



HOUSE BILL No. 4768

May 11, 1993, Introduced by Reps. Gnodtke, Hill, Sikkema, McBryde, Whyman, Middaugh, Rhead, Horton, Dalman, Bobier, Joe Young, Jr., Walberg, Gernaat, Bender, Hammerstrom, Voorhees, Llewellyn, Kukuk, Brackenridge, Bullard, Stille, Jaye and Galloway and referred to the Committee on Labor.

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 —
8 and continue to be payable to the unemployed individual, subject
9 to the limitations imposed by the individual's monetary

1 entitlement, as long as the individual continues to be unemployed
2 and to file claims for benefits, until the determination, rede-
3 termination, or decision is reversed, a determination, redeter-
4 mination, or decision on a new issue holding the individual dis-
5 qualified or ineligible is made, or a new separation issue arises
6 resulting from subsequent work.

7 (2) Benefits shall be paid in person or by mail through
8 employment offices ~~—~~ in accordance with rules promulgated by
9 the 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 THROUGH JANUARY 2, 1988, the individual's weekly
21 benefit rate shall be 70% of the individual's average after tax
22 weekly wage, except that the individual's weekly benefit rate
23 shall not exceed 53% of the state average weekly wage. ~~—and~~
24 ~~with~~ WITH respect to benefit years beginning on or after
25 January 3, 1988 THROUGH DECEMBER 31, 1988, the individual's
26 weekly benefit rate shall not exceed 55% of the state average
27 weekly wage, and with respect to benefit years beginning on or

1 after January 1, 1989, the individual's weekly benefit rate shall
2 not exceed 58% of the state average weekly wage. With respect to
3 benefit years beginning before October 2, 1983, the weekly bene-
4 fit rate shall be adjusted to the next higher multiple of \$1.00.
5 With respect to benefit years beginning on or after October 2,
6 1983, the weekly benefit rate shall be adjusted to the next lower
7 multiple of \$1.00.

8 (2) The state average weekly wage for a calendar year shall
9 be computed on the basis of the 12 months ending the June 30
10 IMMEDIATELY preceding that calendar year. The commission shall
11 prepare a table of weekly benefit rates based on an "average
12 after tax weekly wage" calculated by subtracting, from an
13 individual's average weekly wage as determined in accordance with
14 section 51, a reasonable approximation of the weekly amount
15 required to be withheld by the employer from the remuneration of
16 the individual based on dependents and exemptions for income
17 taxes under chapter 24 OF SUBTITLE C of the internal revenue code
18 OF 1986, 26 U.S.C. 3401 TO 3406, and under section 351 of THE
19 INCOME TAX ACT OF 1967, Act No. 281 of the Public Acts of 1967,
20 being section 206.351 of the Michigan Compiled Laws, and for old
21 age and survivor's disability insurance taxes under the federal
22 insurance contributions act, CHAPTER 21 OF SUBTITLE C OF THE
23 INTERNAL REVENUE CODE OF 1986, 26 U.S.C. ~~3101 to 3126~~ 3128.
24 For purposes of applying the table to an individual's claim, a
25 dependent shall be as defined in subdivision (3). The table
26 applicable to an individual's claim shall be the table reflecting
27 the number of dependents claimed by the individual under

1 subdivision (3). The commission shall adjust the tables based on
2 changes in withholding schedules published by the United States
3 department of treasury, internal revenue service, and by the
4 department of treasury. The number of dependents allowed shall
5 be determined with respect to each week of unemployment for which
6 an individual is claiming benefits.

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

14 (a) A child, including stepchild, adopted child, or grand-
15 child of the individual who is under 18 years of age, or 18 years
16 of age ~~and~~ OR over if, because of physical or mental infirmity,
17 the child is unable to engage in a gainful occupation, or is a
18 full-time student as defined by the particular educational insti-
19 tution, at a high school, vocational school, community or junior
20 college, or college or university and has not attained the age of
21 22.

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

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

26 (d) A brother or sister of the individual if the brother or
27 sister is orphaned or the living parents are dependent parents of

1 an individual, and the brother or sister is under 18 years of
2 age, or 18 years of age ~~and~~ OR over if, because of physical or
3 mental infirmity, the brother or sister is unable to engage in a
4 gainful occupation, or is a full-time student as defined by the
5 particular educational institution, at a high school, vocational
6 school, community or junior college, or college or university and
7 is less than 22 years of age.

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

15 (5) If an individual is assigned to a dependency class with
16 respect to a week by reason of having 1 or more dependents, and
17 any of those dependents files an application for benefits for
18 that week, that dependent shall be assigned to dependency class
19 "0" for that week.

20 (6) Failure on the part of an individual, due to misinforma-
21 tion or lack of information, to furnish all information material
22 for determination of the individual's dependency class when the
23 individual files a claim for benefits with respect to a week ~~,~~
24 shall be considered good cause for the issuance of a redetermina-
25 tion as to the amount of benefits based on the individual's
26 dependency class as of the beginning date of that week.

27 Dependency status of a dependent, child or otherwise, once

1 established or fixed in favor of a person ~~shall~~ IS not ~~be~~
2 transferable to or ~~used~~ USABLE by another person with respect
3 to the same week.

4 (c) Subject to subsection (f), each eligible individual
5 shall be paid a weekly benefit rate with respect to the week for
6 which the individual earns or receives no remuneration or remuneration equal to less than 1/2 the individual's weekly benefit
7 rate, or shall be paid 1/2 his or her weekly benefit rate with
8 respect to the week for which the individual earns or receives
9 remuneration equal to at least 1/2 but less than the individual's
10 weekly benefit rate. Notwithstanding the definition of week as
11 contained in section 50, if within 2 consecutive weeks in which
12 an individual was not unemployed within the meaning of section 48
13 there was a period of 7 or more consecutive days for which the
14 individual did not earn or receive remuneration, that period
15 shall be considered a week for benefit purposes under this act
16 ~~if~~ if a claim for benefits for that period is filed not later
17 than 30 days subsequent to the end of the period. All remuneration for work performed during a shift ~~which~~ THAT terminates on
18 1 day but ~~which~~ THAT began on the PRECEDING day ~~preceding~~
19 shall be ~~deemed~~ CONSIDERED to have been earned on the preceding
20 day.

23 (d) Subject to subsection (f) and this subsection, the
24 amount of benefits to which an individual who is otherwise eligible ~~shall be~~ IS entitled during a benefit year from an employer
25 with respect to employment during the base period ~~is~~ is the
26 amount obtained by multiplying the weekly benefit rate with

1 respect to that employment by $\frac{3}{4}$ of the number of credit weeks
2 earned in the employment. For the purpose of this subsection and
3 section 20(c), ~~should~~ IF the resultant product IS not ~~be~~ an
4 even multiple of $\frac{1}{2}$ the weekly benefit rate, the product shall
5 be raised to an amount equal to the next higher multiple of $\frac{1}{2}$
6 the weekly benefit rate, and, ~~when~~ FOR an individual who was
7 employed by only 1 employer in the individual's base period and
8 earned 34 credit weeks with that employer, the product shall be
9 raised to the next higher multiple of the weekly benefit rate.
10 The maximum amount of benefits payable to an individual ~~—~~
11 within a benefit year, with respect to employment by an employer,
12 shall not exceed 26 times the weekly benefit rate with respect to
13 that employment. The maximum amount of benefits payable to an
14 individual within a benefit year shall not exceed the amount to
15 which the individual would be entitled for 26 weeks of unemploy-
16 ment in which remuneration was not earned or received. The limi-
17 tation of total benefits set forth in this subsection ~~shall~~
18 DOES not apply to claimants declared eligible for training bene-
19 fits in accordance with subsection (g).

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

1 behalf of the claimant for the claimant's burial or other
2 necessary expenses.

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

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

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

1 weekly benefit rate otherwise payable to the claimant and
2 chargeable to the employer under this act shall be reduced by an
3 amount equal to the pro rata weekly amount, adjusted to the next
4 lower multiple of \$1.00, which the claimant is receiving or will
5 receive as a retirement benefit.

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

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

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

26 (3) When necessary to assure prompt payment of benefits, the
27 commission shall determine the pro rata weekly amount yielded by

1 an individual's retirement benefit based on the best information
2 currently available to it. In the absence of fraud, a determina-
3 tion shall not be reconsidered unless it is established that the
4 individual's actual retirement benefit in fact differs from the
5 amount determined by \$2.00 or more per week. The reconsideration
6 shall apply only to benefits as may be claimed after the informa-
7 tion on which the reconsideration is based was received by the
8 commission.

9 (4)(a) As used in this subdivision, "retirement benefit"
10 means a benefit, ~~or~~ annuity, or pension of any type or that
11 part thereof ~~which~~ THAT is described in subparagraph (b)
12 ~~which~~ THAT is:

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

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

24 (b) If a benefit ~~such~~ as described in subparagraph (a) is
25 payable or paid to the individual under a plan to which the indi-
26 vidual has contributed:

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

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

5 (c) The burden of establishing the extent of an individual's
6 contribution to the cost of his or her retirement benefit for the
7 purpose of subparagraph (b) ~~shall be~~ IS upon the employer who
8 has contributed to the plan under which a benefit is provided.

9 (5) Notwithstanding any other provision of this subsection,
10 for any week ~~which~~ THAT begins after March 31, 1980, and with
11 respect to which an individual is receiving a governmental or
12 other pension and claiming unemployment compensation, the weekly
13 benefit amount payable to the individual for those weeks shall be
14 reduced, but not below zero, by the entire prorated weekly amount
15 of any governmental or other pension, retirement or retired pay,
16 annuity, or any other similar payment ~~which~~ THAT is based on
17 any previous work of the individual. This reduction shall be
18 made only if it is required as a condition for full tax credit
19 against the tax imposed by the federal unemployment tax act,
20 CHAPTER 23 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26
21 U.S.C. 3301 to 3311.

22 (g) Notwithstanding any other provision of this act, an
23 individual pursuing vocational training or retraining pursuant to
24 section 28(2) who has exhausted all benefits available under sub-
25 section (d) may be paid ~~—~~ for each week of approved vocational
26 training pursued beyond the date of exhaustion ~~—~~ a benefit
27 amount in accordance with subsection (c), but not in excess of

1 the individual's most recent weekly benefit rate. However, an
2 individual shall not be paid training benefits totaling more than
3 18 times the individual's most recent weekly benefit rate. The
4 expiration or termination of a benefit year shall not stop or
5 interrupt payment of training benefits if the training for which
6 the benefits were granted began before expiration or termination
7 of the benefit year.

8 (h) A payment of accrued unemployment benefits shall not be
9 made to an eligible individual ~~or~~ or in behalf of that individ-
10 ual as provided in subsection (e) ~~or~~ more than 6 years after the
11 ending date of the benefit year covering the payment or 2 calen-
12 dar years after the calendar year in which there is final dispo-
13 sition of a contested case, whichever is later.

14 (i) Benefits based on service in employment described in
15 section 42(8), (9), and (10) ~~shall be~~ ARE payable in the same
16 amount, on the same terms, and subject to the same conditions as
17 compensation payable on the basis of other service subject to
18 this act, except that:

19 (1) With respect to service performed in an instructional,
20 research, or principal administrative capacity for an institution
21 of higher education as defined in section 53(2), or for an educa-
22 tional institution other than an institution of higher education
23 as defined in section 53(3), benefits shall not be paid to an
24 individual based on those services for any week of unemployment
25 beginning after December 31, 1977 that commences during the
26 period between 2 successive academic years ~~or~~ or during a
27 similar period between 2 regular terms, whether or not

1 successive, or during a period of paid sabbatical leave provided
2 for in the individual's contract, to an individual if the indi-
3 vidual performs the service in the first of the academic years or
4 terms and if there is a contract or a reasonable assurance that
5 the individual will perform service in an instructional,
6 research, or principal administrative capacity for an educational
7 institution in the second of the academic years or terms, whether
8 or not the terms are successive.

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

23 (3) With respect to any service described in subdivision (1)
24 or (2), benefits shall not be paid to an individual based upon
25 service for any week of unemployment ~~which~~ THAT commences
26 during an established and customary vacation period or holiday
27 recess if the individual performs the service in the period

1 immediately before the vacation period or holiday recess and
2 there is a contract or reasonable assurance that the individual
3 will perform the service in the period immediately following the
4 vacation period or holiday recess.

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

15 (5) The amendments to subdivision (2) made by Act No. 219 of
16 the Public Acts of 1983 apply to all claims for unemployment com-
17 pensation ~~which~~ THAT are filed on and after October 31, 1983.
18 However, the amendments ~~shall be~~ ARE retroactive to
19 September 5, 1982 only if, as a condition for full tax credit
20 against the tax imposed by the federal unemployment tax act,
21 CHAPTER 23 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26
22 U.S.C. 3301 to 3311, the United States secretary of labor deter-
23 mines that retroactivity is required by federal law.

24 (6) Notwithstanding subdivision (2), on and after April 1,
25 1984 benefits based upon services in other than an instructional,
26 research, or principal administrative capacity for an institution
27 of higher education shall not be denied for any week of

1 unemployment commencing during the period between 2 successive
 2 academic years or terms solely because the individual had per-
 3 formed the service in the first of the academic years or terms
 4 and there is reasonable assurance that the individual will per-
 5 form the service for an institution of higher education or an
 6 educational institution other than an institution of higher edu-
 7 cation in the second of the academic years or terms, unless
 8 ~~such~~ A denial is required as a condition for full tax credit
 9 against the tax imposed by the federal unemployment tax act,
 10 CHAPTER 23 OF SUBTITLE C OF THE INTERNAL REVENUE CODE OF 1986, 26
 11 U.S.C. 3301 to 3311.

12 (7) Notwithstanding subdivisions (1), (2), and (3), the
 13 denial of benefits ~~shall~~ DOES not prevent an individual from
 14 completing requalifying weeks in accordance with section 29(3)
 15 nor ~~shall~~ DOES the denial prevent an individual from receiving
 16 benefits based on service with an employer other than an educa-
 17 tional institution for any week of unemployment occurring between
 18 academic years or terms, whether or not successive, or during an
 19 established and customary vacation period or holiday recess, even
 20 though the employer is not the most recent chargeable employer in
 21 the individual's base period. However, in that case section
 22 20(b) ~~shall apply~~ APPLIES to the sequence of benefit charging,
 23 except for the employment with the educational institution, and
 24 section 50(b) ~~shall apply~~ APPLIES to the calculation of credit
 25 weeks. When a denial of benefits under subdivision (1) ~~is~~ no
 26 longer ~~applicable~~ APPLIES, benefits shall be charged in

1 accordance with the normal sequence of charging as provided in
2 section 20(b).

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

9 (9) Benefits shall be denied, as provided in subdivisions
10 (1), (2), and (3), for any week of unemployment beginning on and
11 after April 1, 1984, to an individual who performed those serv-
12 ices in an educational institution while in the employ of an edu-
13 cational service agency. For the purpose of this subdivision,
14 "educational service agency" means a governmental agency or gov-
15 ernmental entity that is established and operated exclusively for
16 the purpose of providing the services to 1 or more educational
17 institutions.

18 (j) For weeks of unemployment beginning after December 31,
19 1977, benefits shall not be paid to an individual on the basis of
20 any base period services, substantially all of which consist of
21 participating in sports or athletic events or training or prepar-
22 ing to so participate, for a week ~~which~~ THAT commences during
23 the period between 2 successive sport seasons or similar periods
24 ~~—~~ if the individual performed the services in the first of the
25 seasons or similar periods and there is a reasonable assurance
26 that the individual will perform the services in the later of the
27 seasons or similar periods.

1 (k)(1) For weeks of unemployment beginning after
2 December 31, 1977, benefits shall not be payable on the basis of
3 services performed by an alien unless the alien is an individual
4 who was lawfully admitted for permanent residence at the time the
5 services were performed, was lawfully present for the purpose of
6 performing the services, or was permanently residing in the
7 United States under color of law at the time the services were
8 performed, including an alien who was lawfully present in the
9 United States under section 203(a)(7) or section 212(d)(5) of the
10 immigration and nationality act, 8 U.S.C. 1153 ~~or~~ AND 1182.

11 (2) Any data or information required of individuals applying
12 for benefits ~~to~~ to determine whether benefits are payable
13 because of their alien status ~~, shall be~~ ARE uniformly required
14 from all applicants for benefits.

15 (3) Where an individual whose application for benefits would
16 otherwise be approved, a determination that benefits to ~~such an~~
17 THAT individual are not payable because of the individual's alien
18 status shall not be made except upon a preponderance of the
19 evidence.

20 (m)(1) An individual filing a new claim for unemployment
21 compensation under this act after September 30, 1982, ~~shall~~ at
22 the time of filing the claim, SHALL disclose whether the individ-
23 ual owes child support obligations as defined in this
24 subsection. If an individual discloses that he or she owes child
25 support obligations ~~to~~ and is determined to be eligible for
26 unemployment compensation, the commission shall notify the state
27 or local child support enforcement agency enforcing the

1 obligation that the individual has been determined to be eligible
2 for unemployment compensation.

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

7 (a) The amount, if any, specified by the individual to be
8 deducted and withheld under this subdivision, if neither
9 subparagraph (b) nor (c) ~~is applicable~~ APPLIES.

10 (b) The amount, if any, determined pursuant to an agreement
11 submitted to the commission under section ~~454(20)(b)(i)~~
12 454(19)(B)(i) of PART D OF TITLE IV OF the social security act,
13 CHAPTER 531, 49 STAT. 620, 42 U.S.C. ~~654(20)(b)(i)~~ 654, by the
14 state or local child support enforcement agency, unless
15 subparagraph (c) ~~is applicable~~ APPLIES.

16 (c) Any amount otherwise required to be so deducted and
17 withheld from unemployment compensation pursuant to legal pro-
18 cess, as that term is defined in section 462(e) OF PART D OF
19 TITLE IV of the social security act, CHAPTER 531, 49 STAT. 620,
20 42 U.S.C. ~~662(e)~~ 662, properly served upon the commission.

21 (3) The amount of unemployment compensation subject to
22 deduction under subdivision (2) ~~shall be~~ IS that portion that
23 remains payable to the individual after application of the
24 recoupment provisions of section 62(a) and the reduction provi-
25 sions of subsections (c) and (f).

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

4 (5) Any amount deducted and withheld under subdivision (2)
5 shall ~~for all purposes~~ be treated FOR ALL PURPOSES as if it
6 were paid to the individual as unemployment compensation and paid
7 by the individual to the state or local child support enforcement
8 agency in satisfaction of the individual's child support
9 obligations.

10 (6) This subsection applies only if the state or local child
11 support enforcement agency agrees in writing to reimburse AND
12 DOES REIMBURSE the commission ~~, and in fact reimburses the~~
13 ~~commission,~~ for the administrative costs incurred by the commis-
14 sion under this subsection ~~which~~ THAT are attributable to child
15 support obligations being enforced by the state or local child
16 support enforcement agency. The administrative costs incurred
17 shall be determined by the commission. The commission, ~~may,~~ in
18 its discretion, MAY require payment of administrative costs in
19 advance.

20 (7) As used in this subsection:

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

26 (b) "Child support obligations" includes only obligations
27 ~~which~~ THAT are being enforced pursuant to a plan described in

1 section 454 of PART D OF TITLE IV OF the social security act,
2 CHAPTER 531, 49 STAT. 620, 42 U.S.C. 654, ~~which~~ THAT has been
3 approved by the secretary of health and human services under
4 part ~~d~~ D of title IV of the social security act, CHAPTER 531,
5 49 STAT. 620, 42 U.S.C. 651 to ~~664~~ 669.

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

9 (n) ~~The provisions of subsection (i)(2) shall be~~
10 ~~applicable~~ SUBSECTION (I)(2) APPLIES to services performed by
11 school bus drivers employed by a private contributing employer
12 holding a contractual relationship with an educational institu-
13 tion, but only if at least 75% of the individual's base period
14 wages with that employer are attributable to services performed
15 as a school bus driver.

16 (O) FOR WEEKS OF UNEMPLOYMENT BEGINNING AFTER DECEMBER 31,
17 1992, BENEFITS FOR SEASONAL EMPLOYMENT IN A FRUIT OR VEGETABLE
18 FOOD PROCESSING OPERATION SHALL ONLY BE PAYABLE FOR WEEKS OF
19 UNEMPLOYMENT THAT OCCUR DURING THE NORMAL SEASONAL PERIOD OF WORK
20 IN THE OPERATION IN WHICH THE INDIVIDUAL WAS EMPLOYED. BENEFITS
21 SHALL NOT BE PAID FOR SEASONAL EMPLOYMENT IN A FRUIT OR VEGETABLE
22 FOOD PROCESSING OPERATION FOR ANY WEEK OF UNEMPLOYMENT BEGINNING
23 AFTER DECEMBER 31, 1992 THAT COMMENCES DURING THE PERIOD BETWEEN
24 2 SUCCESSIVE NORMAL SEASONAL WORK PERIODS TO ANY INDIVIDUAL IF
25 THAT INDIVIDUAL PERFORMS THE SERVICE IN THE FIRST OF THE NORMAL
26 SEASONAL WORK PERIODS AND IF THERE IS A REASONABLE ASSURANCE THAT
27 THE INDIVIDUAL WILL PERFORM THE SERVICE FOR A SEASONAL EMPLOYER

1 IN THE SECOND OF THE NORMAL SEASONAL WORK PERIODS. IF BENEFITS
2 ARE DENIED TO AN INDIVIDUAL FOR ANY WEEK SOLELY AS A RESULT OF
3 THIS SUBSECTION AND THE INDIVIDUAL IS NOT OFFERED AN OPPORTUNITY
4 TO PERFORM IN THE SECOND NORMAL SEASONAL WORK PERIOD THE EMPLOY-
5 MENT FOR WHICH REASONABLE ASSURANCE HAD BEEN GIVEN, THE INDIVID-
6 UAL IS ENTITLED TO A RETROACTIVE PAYMENT OF BENEFITS FOR EACH
7 WEEK FOR WHICH THE INDIVIDUAL HAD PREVIOUSLY FILED A TIMELY CLAIM
8 FOR BENEFITS. AN INDIVIDUAL ENTITLED TO BENEFITS UNDER THIS SUB-
9 SECTION MAY APPLY FOR THOSE BENEFITS BY MAIL IN ACCORDANCE WITH
10 R 421.210 AS PROMULGATED BY THE COMMISSION.

11 AN EMPLOYER DOING BUSINESS AS A FRUIT OR VEGETABLE PROCESS-
12 ING OPERATION, OR BOTH, MAY FILE A WRITTEN APPLICATION WITH THE
13 COMMISSION TO BE DESIGNATED AS A SEASONAL EMPLOYER NOT LESS THAN
14 20 DAYS BEFORE THE ESTIMATED BEGINNING DATE OF THE NORMAL SEA-
15 SONAL WORK PERIOD. AT THE TIME OF FILING THE APPLICATION, THE
16 EMPLOYER SHALL CONSPICUOUSLY DISPLAY ON THE EMPLOYER'S PREMISES,
17 IN A SUFFICIENT NUMBER OF PLACES, A COPY OF THE APPLICATION. THE
18 COMMISSION SHALL PROMPTLY DETERMINE IF THE EMPLOYER IS A SEASONAL
19 EMPLOYER. IF THE EMPLOYER IS DETERMINED TO BE A SEASONAL EMPLOY-
20 ER, THE EMPLOYER SHALL CONSPICUOUSLY DISPLAY NOTICES FURNISHED BY
21 THE COMMISSION ON ITS PREMISES IN A SUFFICIENT NUMBER OF PLACES
22 TO NOTIFY ITS EMPLOYEES OF THE DETERMINATION AND THE ESTIMATED
23 BEGINNING AND ENDING DATES OF ITS NORMAL SEASONAL WORK PERIOD. A
24 SUCCESSOR OF A SEASONAL EMPLOYER IS CONSIDERED TO BE A SEASONAL
25 EMPLOYER UNLESS THE SUCCESSOR WITHIN 120 DAYS AFTER ACQUIRING THE
26 BUSINESS REQUESTS CANCELLATION OF THE DETERMINATION IN WRITING TO
27 THE COMMISSION. A DETERMINATION ISSUED UNDER THIS SUBSECTION IS

1 SUBJECT TO REVIEW IN THE SAME MANNER AND TO THE SAME EXTENT AS
2 OTHER DETERMINATIONS UNDER THIS ACT.

3 AS USED IN THIS SUBSECTION:

4 (A) "FRUIT OR VEGETABLE FOOD PROCESSING OPERATION" MEANS
5 THOSE SERVICES PERFORMED IN CONNECTION WITH COMMERCIAL CANNING OR
6 COMMERCIAL FREEZING OF FRUITS OR VEGETABLES.

7 (B) "SEASONAL EMPLOYMENT" OR "SEASONAL EMPLOYER" MEANS A
8 FRUIT OR VEGETABLE FOOD PROCESSING OPERATION, OR BOTH, IN WHICH,
9 BECAUSE OF CLIMATIC CONDITIONS OR OTHER PARTICULAR CONDITIONS OF
10 THE EMPLOYMENT, IT IS CUSTOMARY TO OPERATE ONLY DURING A REGU-
11 LARLY RECURRING PERIOD OR PERIODS OF LESS THAN 26 WEEKS IN A CAL-
12 ENDAR YEAR.

13 (C) "NORMAL SEASONAL WORK PERIOD" MEANS THAT PERIOD OR PERI-
14 ODS OF TIME DETERMINED PURSUANT TO RULES PROMULGATED BY THE COM-
15 MISSION DURING WHICH AN INDIVIDUAL IS EMPLOYED IN SEASONAL
16 EMPLOYMENT.