

**SUBSTITUTE FOR
SENATE BILL NO. 501**

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 28 (MCL 421.28), as amended by 2020 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) An unemployed individual is eligible to receive
2 benefits with respect to any week only if the unemployment agency
3 finds all of the following:

4 (a) The individual ~~has~~ registered for work **pursuant to**
5 **subsection (10) after the individual applied for benefits and**
6 **within the time period prescribed by the unemployment agency, and**
7 has continued to report pursuant to unemployment agency rules, and
8 is actively engaged in seeking work. The requirements that the
9 individual must report, must register for work, must be available



1 to perform suitable full-time work, and must seek work may be
2 waived by the unemployment agency if the individual is laid off and
3 the employer who laid the individual off notifies the unemployment
4 agency in writing or by computerized data exchange that the layoff
5 is temporary and that work is expected to be available for the
6 individual within a declared number of days, not to exceed 45
7 calendar days following the last day the individual worked. This
8 waiver is not effective unless the notification from the employer
9 is received by the unemployment agency before the individual has
10 completed his or her first compensable week following layoff. If
11 the individual is not recalled within the specified period, the
12 waiver ceases to be operative with respect to that layoff. Except
13 for a period of disqualification, the requirement that the
14 individual shall seek work may be waived by the unemployment agency
15 if it finds that suitable work is unavailable both in the locality
16 where the individual resides and in those localities in which the
17 individual has earned wages during or after the base period. This
18 waiver does not apply to a claimant enrolled and attending classes
19 as a full-time student. An individual is considered to have
20 satisfied the requirement of personal reporting at an employment
21 office, as applied to a week in a period during which the
22 requirements of registration and seeking work have been waived by
23 the unemployment agency pursuant to this subdivision, if the
24 individual has satisfied the personal reporting requirement with
25 respect to a preceding week in that period and the individual has
26 reported with respect to the week by mail pursuant to the rules
27 promulgated by the unemployment agency.

28 (b) The individual has made a claim for benefits pursuant to
29 section 32 and has provided the unemployment agency with all of the



1 following:

2 (i) His or her Social Security number.

3 (ii) His or her driver license number, and the state that
4 issued the license, or state identification card number, and the
5 state that issued the identification card, or copies of the
6 acceptable documents as provided in the Form I-9.

7 (iii) If the unemployment agency has requested them, copies of
8 the acceptable documents as provided in the Form I-9. As used in
9 this subdivision, "Form I-9" means the employment verification form
10 that fulfills the employment verification obligations under 8 CFR
11 274a.2.

12 (c) The individual is able and available to appear at a
13 location of the unemployment agency's choosing for evaluation of
14 eligibility for benefits, if required, and to perform suitable
15 full-time work of a character that the individual is qualified to
16 perform by past experience or training, which is of a character
17 generally similar to work for which the individual has previously
18 received wages, and for which the individual is available, full
19 time, either at a locality at which the individual earned wages for
20 insured work during his or her base period or at a locality where
21 it is found by the unemployment agency that such work is available.
22 An individual is considered unavailable for work under any of the
23 following circumstances:

24 (i) The individual fails during a benefit year to notify or
25 update a chargeable employer with telephone, electronic mail, or
26 other information sufficient to allow the employer to contact the
27 individual about available work.

28 (ii) The individual fails, without good cause, to respond to
29 the unemployment agency within 14 calendar days of the later of the



1 mailing of a notice to the address of record requiring the
2 individual to contact the unemployment agency or of the leaving of
3 a telephone message requesting a return call and providing a return
4 name and telephone number on an automated answering device or with
5 an individual answering the telephone number of record.

6 (iii) Unless the claimant shows good cause for failure to
7 respond, mail sent to the individual's address of record is
8 returned as undeliverable and the telephone number of record has
9 been disconnected or changed or is otherwise no longer associated
10 with the individual.

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

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

24 (2) The unemployment agency may authorize an individual with
25 an unexpired benefit year to pursue vocational training or
26 retraining only if the unemployment agency finds all of the
27 following:

28 (a) Reasonable opportunities for employment in occupations for
29 which the individual is fitted by training and experience do not



1 exist in the locality in which the individual is claiming benefits.

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

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

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

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

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

26 (4) Notwithstanding any other provisions of this act, an
27 otherwise eligible individual must not be denied benefits solely
28 because the individual is in training approved under section
29 236(a)(1) of the trade act of 1974, 19 USC 2296, nor shall the



1 individual be denied benefits by reason of leaving work to enter
2 such training if the work left is not suitable employment.
3 Furthermore, an otherwise eligible individual must not be denied
4 benefits because of the application to any such week in training of
5 provisions of this act, or any applicable federal unemployment
6 compensation law, relating to availability for work, active search
7 for work, or refusal to accept work. For purposes of this
8 subsection, "suitable employment" means, with respect to an
9 individual, work of a substantially equal or higher skill level
10 than the individual's past adversely affected employment, as
11 defined for purposes of the trade act of 1974, 19 USC 2101 to
12 2497b, and wages for that work at not less than 80% of the
13 individual's average weekly wage as determined for the purposes of
14 the trade act of 1974, 19 USC 2101 to 2497b.

15 (5) Except as otherwise provided in subsection (6), for
16 purposes of this section, for benefit years beginning on or after
17 January 1, 2013, to be actively engaged in seeking work, an
18 individual must conduct a systematic and sustained search for work
19 in each week the individual is claiming benefits, using any of the
20 following methods to report the details of the work search:

21 (a) Reporting at monthly intervals on the unemployment
22 agency's online reporting system the name of each employer and
23 physical or online location of each employer where work was sought
24 and the date and method by which work was sought with each
25 employer.

26 (b) Filing a written report with the unemployment agency by
27 mail or facsimile transmission not later than the end of the fourth
28 calendar week after the end of the week in which the individual
29 engaged in the work search, on a form approved by the unemployment



1 agency, indicating the name of each employer and physical or online
2 location of each employer where work was sought and the date and
3 method by which work was sought with each employer.

4 (c) Appearing at least monthly in person at a Michigan works
5 agency office to report the name and physical or online location of
6 each employer where the individual sought work during the previous
7 month and the date and method by which work was sought with each
8 employer.

9 (6) For purposes of this section, beginning on April 2, 2020,
10 to be actively engaged in seeking work, an individual must conduct
11 a systematic and sustained search for work in each week the
12 individual is claiming benefits and must report to the unemployment
13 agency the details of the work search at least once every 2 weeks
14 or, if the unemployment agency prescribes a shorter reporting
15 period, the reporting period prescribed by the unemployment agency.
16 An individual may conduct a systematic and sustained search for
17 work by doing any of the following:

18 (a) Using resources available at a Michigan works agency
19 office to do any of the following:

20 (i) Participate in reemployment services and eligibility
21 assessment activities.

22 (ii) Identify the skills the individual possesses that are
23 consistent with target or demand occupations in the local workforce
24 development area.

25 (iii) Obtain job postings and seek employment for suitable
26 positions needed by local employers.

27 (b) Attending job search seminars or other employment
28 workshops that offer instruction in improving an individual's
29 skills for finding and obtaining employment.



1 (c) Creating a user profile on a professional networking site
2 or using an online career tool. Creating duplicate user profiles or
3 resubmitting or reuploading the same resume to the same
4 professional networking site does not satisfy the requirements of
5 this subdivision.

6 (d) Applying for an available position with, submitting a
7 resume to, or interviewing with employers. Applying for the same
8 position within a 4-week period or contacting an employer to
9 determine whether a position is available does not satisfy the
10 requirements of this subdivision, unless the individual uses his or
11 her union hiring hall to conduct a search for work.

12 (e) Registering for work with a private employment agency or,
13 if it is available to the individual in his or her occupation or
14 profession, the placement facility of a school, college, or
15 university.

16 (f) Taking an examination that is required for a position in
17 the state civil service.

18 (7) The work search conducted by the claimant is subject to
19 audit by the unemployment agency.

20 (8) The unemployment agency shall request but shall not
21 require an individual who is applying for benefits to submit his or
22 her base period employer's unemployment agency account number and
23 federal employer identification number.

24 (9) The unemployment agency shall use all of the documentation
25 and information provided by an individual applying for benefits to
26 verify the identity of the individual before making an initial
27 payment on the individual's claim.

28 **(10) An individual must register for work as required under**
29 **subsection (1) (a) by registering with a Michigan works agency.**

