



HOUSE BILL No. 5651

June 21 1994 Introduced by Reps DeLange Murphy and Freeman and referred to the Committee on Labor

A bill to amend section 28 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 227 of the Public Acts of 1989, being section 421 28 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 28 of Act No 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No 227 of the
3 Public Acts of 1989, being section 421 28 of the Michigan
4 Compiled Laws, is amended to read as follows

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

8 (a) The individual has registered for work at and thereafter
9 has continued to report at an employment office in accordance

1 with such rules as the commission may prescribe and is seeking
2 work (1) The requirements that the individual must report at an
3 employment office, must register for work, must be available to
4 perform suitable full-time work, and must seek work may be waived
5 by the commission if the individual is laid off and the employer
6 who laid the individual off notifies the commission in writing or
7 by computerized data exchange that the layoff is temporary and
8 that work is expected to be available for the individual within a
9 declared number of days, not to exceed 45 calendar days following
10 the last day the individual worked This waiver shall not be
11 effective unless the notification from the employer has been
12 received by the commission before the individual has completed
13 his or her first compensable week following layoff If the indi-
14 vidual is not recalled within the specified period, the waiver
15 shall cease to be operative with respect to that layoff (2)
16 Except for a period of disqualification, the requirement that the
17 individual shall seek work may be waived by the commission where
18 it finds that suitable work is unavailable both in the locality
19 where the individual resides and in those localities in which the
20 individual has earned base period credit weeks This waiver
21 shall not apply, for weeks of unemployment beginning on or after
22 March 1, 1981, to a claimant enrolled and attending classes as a
23 full-time student (3) An individual shall be deemed 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 commission under subparagraph (1), if (1) the individual has

1 satisfied the personal reporting requirement with respect to a
2 preceding week in that period and (11) the individual has
3 reported with respect to the week by mail in accordance with the
4 rules promulgated by the commission

5 (b) The individual has made a claim for benefits in accord-
6 ance with the provisions of section 32 and has provided the com-
7 mission with his or her social security number

8 (c) The individual is able and available to perform suitable
9 full-time work of a character which the individual is qualified
10 to perform by past experience or training, which is of a charac-
11 ter generally similar to work for which the individual has previ-
12 ously received wages, and for which the individual is available,
13 full time, either at a locality at which the individual earned
14 wages for insured work during his or her base period or at a
15 locality where it is found by the commission that such work is
16 available

17 (d) In the event of the death of an individual s immediate
18 family member, the eligibility requirements of availability and
19 reporting shall be waived for the day of the death and for 4 con-
20 secutive calendar days thereafter As used in this subdivision,
21 "immediate family member" means a spouse, child, stepchild
22 adopted child, grandchild, parent, grandparent, brother, or
23 sister of the individual or his or her spouse It shall also
24 include the spouse of any of the persons specified in the previ-
25 ous sentence

26 (E) THE INDIVIDUAL PARTICIPATES IN REEMPLOYMENT SERVICES,
27 SUCH AS JOB SEARCH ASSISTANCE SERVICES, IF THE INDIVIDUAL HAS

1 BEEN DETERMINED OR REDETERMINED BY THE COMMISSION TO BE LIKELY TO
2 EXHAUST REGULAR BENEFITS AND NEED REEMPLOYMENT SERVICES PURSUANT
3 TO A PROFILING SYSTEM ESTABLISHED BY THE COMMISSION

4 (2) The commission may authorize an individual with an unex-
5 pired benefit year to pursue vocational training or retraining
6 only if the commission finds that

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

11 (b) The vocational training course relates to an occupation
12 or skill for which there are, or are expected to be in the imme-
13 diate future, reasonable employment opportunities

14 (c) The training course has been approved by a local
15 advisory council on which both management and labor are repre-
16 sented, or if there is no local advisory council, by the
17 commission

18 (d) The individual has the required qualifications and apti-
19 tudes to complete the course successfully

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

23 (3) Notwithstanding any other provision of this act, an oth-
24 erwise eligible individual shall not be ineligible for benefits
25 because he or she is participating in training with the approval
26 of the commission For each week that the commission finds that
27 an individual who is claiming benefits under this act and who is

1 participating in training with the approval of the commission, is
2 satisfactorily pursuing an approved course of vocational train-
3 ing, it shall waive the requirements that he or she be available
4 for work and be seeking work as prescribed in subsection (1)(a)
5 and (c), and it shall find good cause for his or her failure to
6 apply for suitable work, report to a former employer for an
7 interview concerning suitable work, or accept suitable work as
8 required in section 29(1)(c), (d), and (e)

9 (4) The waiver of the requirement that a claimant seek work,
10 as provided in subsection (1)(a)(1) and (a)(2), shall not be
11 applicable to weeks of unemployment for which the claimant is
12 claiming extended benefits if section 64(8)(a)(11) is in effect
13 unless the individual is participating in training approved by
14 the commission

15 (5) Notwithstanding any other provisions of this act, an
16 otherwise eligible individual shall not be denied benefits for
17 any week beginning after October 30, 1982 solely because the
18 individual is in training approved under section 236(a)(1) of the
19 trade act of 1974 as amended 19 U S C 2296 nor shall the
20 individual be denied benefits by reason of leaving work to enter
21 such training if the work left is not suitable employment
22 Furthermore, an otherwise eligible individual shall not be denied
23 benefits because of the application to any such week in training
24 of provisions of this act, or any applicable federal unemployment
25 compensation law, relating to availability for work, active
26 search for work, or refusal to accept work For purposes of this
27 subsection, "suitable employment" means, with respect to an

1 individual work of a substantially equal or higher skill level
2 than the individual's past adversely affected employment, as
3 defined for purposes of the trade act of 1974, 19 U S C 2101 to
4 2495, and wages for that work at not less than 80% of the
5 individual's average weekly wage as determined for the purposes
6 of the trade act of 1974