

HOUSE BILL NO. 4406

April 29, 2025, Introduced by Reps. O'Neal, Neeley, Hope, Weiss, Brixie, Tate, Martus, McKinney, Rheingans and MacDonell and referred to Committee on Economic Competitiveness.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 27 and 28b (MCL 421.27 and 421.28b), section 27 as amended by 2024 PA 173 and section 28b as added by 2012 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (a) (1) When a determination, redetermination, or
2 decision is made that benefits are due an unemployed individual,
3 the benefits become payable from the fund and continue to be
4 payable to the unemployed individual, subject to the limitations

1 imposed by the individual's monetary entitlement, if the individual
2 continues to be unemployed and to file claims for benefits, until
3 the determination, redetermination, or decision is reversed or a
4 determination, redetermination, or decision on a new issue holding
5 the individual disqualified or ineligible is made.

6 (2) Benefits are payable in person or by mail through
7 employment security offices in accordance with rules promulgated by
8 the unemployment **insurance** agency.

9 (b) (1) Subject to subsection (f), for benefit years beginning
10 on or after October 1, 2000, an individual's weekly benefit rate is
11 4.1% of the individual's wages paid in the calendar quarter of the
12 base period in which the individual was paid the highest total
13 wages, plus \$6.00 for each dependent as defined in subdivision (4),
14 except as otherwise provided in this subdivision, up to a maximum
15 of 5 dependents, claimed by the individual at the time the
16 individual files a new claim for benefits, except that the
17 individual's maximum weekly benefit rate must not exceed \$362.00
18 before January 1, 2025. The unemployment **insurance** agency shall
19 establish the procedures necessary to verify the number of
20 dependents claimed. An individual who fraudulently claims a
21 dependent is subject to the penalties set forth in sections 54 and
22 54c. For benefit years beginning on or after October 2, 1983, the
23 weekly benefit rate must be adjusted to the next lower multiple of
24 \$1.00. Beginning January 1, 2025, an individual's weekly benefit
25 rate must be calculated in accordance with this subdivision using
26 the following monetary amounts for each dependent, if any, and must
27 not exceed the following maximum weekly benefit rates:

28 (a) For a claim filed on or after January 1, 2025, \$12.66 for
29 each dependent, and the maximum weekly benefit rate must not exceed

1 \$446.00.

2 (b) For a claim filed on or after January 1, 2026, \$19.33 for
3 each dependent, and the maximum weekly benefit rate must not exceed
4 \$530.00.

5 (c) For a claim filed on or after January 1, 2027, \$26.00 for
6 each dependent, and the maximum weekly benefit rate must not exceed
7 \$614.00.

8 (d) For a claim filed on or after January 1, 2028, the
9 adjusted monetary amount established under subsection ~~(r)~~ **(q)** for
10 each dependent, and the maximum weekly benefit rate must not exceed
11 the adjusted maximum weekly benefit rate established under
12 subsection (r).

13 (2) For benefit years beginning before October 1, 2000, the
14 state average weekly wage for a calendar year is computed on the
15 basis of the 12 months ending the June 30 immediately preceding
16 that calendar year.

17 (3) For benefit years beginning before October 1, 2000, a
18 dependent means any of the following individuals who are receiving
19 and for at least 90 consecutive days immediately before the week
20 for which benefits are claimed, or, in the case of a dependent
21 ~~husband, wife,~~ **spouse** or child, for the duration of the marital or
22 parental relationship, if the relationship has existed less than 90
23 days, has received more than 1/2 the cost of ~~his or her~~ **the**
24 **spouse's or child's** support from the individual claiming benefits:

25 (a) A child, including stepchild, adopted child, or grandchild
26 of the individual who is under 18 years of age, or 18 years of age
27 or over if, because of physical or mental infirmity, the child is
28 unable to engage in a gainful occupation, or is a full-time student
29 as defined by the particular educational institution, at a high

1 school, vocational school, community or junior college, or college
2 or university and has not attained the age of 22.

3 (b) The ~~husband or wife~~ **spouse** of the individual.

4 (c) The legal ~~father or mother~~ **parent** of the individual if
5 that parent is either more than 65 years of age or is permanently
6 disabled from engaging in a gainful occupation.

7 (d) A ~~brother or sister~~ **sibling** of the individual if the
8 ~~brother or sister~~ **sibling** is orphaned or the living parents are
9 dependent parents of an individual, and the ~~brother or sister~~
10 **sibling** is under 18 years of age, or 18 years of age or over if,
11 because of physical or mental infirmity, the ~~brother or sister~~
12 **sibling** is unable to engage in a gainful occupation, or is a full-
13 time student as defined by the particular educational institution,
14 at a high school, vocational school, community or junior college,
15 or college or university and is less than 22 years of age.

16 (4) For benefit years beginning on or after October 1, 2000, a
17 dependent means any of the following individuals who received for
18 at least 90 consecutive days immediately before the first week of
19 the benefit year or, in the case of a dependent ~~husband, wife,~~
20 **spouse** or child, for the duration of the marital or parental
21 relationship if the relationship existed less than 90 days before
22 the beginning of the benefit year, has received more than 1/2 the
23 cost of ~~his or her~~ **the spouse's or child's** support from the
24 individual claiming the benefits:

25 (a) A child, including stepchild, adopted child, or grandchild
26 of the individual who is under 18 years of age, or 18 years of age
27 and over if, because of physical or mental infirmity, the child is
28 unable to engage in a gainful occupation, or is a full-time student
29 as defined by the particular educational institution, at a high

1 school, vocational school, community or junior college, or college
2 or university and has not attained the age of 22.

3 (b) The ~~husband or wife~~ **spouse** of the individual.

4 (c) The legal ~~father or mother~~ **parent** of the individual if
5 that parent is either more than 65 years of age or is permanently
6 disabled from engaging in a gainful occupation.

7 (d) A ~~brother or sister~~ **sibling** of the individual if the
8 ~~brother or sister~~ **sibling** is orphaned or the living parents are
9 dependent parents of an individual, and the ~~brother or sister~~
10 **sibling** is under 18 years of age, or 18 years of age and over if,
11 because of physical or mental infirmity, the ~~brother or sister~~
12 **sibling** is unable to engage in a gainful occupation, or is a full-
13 time student as defined by the particular educational institution,
14 at a high school, vocational school, community or junior college,
15 or college or university and is less than 22 years of age.

16 (5) The number of dependents established for an individual at
17 the beginning of the benefit year remains in effect during the
18 entire benefit year.

19 (6) Dependency status of a dependent, child or otherwise, once
20 established or fixed in favor of an individual is not transferable
21 to or usable by another individual with respect to the same week.

22 Failure on the part of an individual, because of
23 misinformation or lack of information, to furnish all information
24 material for determination of the number of the individual's
25 dependents is good cause to issue a redetermination as to the
26 amount of benefits based on the number of the individual's
27 dependents as of the beginning of the benefit year.

28 (c) Subject to subsection (f), all of the following apply to
29 eligible individuals:

1 (1) Each eligible individual must be paid a weekly benefit
2 rate for a week that the individual earns or receives no
3 remuneration. Notwithstanding the definition of week in section 50,
4 if within 2 consecutive weeks in which an individual was not
5 unemployed within the meaning of section 48 there was a period of 7
6 or more consecutive days for which the individual did not earn or
7 receive remuneration, that period is considered a week for benefit
8 purposes under this act if a claim for benefits for that period is
9 filed not later than 30 days after the end of the period.

10 (2) An eligible individual's weekly benefit rate is reduced at
11 the rate of 50 cents for each whole \$1.00 of remuneration in which
12 the eligible individual earns or receives remuneration in that
13 benefit week. The weekly benefit rate is not reduced under this
14 subdivision for remuneration received for on-call or training
15 services as a volunteer firefighter, if the volunteer firefighter
16 receives less than \$10,000.00 in a calendar year for services as a
17 volunteer firefighter.

18 (3) The total benefits and earnings for an individual who
19 receives or earns partial remuneration may not exceed 1-1/2 times
20 ~~his or her~~ **the individual's** weekly benefit amount. The individual's
21 benefits are reduced by \$1.00 for each dollar by which the total
22 benefits and earnings exceed 1-1/2 times the individual's weekly
23 benefit amount.

24 (4) If the reduction in a claimant's benefit rate for a week
25 in accordance with subdivision (2) or (3) results in a benefit rate
26 greater than zero for that week, the claimant's balance of weeks of
27 benefit payments is reduced by 1 week.

28 (5) All remuneration for work performed during a shift that
29 terminates on 1 day but that began on the preceding day is

1 considered to have been earned by the eligible individual on the
2 preceding day.

3 (6) The unemployment **insurance** agency shall report annually to
4 the legislature the following information with regard to
5 subdivisions (2) and (3):

6 (a) The number of individuals whose weekly benefit rate was
7 reduced at the rate of 50 cents for each whole \$1.00 of
8 remuneration earned or received over the immediately preceding
9 calendar year.

10 (b) The number of individuals who received or earned partial
11 remuneration at or exceeding the applicable limit of 1-1/2 times
12 ~~their~~**the individuals'** weekly benefit amount prescribed in
13 subdivision (3) for any 1 or more weeks during the immediately
14 preceding calendar year.

15 (7) The unemployment **insurance** agency shall not use prorated
16 quarterly wages to establish a reduction in benefits under this
17 subsection.

18 (d) Subject to subsection (f) and this subsection, the maximum
19 benefit amount payable to an individual in a benefit year for
20 purposes of this section and section 20(d) is the number of weeks
21 of benefits payable to an individual during the benefit year,
22 multiplied by the individual's weekly benefit rate. The number of
23 weeks of benefits payable to an individual is calculated by taking
24 43% of the individual's base period wages and dividing the result
25 by the individual's weekly benefit rate. If the quotient is not a
26 whole or half number, the result is rounded down to the nearest
27 half number. For each eligible individual filing an initial claim
28 on or after January 15, 2012, not more than 20 weeks of benefits or
29 less than 14 weeks of benefits are payable to an individual in a

1 benefit year. For each eligible individual filing an initial claim
 2 on or after ~~the effective date of the amendatory act that added~~
 3 ~~this sentence~~, **April 2, 2025**, not more than 26 weeks of benefits or
 4 less than 14 weeks of benefits are payable to an individual in a
 5 benefit year. The limitation of total benefits set forth in this
 6 subsection does not apply to claimants declared eligible for
 7 training benefits in accordance with subsection (g).

8 Notwithstanding any other provision of this act, and subject to
 9 subsection ~~(g)~~, **(p)**, with respect to benefit years and claims for
 10 weeks beginning before April 1, 2021, for each eligible individual
 11 who files a claim for benefits and establishes a benefit year, not
 12 more than 26 weeks of benefits or less than 14 weeks of benefits
 13 may be payable to an individual in a benefit year.

14 (e) ~~When~~ **If** a claimant dies or is judicially declared insane
 15 or mentally incompetent, unemployment compensation benefits accrued
 16 and payable to that claimant for weeks of unemployment before
 17 death, insanity, or incompetency, but not paid, become due and
 18 payable to the person ~~who~~ **that** is the legal heir or guardian of the
 19 claimant or to any other person found by the unemployment **insurance**
 20 agency to be equitably entitled to the benefits by reason of having
 21 incurred expense in behalf of the claimant for the claimant's
 22 burial or other necessary expenses.

23 (f)(1) For benefit years beginning before October 1, 2000, and
 24 notwithstanding any inconsistent provisions of this act, the weekly
 25 benefit rate of each individual who is receiving or will receive a
 26 ~~"retirement benefit", as defined in subdivision (4)~~, **retirement**
 27 **benefit** is adjusted as provided in subparagraphs (a), (b), and (c).
 28 However, an individual's extended benefit account and an
 29 individual's weekly extended benefit rate under section 64 is

1 established without reduction under this subsection unless
2 subdivision (5) is in effect. Except as otherwise provided in this
3 subsection, all other provisions of this act continue to apply in
4 connection with the benefit claims of those retired individuals.

5 (a) If and to the extent that unemployment benefits payable
6 under this act would be chargeable to an employer ~~who~~**that** has
7 contributed to the financing of a retirement plan under which the
8 claimant is receiving or will receive a retirement benefit yielding
9 a pro rata weekly amount equal to or larger than the claimant's
10 weekly benefit rate as otherwise established under this act, the
11 claimant must not receive unemployment benefits that would be
12 chargeable to the employer under this act.

13 (b) If and to the extent that unemployment benefits payable
14 under this act would be chargeable to an employer ~~who~~**that** has
15 contributed to the financing of a retirement plan under which the
16 claimant is receiving or will receive a retirement benefit yielding
17 a pro rata weekly amount less than the claimant's weekly benefit
18 rate as otherwise established under this act, then the weekly
19 benefit rate otherwise payable to the claimant and chargeable to
20 the employer under this act is reduced by an amount equal to the
21 pro rata weekly amount, adjusted to the next lower multiple of
22 \$1.00, which the claimant is receiving or will receive as a
23 retirement benefit.

24 (c) If the unemployment benefit payable under this act would
25 be chargeable to an employer ~~who~~**that** has not contributed to the
26 financing of a retirement plan under which the claimant is
27 receiving or will receive a retirement benefit, then the weekly
28 benefit rate of the claimant as otherwise established under this
29 act is not reduced because the claimant is receiving or will

1 receive a retirement benefit.

2 (d) If the unemployment benefit payable under this act is
3 computed on the basis of multiemployer credit weeks and a portion
4 of the benefit is allocable under section 20(e) to an employer ~~who~~
5 **that** has contributed to the financing of a retirement plan under
6 which the claimant is receiving or will receive a retirement
7 benefit, the adjustments required by subparagraph (a) or (b) apply
8 only to that portion of the weekly benefit rate that would
9 otherwise be allocable and chargeable to the employer.

10 (2) If an individual's weekly benefit rate under this act was
11 established before the period for which the individual first
12 receives a retirement benefit, any benefits received after a
13 retirement benefit becomes payable must be determined in accordance
14 with the formula stated in this subsection.

15 (3) When necessary to ~~assure~~**ensure** prompt payment of
16 benefits, the unemployment **insurance** agency shall determine the pro
17 rata weekly amount yielded by an individual's retirement benefit
18 based on the best information currently available to it. In the
19 absence of fraud, a determination must not be reconsidered unless
20 it is established that the individual's actual retirement benefit
21 in fact differs from the amount determined by \$2.00 or more per
22 week. The reconsideration applies only to benefits that may be
23 claimed after the information on which the reconsideration is based
24 was received by the unemployment **insurance** agency.

25 (4) (a) As used in this subsection, "retirement benefit" means
26 a benefit, annuity, or pension of any type, or a part thereof as
27 described in subparagraph (b), that is both of the following:

28 (i) Provided as an incident of employment under an established
29 retirement plan, policy, or agreement, including federal Social

1 Security if subdivision (5) is in effect.

2 (ii) Payable to an individual because the individual has
3 qualified on the basis of attained age, length of service, or
4 disability, whether or not the individual retired or was retired
5 from employment. Amounts paid to individuals in the course of
6 liquidation of a private pension or retirement fund because of
7 termination of the business or of a plant or department of the
8 business of the employer involved are not retirement benefits.

9 (b) If a benefit as described in subparagraph (a) is payable
10 or paid to an individual under a plan to which the individual has
11 contributed, the benefit is treated as follows:

12 (i) If the individual has contributed less than 1/2 of the cost
13 of the benefit, then only 1/2 of the benefit is treated as a
14 retirement benefit.

15 (ii) If the individual has contributed 1/2 or more of the cost
16 of the benefit, then none of the benefit is treated as a retirement
17 benefit.

18 (c) The burden of establishing the extent of an individual's
19 contribution to the cost of ~~his or her~~ **the individual's** retirement
20 benefit for the purpose of subparagraph (b) is upon the employer
21 ~~who~~ **that** has contributed to the plan under which a benefit is
22 provided.

23 (5) Notwithstanding any other provision of this subsection,
24 for any week that an individual is receiving a governmental or
25 other pension and claiming unemployment compensation, the weekly
26 benefit amount payable to the individual for those weeks is
27 reduced, but not below zero, by the entire prorated weekly amount
28 of any governmental or other pension, retirement or retired pay,
29 annuity, or any other similar payment that is based on any previous

1 work of the individual. This reduction is made only if it is
2 required as a condition for full tax credit against the tax imposed
3 by the federal unemployment tax act, 26 USC 3301 to 3311.

4 (6) For benefit years beginning on or after October 1, 2000,
5 notwithstanding any inconsistent provisions of this act, the weekly
6 benefit rate of each individual who is receiving or will receive a
7 retirement benefit, as defined in subdivision (4), is adjusted as
8 provided in subparagraphs (a), (b), and (c). However, an
9 individual's extended benefit account and an individual's weekly
10 extended benefit rate under section 64 is established without
11 reduction under this subsection, unless subdivision (5) is in
12 effect. Except as otherwise provided in this subsection, all the
13 other provisions of this act apply to the benefit claims of those
14 retired individuals. However, if the reduction would impair the
15 full tax credit against the tax imposed by the federal unemployment
16 tax act, 26 USC 3301 to 3311, unemployment benefits are not reduced
17 as provided in subparagraphs (a), (b), and (c) for receipt of any
18 governmental or other pension, retirement or retired pay, annuity,
19 or other similar payment that was not includable in the gross
20 income of the individual for the taxable year in which it was
21 received because it was a part of a rollover distribution.

22 (a) If any base period employer or chargeable employer has
23 contributed to the financing of a retirement plan under which the
24 claimant is receiving or will receive a retirement benefit yielding
25 a pro rata weekly amount equal to or larger than the claimant's
26 weekly benefit rate as otherwise established under this act, the
27 claimant is not eligible to receive unemployment benefits.

28 (b) If any base period employer or chargeable employer has
29 contributed to the financing of a retirement plan under which the

1 claimant is receiving or will receive a retirement benefit yielding
2 a pro rata weekly amount less than the claimant's weekly benefit
3 rate as otherwise established under this act, then the weekly
4 benefit rate otherwise payable to the claimant is reduced by an
5 amount equal to the pro rata weekly amount, adjusted to the next
6 lower multiple of \$1.00, that the claimant is receiving or will
7 receive as a retirement benefit.

8 (c) If no base period employer or separating employer has
9 contributed to the financing of a retirement plan under which the
10 claimant is receiving or will receive a retirement benefit, then
11 the weekly benefit rate of the claimant as otherwise established
12 under this act is not reduced because the claimant is receiving or
13 will receive a retirement benefit.

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

27 (h) A payment of accrued unemployment benefits is not payable
28 to an eligible individual or in behalf of that individual as
29 provided in subsection (e) more than 6 years after the ending date

1 of the benefit year covering the payment or 2 calendar years after
2 the calendar year in which there is final disposition of a
3 contested case, whichever is later.

4 (i) Benefits based on service in employment described in
5 section 42(8), (9), and (10) are payable in the same amount, on the
6 same terms, and subject to the same conditions as compensation
7 payable on the basis of other service subject to this act, except
8 that all of the following apply:

9 (1) For service performed in an instructional, research, or
10 principal administrative capacity for an institution of higher
11 education as defined in section 53(2), or for an educational
12 institution other than an institution of higher education as
13 defined in section 53(3), benefits are not payable to an individual
14 based on those services for any week of unemployment that commences
15 during the period between 2 successive academic years or during a
16 similar period between 2 regular terms, whether or not successive,
17 or during a period of paid sabbatical leave provided for in the
18 individual's contract, to an individual if the individual performs
19 the service in the first of the academic years or terms and if
20 there is a contract or a reasonable assurance that the individual
21 will perform service in an instructional, research, or principal
22 administrative capacity for an institution of higher education or
23 an educational institution other than an institution of higher
24 education in the second of the academic years or terms, whether or
25 not the terms are successive.

26 (2) For service performed in other than an instructional,
27 research, or principal administrative capacity for an institution
28 of higher education as defined in section 53(2) or for an
29 educational institution other than an institution of higher

1 education as defined in section 53(3), benefits are not payable
2 based on those services for any week of unemployment that commences
3 during the period between 2 successive academic years or terms to
4 any individual if that individual performs the service in the first
5 of the academic years or terms and if there is a reasonable
6 assurance that the individual will perform the service for an
7 institution of higher education or an educational institution other
8 than an institution of higher education in the second of the
9 academic years or terms.

10 (3) For any service described in subdivision (1) or (2),
11 benefits are not payable to an individual based on service for any
12 week of unemployment that commences during an established and
13 customary vacation period or holiday recess if the individual
14 performs the service in the period immediately before the vacation
15 period or holiday recess and there is a contract or reasonable
16 assurance that the individual will perform the service in the
17 period immediately following the vacation period or holiday recess.

18 (4) If benefits are denied to an individual for any week
19 solely as a result of subdivision (2) and the individual was not
20 offered an opportunity to perform in the second academic year or
21 term the service for which reasonable assurance had been given, the
22 individual is entitled to a retroactive payment of benefits for
23 each week for which the individual had previously filed a timely
24 claim for benefits. An individual entitled to benefits under this
25 subdivision may apply for those benefits by mail in accordance with
26 R 421.210 of the Michigan Administrative Code.

27 (5) The unemployment **insurance** agency shall not deny benefits
28 based on services in other than an instructional, research, or
29 principal administrative capacity for an institution of higher

1 education for any week of unemployment commencing during the period
2 between 2 successive academic years or terms solely because the
3 individual had performed the service in the first of the academic
4 years or terms and there is reasonable assurance that the
5 individual will perform the service for an institution of higher
6 education or an educational institution other than an institution
7 of higher education in the second of the academic years or terms,
8 unless a denial is required as a condition for full tax credit
9 against the tax imposed by the federal unemployment tax act, 26 USC
10 3301 to 3311.

11 (6) For benefit years established before October 1, 2000, and
12 notwithstanding subdivisions (1), (2), and (3), the denial of
13 benefits does not prevent an individual from completing
14 requalifying weeks in accordance with section 29(3) nor does the
15 denial prevent an individual from receiving benefits based on
16 service with an employer other than an educational institution for
17 any week of unemployment occurring between academic years or terms,
18 whether or not successive, or during an established and customary
19 vacation period or holiday recess, even though the employer is not
20 the most recent chargeable employer in the individual's base
21 period. However, in that case section 20(b) applies to the sequence
22 of benefit charging, except for the employment with the educational
23 institution. When a denial of benefits under subdivision (1) no
24 longer applies, benefits are charged in accordance with the normal
25 sequence of charging as provided in section 20(b).

26 (7) For benefit years beginning on or after October 1, 2000,
27 and notwithstanding subdivisions (1), (2), and (3), the denial of
28 benefits does not prevent an individual from completing
29 requalifying weeks in accordance with section 29(3) and does not

1 prevent an individual from receiving benefits based on service with
2 another base period employer other than an educational institution
3 for any week of unemployment occurring between academic years or
4 terms, whether or not successive, or during an established and
5 customary vacation period or holiday recess. However, if benefits
6 are paid based on service with 1 or more base period employers
7 other than an educational institution, the individual's weekly
8 benefit rate is calculated in accordance with subsection (b)(1) but
9 during the denial period the individual's weekly benefit payment is
10 reduced by the portion of the payment attributable to base period
11 wages paid by an educational institution and the account or
12 experience account of the educational institution is not charged
13 for benefits payable to the individual. When a denial of benefits
14 under subdivision (1) is no longer applicable, benefits are paid
15 and charged on the basis of base period wages with each of the base
16 period employers including the educational institution.

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

23 (9) In accordance with subdivisions (1), (2), and (3),
24 benefits for any week of unemployment are denied to an individual
25 who performed services described in subdivision (1), (2), or (3) in
26 an educational institution while in the employ of an educational
27 service agency. For the purpose of this subdivision, "educational
28 service agency" means a governmental agency or governmental entity
29 that is established and operated exclusively for the purpose of

1 providing the services to 1 or more educational institutions.

2 (j) Benefits are not payable to an individual on the basis of
3 any base period services, substantially all of which consist of
4 participating in sports or athletic events or training or preparing
5 to participate, for a week that commences during the period between
6 2 successive sport seasons or similar periods if the individual
7 performed the services in the first of the seasons or similar
8 periods and there is a reasonable assurance that the individual
9 will perform the services in the later of the seasons or similar
10 periods.

11 (k)(1) Benefits are not payable on the basis of services
12 performed by an alien unless the alien is an individual who was
13 lawfully admitted for permanent residence at the time the services
14 were performed, was lawfully present for the purpose of performing
15 the services, or was permanently residing in the United States
16 under color of law at the time the services were performed,
17 including an alien who was lawfully present in the United States
18 under section 212(d)(5) of the immigration and nationality act, 8
19 USC 1182.

20 (2) Any data or information required of individuals applying
21 for benefits to determine whether benefits are payable because of
22 their alien status are uniformly required from all applicants for
23 benefits.

24 (3) If an individual's application for benefits would
25 otherwise be approved, a determination that benefits to that
26 individual are not payable because of the individual's alien status
27 must be made upon a preponderance of the evidence.

28 (m)(1) An individual filing a new claim for unemployment
29 compensation under this act, at the time of filing the claim, shall

1 disclose whether the individual owes child support obligations as
2 defined in this subsection. If an individual discloses that ~~he or~~
3 ~~she~~ **the individual** owes child support obligations and is determined
4 to be eligible for unemployment compensation, the unemployment
5 **insurance** agency shall notify the state or local child support
6 enforcement agency enforcing the obligation that the individual has
7 been determined to be eligible for unemployment compensation.

8 (2) Notwithstanding section 30, the unemployment **insurance**
9 agency shall deduct and withhold from any unemployment compensation
10 payable to an individual who owes child support obligations by
11 using whichever of the following methods results in the greatest
12 amount:

13 (a) The amount, if any, specified by the individual to be
14 deducted and withheld under this subdivision.

15 (b) The amount, if any, determined pursuant to an agreement
16 submitted to the unemployment **insurance** agency under 42 USC
17 654(19)(B)(i), by the state or local child support enforcement
18 agency.

19 (c) Any amount otherwise required to be deducted and withheld
20 from unemployment compensation by legal process, as that term is
21 defined in 42 USC 659(i)(5), properly served upon the unemployment
22 **insurance** agency.

23 (3) The amount of unemployment compensation subject to
24 deduction under subdivision (2) is that portion that remains
25 payable to the individual after application of the recovery
26 provisions of section 62(a) and the reduction provisions of
27 subsections (c) and (f).

28 (4) The unemployment **insurance** agency shall pay any amount
29 deducted and withheld under subdivision (2) to the appropriate

1 state or local child support enforcement agency.

2 (5) Any amount deducted and withheld under subdivision (2) is
3 treated for all purposes as if it were paid to the individual as
4 unemployment compensation and paid by the individual to the state
5 or local child support enforcement agency in satisfaction of the
6 individual's child support obligations.

7 (6) Provisions concerning deductions under this subsection
8 apply only if the state or local child support enforcement agency
9 agrees in writing to reimburse and does reimburse the unemployment
10 **insurance** agency for the administrative costs incurred by the
11 unemployment **insurance** agency under this subsection that are
12 attributable to child support obligations being enforced by the
13 state or local child support enforcement agency. The administrative
14 costs incurred are determined by the unemployment **insurance** agency.
15 The unemployment **insurance** agency, in its discretion, may require
16 payment of administrative costs in advance.

17 (7) As used in this subsection:

18 (a) "Unemployment compensation", for purposes of subdivisions
19 (1) to (5), means any compensation payable under this act,
20 including amounts payable by the unemployment **insurance** agency
21 pursuant to an agreement under any federal law providing for
22 compensation, assistance, or allowances with respect to
23 unemployment.

24 (b) "Child support obligations" includes only obligations that
25 are being enforced pursuant to a plan described in 42 USC 654 that
26 has been approved by the Secretary of Health and Human Services
27 under 42 USC 651 to 669b.

28 (c) "State or local child support enforcement agency" means
29 any agency of this state or a political subdivision of this state

1 operating pursuant to a plan described in subparagraph (b).

2 (n) Subsection (i)(2) applies to services performed by school
3 bus drivers employed by a private contributing employer holding a
4 contractual relationship with an educational institution, but only
5 if at least 75% of the individual's base period wages with that
6 employer are attributable to services performed as a school bus
7 driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies
8 to other services described in those subdivisions that are
9 performed by any employees under an employer's contract with an
10 educational institution or an educational service agency.

11 ~~(o)(1) Benefits based on services by a seasonal worker~~
12 ~~performed in seasonal employment are payable only for weeks of~~
13 ~~unemployment that occur during the normal seasonal work period.~~
14 ~~Benefits are not payable based on services performed in seasonal~~
15 ~~employment for any week of unemployment that begins during the~~
16 ~~period between 2 successive normal seasonal work periods to any~~
17 ~~individual if that individual performs the service in the first of~~
18 ~~the normal seasonal work periods and if there is a reasonable~~
19 ~~assurance that the individual will perform the service for a~~
20 ~~seasonal employer in the second of the normal seasonal work~~
21 ~~periods. If benefits are denied to an individual for any week~~
22 ~~solely as a result of this subsection and the individual is not~~
23 ~~offered an opportunity to perform in the second normal seasonal~~
24 ~~work period for which reasonable assurance of employment had been~~
25 ~~given, the individual is entitled to a retroactive payment of~~
26 ~~benefits under this subsection for each week that the individual~~
27 ~~previously filed a timely claim for benefits. An individual may~~
28 ~~apply for any retroactive benefits under this subsection in~~
29 ~~accordance with R 421.210 of the Michigan Administrative Code.~~

1 ~~(2) Not less than 20 days before the estimated beginning date~~
2 ~~of a normal seasonal work period, an employer may apply to the~~
3 ~~unemployment agency in writing for designation as a seasonal~~
4 ~~employer. At the time of application, the employer shall~~
5 ~~conspicuously display a copy of the application on the employer's~~
6 ~~premises. Within 90 days after receipt of the application, the~~
7 ~~unemployment agency shall determine if the employer is a seasonal~~
8 ~~employer. A determination or redetermination of the unemployment~~
9 ~~agency concerning the status of an employer as a seasonal employer,~~
10 ~~or a decision of an administrative law judge, the Michigan~~
11 ~~compensation appellate commission, or the courts of this state~~
12 ~~concerning the status of an employer as a seasonal employer, that~~
13 ~~has become final, together with the record thereof, may be~~
14 ~~introduced in any proceeding involving a claim for benefits, and~~
15 ~~the facts found and decision issued in the determination,~~
16 ~~redetermination, or decision are conclusive unless substantial~~
17 ~~evidence to the contrary is introduced by or on behalf of the~~
18 ~~claimant.~~

19 ~~(3) If the unemployment agency determines that an employer is~~
20 ~~a seasonal employer, the employer shall conspicuously display on~~
21 ~~its premises a notice that includes the determination, the~~
22 ~~beginning and ending dates of the employer's normal seasonal work~~
23 ~~periods, and a statement that an employee must timely apply for~~
24 ~~unemployment benefits at the end of a first seasonal work period to~~
25 ~~preserve his or her right to receive retroactive unemployment~~
26 ~~benefits if he or she is not reemployed by the seasonal employer in~~
27 ~~the second of the normal seasonal work periods. The unemployment~~
28 ~~agency shall provide the notice to the employer.~~

29 ~~(4) The unemployment agency may issue a determination~~

~~1 terminating an employer's status as a seasonal employer on the
2 unemployment agency's own motion for good cause, or upon the
3 written request of the employer. A termination determination under
4 this subdivision terminates an employer's status as a seasonal
5 employer, and becomes effective on the beginning date of the normal
6 seasonal work period that would have immediately followed the date
7 the unemployment agency issues the determination. A determination
8 under this subdivision is subject to review in the same manner and
9 to the same extent as any other determination under this act.~~

~~10 (5) An employer whose status as a seasonal employer is
11 terminated under subdivision (4) may not reapply for a seasonal
12 employer status determination until after a regularly recurring
13 normal seasonal work period has begun and ended.~~

~~14 (6) If a seasonal employer informs an employee who received
15 assurance of being rehired that, despite the assurance, the
16 employee will not be rehired at the beginning of the employer's
17 next normal seasonal work period, this subsection does not prevent
18 the employee from receiving unemployment benefits in the same
19 manner and to the same extent he or she would receive benefits
20 under this act from an employer who has not been determined to be a
21 seasonal employer.~~

~~22 (7) A successor of a seasonal employer is considered to be a
23 seasonal employer unless the successor provides the unemployment
24 agency, within 120 days after the transfer, with a written request
25 for termination of its status as a seasonal employer in accordance
26 with subdivision (4).~~

~~27 (8) At the time an employee is hired by a seasonal employer,
28 the employer shall notify the employee in writing if the employee
29 will be a seasonal worker. The employer shall provide the worker~~

1 ~~with written notice of any subsequent change in the employee's~~
2 ~~status as a seasonal worker. If an employee of a seasonal employer~~
3 ~~is denied benefits because that employee is a seasonal worker, the~~
4 ~~employee may contest that designation in accordance with section~~
5 ~~32a.~~

6 ~~(9) As used in this subsection:~~

7 ~~(a) "Construction industry" means the work activity designated~~
8 ~~in sector group 23 — construction of the North American~~
9 ~~Classification System — United States Office of Management and~~
10 ~~Budget, 1997 edition.~~

11 ~~(b) "Normal seasonal work period" means that period or those~~
12 ~~periods of time determined under rules promulgated by the~~
13 ~~unemployment agency during which an individual is employed in~~
14 ~~seasonal employment.~~

15 ~~(c) "Seasonal employment" means the employment of 1 or more~~
16 ~~individuals primarily hired to perform services during regularly~~
17 ~~recurring periods of 26 weeks or less in any 52 week period other~~
18 ~~than services in the construction industry.~~

19 ~~(d) "Seasonal employer" means an employer, other than an~~
20 ~~employer in the construction industry, who applies to the~~
21 ~~unemployment agency for designation as a seasonal employer and who~~
22 ~~the unemployment agency determines is an employer whose operations~~
23 ~~and business require employees engaged in seasonal employment. A~~
24 ~~seasonal employer designation under this act need not correspond to~~
25 ~~a category assigned under the North American Classification System~~
26 ~~— United States Office of Management and Budget.~~

27 ~~(e) "Seasonal worker" means a worker who has been paid wages~~
28 ~~by a seasonal employer for work performed only during the normal~~
29 ~~seasonal work period.~~

1 ~~(10) This subsection does not apply if the United States~~
 2 ~~Department of Labor finds it to be contrary to the federal~~
 3 ~~unemployment tax act, 26 USC 3301 to 3311, or the social security~~
 4 ~~act, chapter 531, 49 Stat 620, and if conformity with the federal~~
 5 ~~law is required as a condition for full tax credit against the tax~~
 6 ~~imposed under the federal unemployment tax act, 26 USC 3301 to~~
 7 ~~3311, or as a condition for receipt by the unemployment agency of~~
 8 ~~federal administrative grant funds under the social security act,~~
 9 ~~chapter 531, 49 Stat 620.~~

10

(o) ~~(p)~~ Benefits are not payable to an individual based ~~upon~~
 11 ~~his or her~~ **on the individual's** services as a school crossing guard
 12 for any week of unemployment that begins between 2 successive
 13 academic years or terms, if the individual performs the services of
 14 a school crossing guard in the first of the academic years or terms
 15 and has a reasonable assurance that ~~he or she~~ **the individual** will
 16 perform those services in the second of the academic years or
 17 terms.

18

(p) ~~(q)~~ The extension of benefits for claims for weeks
 19 beginning after January 1, 2021 but before April 1, 2021 as
 20 described in subsection (d) does not take effect unless
 21 \$220,000,000.00 or more is appropriated as provided for in Senate
 22 Bill No. 748 of the 100th Legislature for deposit into the
 23 unemployment compensation fund to cover the extension of benefits.
 24 After March 1, 2021, from the funds appropriated in Senate Bill No.
 25 748 of the 100th Legislature for Michigan unemployment compensation
 26 funds, \$220,000,000.00 shall be deposited into the unemployment
 27 compensation fund for the sole purpose of funding the extension of
 28 benefits for claims for weeks beginning after January 1, 2021 but
 29 before April 1, 2021 as described in subsection (d). If federal

1 funds are available and expenditures are allowable under federal
2 law, expenditures of federal funds under this subsection shall
3 occur before the expenditure of state general fund appropriations
4 made for the same purpose described in this subsection. State
5 general fund appropriations replaced by federal expenditures
6 authorized under this subsection shall revert to the general fund.

7 (q) ~~(r)~~—At the end of each calendar year after December 31,
8 2026, the state treasurer shall adjust the monetary amount for each
9 dependent and the maximum weekly benefit rate in subsection (b)(1)
10 by an amount determined by the state treasurer to reflect the
11 cumulative annual percentage change in the Consumer Price Index. As
12 used in this subsection, "Consumer Price Index" means the most
13 comprehensive index of consumer prices available for this state
14 from the Bureau of Labor Statistics of the United States Department
15 of Labor.

16 Sec. 28b. As used in this section and sections 28c to 28m:

17 (a) "Affected unit" means a department, shift, or other
18 organizational unit of 2 or more employees that is designated by an
19 employer to participate in a shared-work plan.

20 (b) "Approved shared-work plan" means an employer's shared-
21 work plan that meets the requirements of section 28d and that the
22 unemployment **insurance** agency approves in writing.

23 (c) "Fringe benefit" means health insurance, a retirement
24 benefit received under a pension plan or defined contribution plan,
25 a paid vacation day, a paid holiday, sick leave, or any other
26 similar employee benefit provided by an employer.

27 (d) "Normal weekly hours of work" means the established
28 standard work times and number of hours in the workweek for the
29 position or, if standard work times and number of hours have not

1 been established for the position, the work times and average
2 number of hours per week actually worked by the employee in that
3 position ~~over~~**during** the most recent 3 months before the employer
4 files the application for designation as a participating employer.

5 (e) "Participating employee" means an employee in the affected
6 unit whose hours of work are reduced by the reduction percentage
7 under the shared-work plan. Participating employee does not include
8 ~~a seasonal worker as defined in section 27(o)(9)(e) or a worker~~
9 employed on a temporary or intermittent basis.

10 (f) "Participating employer" means an employer that has a
11 shared-work plan in effect.

12 (g) "Reduction percentage" means the percentage by which each
13 participating employee's normal weekly hours of work are reduced
14 under a shared-work plan in accordance with section 28d(2).

15 (h) "Shared-work plan" means a plan for reducing unemployment
16 under which employees of an affected unit share a reduced workload
17 through reduction in ~~their~~**the employees'** normal weekly hours of
18 work.