimant as otherwise established under this
9 act shall not be reduced due to receipt of a retirement benefit.

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

18 (2) If an individual's weekly benefit rate under this act
19 was established before the period for which the individual first
20 receives a retirement benefit, any benefits received after a
21 retirement benefit becomes payable shall be determined in accord-
22 ance with the formula stated in this subsection.

23 (3) When necessary to assure prompt payment of benefits, the
24 commission shall determine the pro rata weekly amount yielded by
25 an individual's retirement benefit based on the best information
26 currently available to it. In the absence of fraud, a
27 determination shall not be reconsidered unless it is established

1 that the individual's actual retirement benefit in fact differs
2 from the amount determined by \$2.00 or more per week. The recon-
3 sideration shall apply only to benefits as may be claimed after
4 the information on which the reconsideration is based was
5 received by the commission.

6 (4)(a) As used in this subdivision, "retirement benefit"
7 means a benefit or annuity or pension of any type or that part
8 thereof which is described in subparagraph (b) which is:

9 (i) Provided as an incident of employment under an estab-
10 lished retirement plan, policy, or agreement, including federal
11 social security if subdivision (5) is in effect.

12 (ii) Payable to an individual because the individual has
13 qualified on the basis of attained age, length of service, or
14 disability, whether or not the individual retired or was retired
15 from employment. Amounts paid to individuals in the course of
16 liquidation of a private pension or retirement fund because of
17 termination of the business or of a plant or department of the
18 business of the employer involved shall not be considered to be
19 retirement benefits.

20 (b) If a benefit such as described in subparagraph (a) is
21 payable or paid to the individual under a plan to which the indi-
22 vidual has contributed:

23 (i) Less than half of the cost of the benefit, then only
24 half of the benefit shall be treated as a retirement benefit.

25 (ii) Half or more of the cost of the benefit, then none of
26 the benefit shall be treated as a retirement benefit.

1 (c) The burden of establishing the extent of an individual's
2 contribution to the cost of his or her retirement benefit for the
3 purpose of subparagraph (b) shall be upon the employer who has
4 contributed to the plan under which a benefit is provided.

5 (5) Notwithstanding any other provision of this subsection,
6 for any week which begins after March 31, 1980, and with respect
7 to which an individual is receiving a governmental or other pen-
8 sion and claiming unemployment compensation, the weekly benefit
9 amount payable to the individual for those weeks shall be
10 reduced, but not below zero, by the entire prorated weekly amount
11 of any governmental or other pension, retirement or retired pay,
12 annuity, or any other similar payment which is based on any pre-
13 vious work of the individual. This reduction shall be made only
14 if it is required as a condition for full tax credit against the
15 tax imposed by the federal unemployment tax act, 26 U.S.C. 3301
16 to 3311.

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

1 the benefits were granted began before expiration or termination
2 of the benefit year.

3 (h) A payment of accrued unemployment benefits shall not be
4 made to an eligible individual, or in behalf of that individual
5 as provided in subsection (e), more than 6 years after the ending
6 date of the benefit year covering the payment or 2 calendar years
7 after the calendar year in which there is final disposition of a
8 contested case, whichever is later.

9 (i) Benefits based on service in employment described in
10 section 42(8), (9), and (10) shall be payable in the same amount,
11 on the same terms, and subject to the same conditions as compen-
12 sation payable on the basis of other service subject to this act,
13 except that:

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

1 principal administrative capacity for an educational institution
2 in the second of the academic years or terms, whether or not the
3 terms are successive.

4 (2) With respect to service performed in other than an
5 instructional, research, or principal administrative capacity for
6 an institution of higher education as defined in section 53(2) or
7 for an educational institution other than an institution of
8 higher education as defined in section 53(3), benefits shall not
9 be paid based on those services for any week of unemployment
10 beginning after December 31, 1977 which commences during the
11 period between 2 successive academic years or terms to any indi-
12 vidual if that individual performs the service in the first of
13 the academic years or terms and if there is a reasonable assur-
14 ance that the individual will perform the service for an institu-
15 tion of higher education or an educational institution other than
16 an institution of higher education in the second of the academic
17 years or terms.

18 (3) With respect to any service described in subdivision (1)
19 or (2), benefits shall not be paid to an individual based upon
20 service for any week of unemployment which commences during an
21 established and customary vacation period or holiday recess if
22 the individual performs the service in the period immediately
23 before the vacation period or holiday recess and there is a con-
24 tract or reasonable assurance that the individual will perform
25 the service in the period immediately following the vacation
26 period or holiday recess.

1 (4) If benefits are denied to an individual for any week
2 solely as a result of subdivision (2) and the individual was not
3 offered an opportunity to perform in the second academic year or
4 term the service for which reasonable assurance had been given,
5 the individual shall be entitled to a retroactive payment of ben-
6 efits for each week for which the individual had previously filed
7 a timely claim for benefits. An individual entitled to benefits
8 under this subdivision may apply for those benefits by mail in
9 accordance with R 421.210 as promulgated by the commission.

10 (5) The amendments to subdivision (2) made by Act No. 219 of
11 the Public Acts of 1983 apply to all claims for unemployment com-
12 pensation which are filed on and after October 31, 1983.
13 However, the amendments shall be retroactive to September 5, 1982
14 only if, as a condition for full tax credit against the tax
15 imposed by the federal unemployment tax act, 26 U.S.C. 3301 to
16 3311, the United States secretary of labor determines that retro-
17 activity is required by federal law.

18 (6) Notwithstanding subdivision (2), on and after April 1,
19 1984 benefits based upon services in other than an instructional,
20 research, or principal administrative capacity for an institution
21 of higher education shall not be denied for any week of unemploy-
22 ment commencing during the period between 2 successive academic
23 years or terms solely because the individual had performed the
24 service in the first of the academic years or terms and there is
25 reasonable assurance that the individual will perform the service
26 for an institution of higher education or an educational
27 institution other than an institution of higher education in the

1 second of the academic years or terms, unless such denial is
2 required as a condition for full tax credit against the tax
3 imposed by the federal unemployment tax act, 26 U.S.C. 3301 to
4 3311.

5 (7) Notwithstanding subdivisions (1), (2), and (3), the
6 denial of benefits shall not prevent an individual from complet-
7 ing requalifying weeks in accordance with section 29(3) nor shall
8 the denial prevent an individual from receiving benefits based on
9 service with an employer other than an educational institution
10 for any week of unemployment occurring between academic years or
11 terms, whether or not successive, or during an established and
12 customary vacation period or holiday recess, even though the
13 employer is not the most recent chargeable employer in the
14 individual's base period. However, in that case section 20(b)
15 shall apply to the sequence of benefit charging, except for the
16 employment with the educational institution, and section 50(b)
17 shall apply to the calculation of credit weeks. When a denial of
18 benefits under subdivision (1) is no longer applicable, benefits
19 shall be charged in accordance with the normal sequence of charg-
20 ing as provided in section 20(b).

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

1 (9) Benefits shall be denied, as provided in subdivisions
2 (1), (2), and (3), for any week of unemployment beginning on and
3 after April 1, 1984, to an individual who performed those serv-
4 ices in an educational institution while in the employ of an edu-
5 cational service agency. For the purpose of this subdivision,
6 "educational service agency" means a governmental agency or gov-
7 ernmental entity that is established and operated exclusively for
8 the purpose of providing the services to 1 or more educational
9 institutions.

10 (j) For weeks of unemployment beginning after December 31,
11 1977, benefits shall not be paid to an individual on the basis of
12 any base period services, substantially all of which consist of
13 participating in sports or athletic events or training or prepar-
14 ing to so participate, for a week which commences during the
15 period between 2 successive sport seasons or similar periods, if
16 the individual performed the services in the first of the seasons
17 or similar periods and there is a reasonable assurance that the
18 individual will perform the services in the later of the seasons
19 or similar periods.

20 (k)(1) For weeks of unemployment beginning after
21 December 31, 1977, benefits shall not be payable on the basis of
22 services performed by an alien unless the alien is an individual
23 who was lawfully admitted for permanent residence at the time the
24 services were performed, was lawfully present for the purpose of
25 performing the services, or was permanently residing in the
26 United States under color of law at the time the services were
27 performed, including an alien who was lawfully present in the

1 United States under section 203(a)(7) or section 212(d)(5) of the
2 immigration and nationality act, 8 U.S.C. 1153 ~~or~~ AND 1182.

3 (2) Any data or information required of individuals applying
4 for benefits, to determine whether benefits are payable because
5 of their alien status, shall be uniformly required from all
6 applicants for benefits.

7 (3) Where an individual whose application for benefits would
8 otherwise be approved, a determination that benefits to such an
9 individual are not payable because of the individual's alien
10 status shall not be made except upon a preponderance of the
11 evidence.

12 (m)(1) An individual filing a new claim for unemployment
13 compensation under this act after September 30, 1982 shall, at
14 the time of filing the claim, disclose whether the individual
15 owes child support obligations as defined in this subsection. If
16 an individual discloses that he or she owes child support obliga-
17 tions, and is determined to be eligible for unemployment compen-
18 sation, the commission shall notify the state or local child sup-
19 port enforcement agency enforcing the obligation that the indi-
20 vidual has been determined to be eligible for unemployment
21 compensation.

22 (2) Notwithstanding section 30, the commission shall deduct
23 and withhold from any unemployment compensation payable to an
24 individual who owes child support obligations by 1 of the follow-
25 ing methods:

1 (a) The amount, if any, specified by the individual to be
2 deducted and withheld under this subdivision, if neither
3 subparagraph (b) nor (c) is applicable.

4 (b) The amount, if any, determined pursuant to an agreement
5 submitted to the commission under section ~~454(20)(b)(i)~~
6 454(19)(B)(i) of PART D OF TITLE IV OF the social security act,
7 42 U.S.C. ~~654(20)(b)(i)~~ 654(19)(B)(i), by the state or local
8 child support enforcement agency, unless subparagraph (c) is
9 applicable.

10 (c) Any amount otherwise required to be so deducted and
11 withheld from unemployment compensation pursuant to legal pro-
12 cess, as that term is defined in section 462(e) of PART D OF
13 TITLE IV OF the social security act, 42 U.S.C. 662(e), properly
14 served upon the commission.

15 (3) The amount of unemployment compensation subject to
16 deduction under subdivision (2) shall be that portion that
17 remains payable to the individual after application of the
18 recoupment provisions of section 62(a) and the reduction provi-
19 sions of subsections (c) and (f).

20 (4) Any amount deducted and withheld under subdivision (2)
21 shall be paid by the commission to the appropriate state or local
22 child support enforcement agency.

23 (5) Any amount deducted and withheld under subdivision (2)
24 shall for all purposes be treated as if it were paid to the indi-
25 vidual as unemployment compensation and paid by the individual to
26 the state or local child support enforcement agency in
27 satisfaction of the individual's child support obligations.

1 (6) This subsection applies only if the state or local child
 2 support enforcement agency agrees in writing to reimburse the
 3 commission, and in fact reimburses the commission, for the admin-
 4 istrative costs incurred by the commission under this subsection
 5 which are attributable to child support obligations being
 6 enforced by the state or local child support enforcement agency.
 7 The administrative costs incurred shall be determined by the
 8 commission. The commission may, in its discretion, require pay-
 9 ment of administrative costs in advance.

10 (7) As used in this subsection:

11 (a) "Unemployment compensation", for purposes of
 12 subdivisions (1) through (5), means any compensation payable
 13 under this act, including amounts payable by the commission pur-
 14 suant to an agreement under any federal law providing for compen-
 15 sation, assistance, or allowances with respect to unemployment.

16 (b) "Child support obligations" includes only obligations
 17 which are being enforced pursuant to a plan described in
 18 section 454 of PART D OF TITLE IV OF the social security act, 42
 19 U.S.C. 654, which has been approved by the secretary of health
 20 and human services under part d of title IV of the social secur-
 21 ity act, 42 U.S.C. 651 to ~~664~~ 666.

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

25 (n) ~~The provisions of subsection~~ SUBSECTION (i)(2) ~~shall~~
 26 ~~be applicable~~ APPLIES to services performed by school bus
 27 drivers employed by a private contributing employer holding a

1 contractual relationship with an educational institution, but
2 only if at least 75% of the individual's base period wages with
3 that employer are attributable to services performed as a school
4 bus driver.

5 (O) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN
6 INDIVIDUAL WHO LIVES IN OR WHOSE JOB FOR WHICH HE OR SHE WAS
7 RECEIVING BENEFITS WAS LOCATED IN A CITY OR COUNTY THAT HAS AN
8 UNEMPLOYMENT RATE OF NOT LESS THAN 11% AS DETERMINED BY THE
9 DEPARTMENT OF LABOR AND WHO HAS EXHAUSTED ALL BENEFITS AVAILABLE
10 UNDER SUBSECTION (D) MAY BE PAID FOR 13 ADDITIONAL WEEKS A BENE-
11 FIT AMOUNT IN ACCORDANCE WITH SUBSECTION (C), BUT NOT IN EXCESS
12 OF THE INDIVIDUAL'S MOST RECENT WEEKLY BENEFIT RATE.