

Act No. 422
Public Acts of 1994
Approved by the Governor
January 05, 1995
Filed with the Secretary of State
January 06, 1995

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Reps DeLange Murphy and Freeman

ENROLLED HOUSE BILL No. 5651

AN ACT to amend section 28 of Act No 1 of the Public Acts of the Extra Session of 1936 entitled as amended An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund and to provide for the disbursement thereof to create certain other funds to create the Michigan employment security commission and to prescribe its powers and duties to provide for the protection of the people of this state from the hazards of unemployment to levy and provide for contributions from employers to provide for the collection of such contributions to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud to provide for the payment of benefits to provide for appeals from redeterminations decisions and notices of assessments and for referees and a board of review to hear and decide the issues arising from redeterminations decisions and notices of assessment to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner Peyser act passed by the Congress of the United States of America to provide for the establishment and maintenance of free public employment offices to provide for the transfer of funds to make appropriations for carrying out the provisions of this act to prescribe remedies and penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act as amended by Act No 162 of the Public Acts of 1994 being section 421 28 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 28 of Act No 1 of the Public Acts of the Extra Session of 1936 as amended by Act No 162 of the Public Acts of 1994 being section 421 28 of the Michigan Compiled Laws is amended to read as follows

Sec 28 (1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that

(a) For benefit years established before the conversion date prescribed in section 75 the individual has registered for work at and thereafter has continued to report at an employment office in accordance with such rules as the commission may prescribe and is seeking work The requirements that the individual must report at an employment office must register for work must be available to perform suitable full time work and must seek work may be waived by the commission if the individual is laid off and the employer who laid the individual off notifies the commission in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared number of days not to exceed 45 calendar days following the last day the individual worked This waiver shall not be effective unless the notification from the employer has been received by the commission before the individual has completed his or her first compensable week following layoff If the individual is not recalled within the specified period the waiver shall cease to be operative with respect to that layoff Except for a period of disqualification the requirement that the individual shall seek work may be waived by the commission where it finds

that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned base period credit weeks. This waiver shall not apply for weeks of unemployment beginning on or after March 1, 1981, to a claimant enrolled and attending classes as a full time student. An individual shall have satisfied the requirement of personal reporting at an employment office as applied to a week in a period during which the requirements of registration and seeking work have been waived by the commission pursuant to this subdivision if the individual has satisfied the personal reporting requirement with respect to a preceding week in that period and the individual has reported with respect to the week by mail in accordance with the rules promulgated by the commission. For benefit years established after the conversion date prescribed in section 75, the individual has registered for work and has continued to report in accordance with such rules as the commission may prescribe and is seeking work. The requirements that the individual must report, must register for work, must be available to perform suitable full time work, and must seek work may be waived by the commission if the individual is laid off and the employer who laid the individual off notifies the commission in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared number of days, not to exceed 45 calendar days following the last day the individual worked. This waiver shall not be effective unless the notification from the employer has been received by the commission before the individual has completed his or her first compensable week following layoff. If the individual is not recalled within the specified period, the waiver shall cease to be operative with respect to that layoff. Except for a period of disqualification, the requirement that the individual shall seek work may be waived by the commission where it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned wages during or after the base period. This waiver shall not apply to a claimant enrolled and attending classes as a full time student. An individual shall be considered to have satisfied the requirement of personal reporting at an employment office as applied to a week in a period during which the requirements of registration and seeking work have been waived by the commission pursuant to this subdivision if the individual has satisfied the personal reporting requirement with respect to a preceding week in that period and the individual has reported with respect to the week by mail in accordance with the rules promulgated by the commission.

(b) The individual has made a claim for benefits in accordance with section 32 and has provided the commission with his or her social security number.

(c) The individual is able and available to perform suitable full time work of a character which the individual is qualified to perform by past experience or training, which is of a character generally similar to work for which the individual has previously received wages, and for which the individual is available full time either at a locality at which the individual earned wages for insured work during his or her base period or at a locality where it is found by the commission that such work is available.

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

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

(2) The commission may authorize an individual with an unexpired benefit year to pursue vocational training or retraining only if the commission finds that:

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

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

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

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

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

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

(4) The waiver of the requirement that a claimant seek work as provided in subsection (1)(a) shall not be applicable to weeks of unemployment for which the claimant is claiming extended benefits if section 64(8)(a)(ii) is in effect unless the individual is participating in training approved by the commission

(5) Notwithstanding any other provisions of this act an otherwise eligible individual shall not be denied benefits for any week beginning after October 30 1982 solely because the individual is in training approved under section 236(a)(1) of the trade act of 1974 as amended 19 U S C 2296 nor shall the individual be denied benefits by reason of leaving work to enter such training if the work left is not suitable employment Furthermore an otherwise eligible individual shall not be denied benefits because of the application to any such week in training of provisions of this act or any applicable federal unemployment compensation law relating to availability for work active search for work or refusal to accept work For purposes of this subsection suitable employment means with respect to an individual work of a substantially equal or higher skill level than the individual's past adversely affected employment as defined for purposes of the trade act of 1974 19 U S C 2101 to 2495 and wages for that work at not less than 80% of the individual's average weekly wage as determined for the purposes of the trade act of 1974

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor