

HOUSE BILL No. 5245

September 19, 2007, Introduced by Reps. Johnson, Virgil Smith, Espinoza, Melton, Constan, Scott, Condino, Alma Smith, Hammon, Accavitti, Bieda, Kathleen Law, Hammel, Cushingberry, Vagnozzi, Meadows, Donigan, Clack, Jackson and Cheeks and referred to the Committee on Labor.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
(MCL 421.1 to 421.75) by adding section 28b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 28B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
2 AN OTHERWISE ELIGIBLE INDIVIDUAL IS NOT DISQUALIFIED FROM RECEIVING
3 BENEFITS UNDER SECTION 29 (1) (A) IF THE INDIVIDUAL ESTABLISHES TO
4 THE SATISFACTION OF THE COMMISSION THAT THE REASON FOR THE
5 INDIVIDUAL'S LEAVING WORK IS DUE TO DOMESTIC VIOLENCE, INCLUDING 1
6 OR MORE OF THE FOLLOWING:
7 (A) THE INDIVIDUAL'S REASONABLE FEAR OF FUTURE DOMESTIC
8 VIOLENCE AT OR EN ROUTE TO OR FROM THE INDIVIDUAL'S PLACE OF
9 EMPLOYMENT.

1 (B) THE INDIVIDUAL'S NEED TO RELOCATE TO ANOTHER GEOGRAPHIC
2 AREA TO AVOID FUTURE DOMESTIC VIOLENCE.

3 (C) THE INDIVIDUAL'S NEED TO ADDRESS THE PHYSICAL,
4 PSYCHOLOGICAL, OR LEGAL EFFECTS OF DOMESTIC VIOLENCE.

5 (D) THE INDIVIDUAL'S NEED TO LEAVE EMPLOYMENT AS A CONDITION
6 OF RECEIVING SERVICES OR SHELTER FROM AN AGENCY THAT PROVIDES
7 SUPPORT SERVICES OR SHELTER TO VICTIMS OF DOMESTIC VIOLENCE.

8 (E) THE INDIVIDUAL'S REASONABLE BELIEF THAT TERMINATION OF
9 EMPLOYMENT IS NECESSARY FOR THE FUTURE SAFETY OF THE INDIVIDUAL OR
10 THE INDIVIDUAL'S FAMILY BECAUSE OF DOMESTIC VIOLENCE.

11 (2) AN INDIVIDUAL MAY DEMONSTRATE TO THE COMMISSION THE
12 EXISTENCE OF DOMESTIC VIOLENCE BY PROVIDING 1 OR MORE OF THE
13 FOLLOWING:

14 (A) A RESTRAINING ORDER OR OTHER DOCUMENTATION OF EQUITABLE
15 RELIEF ISSUED BY A COURT OF COMPETENT JURISDICTION IN A DOMESTIC
16 VIOLENCE CASE.

17 (B) A POLICE RECORD DOCUMENTING DOMESTIC VIOLENCE.

18 (C) DOCUMENTATION THAT THE PERPETRATOR OF THE DOMESTIC
19 VIOLENCE AGAINST THE INDIVIDUAL MAKING A CLAIM FOR BENEFITS UNDER
20 THIS ACT HAS BEEN CONVICTED OF A CRIME INVOLVING DOMESTIC VIOLENCE
21 AS THAT TERM IS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

22 (D) MEDICAL DOCUMENTATION OF DOMESTIC VIOLENCE.

23 (E) A STATEMENT PROVIDED BY A COUNSELOR, SOCIAL WORKER, HEALTH
24 WORKER, MEMBER OF THE CLERGY, SHELTER WORKER, ATTORNEY, OR OTHER
25 PROFESSIONAL WHO HAS ASSISTED THE INDIVIDUAL IN ADDRESSING THE
26 EFFECTS OF THE DOMESTIC VIOLENCE ON THE INDIVIDUAL OR THE
27 INDIVIDUAL'S FAMILY.

1 (F) A SWORN STATEMENT FROM THE INDIVIDUAL ATTESTING TO
2 DOMESTIC VIOLENCE.

3 (3) NO EVIDENCE OF DOMESTIC VIOLENCE EXPERIENCED BY AN
4 INDIVIDUAL, INCLUDING THE INDIVIDUAL'S STATEMENT OR CORROBORATING
5 EVIDENCE, SHALL BE DISCLOSED BY THE EMPLOYMENT SECURITY COMMISSION.

6 (4) BENEFITS THAT ARE PAYABLE UNDER THIS SECTION ARE
7 CHARGEABLE TO THE NONCHARGEABLE BENEFITS ACCOUNT.

8 (5) AS USED IN THIS SECTION:

9 (A) "ABUSE" MEANS 1 OR MORE OF THE FOLLOWING:

10 (i) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL HARM.

11 (ii) PLACING ANOTHER PERSON IN FEAR OF IMMINENT SERIOUS
12 PHYSICAL HARM.

13 (iii) CAUSING ANOTHER PERSON TO ENGAGE INVOLUNTARILY IN SEXUAL
14 RELATIONS BY FORCE, THREAT, OR DURESS OR THREATENING TO CAUSE
15 ANOTHER PERSON TO ENGAGE INVOLUNTARILY IN SEXUAL RELATIONS.

16 (iv) ENGAGING IN MENTAL ABUSE, WHICH INCLUDES THREATS,
17 INTIMIDATION, AND ACTS DESIGNED TO INDUCE TERROR.

18 (v) DEPRIVING ANOTHER PERSON OF MEDICAL CARE, HOUSING, FOOD,
19 OR OTHER NECESSITIES OF LIFE.

20 (vi) RESTRAINING THE LIBERTY OF ANOTHER PERSON.

21 (B) "DOMESTIC VIOLENCE" MEANS ABUSE COMMITTED AGAINST THE
22 EMPLOYEE, THE EMPLOYEE'S DEPENDENT CHILD, OR A MEMBER OF THE
23 EMPLOYEE'S HOUSEHOLD BY ANY OF THE FOLLOWING:

24 (i) A CURRENT OR FORMER SPOUSE OF THE EMPLOYEE.

25 (ii) A PERSON WITH WHOM THE EMPLOYEE SHARES A CHILD IN COMMON.

26 (iii) A PERSON WHO IS COHABITATING WITH, OR WHO HAS COHABITATED
27 WITH, THE EMPLOYEE.

1 (iv) A PERSON WHO IS RELATED BY BLOOD OR MARRIAGE.

2 (v) A PERSON WITH WHOM THE EMPLOYEE HAS A DATING OR ENGAGEMENT
3 RELATIONSHIP OR HAD A DATING OR ENGAGEMENT RELATIONSHIP.