

**SUBSTITUTE FOR  
SENATE BILL NO. 975**

A bill to amend 1936 (Ex Sess) PA 1, entitled  
"Michigan employment security act,"  
by amending section 29 (MCL 421.29), as amended by 2020 PA 258.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 29. (1) Except as provided in subsection (5), an  
2 individual is disqualified from receiving benefits if ~~he or she:~~  
3 **the individual:**

4           (a) Left work voluntarily without good cause attributable to  
5 the employer or employing unit. An individual who left work is  
6 presumed to have left work voluntarily without good cause  
7 attributable to the employer or employing unit. **An individual who**  
8 **reduces the individual's working status to less than full-time**  
9 **employment is rebuttably presumed to have voluntarily left work**



1 **without good cause attributable to the employer.** An individual who  
 2 is absent from work for a period of 3 consecutive work days or more  
 3 without contacting the employer ~~in a manner acceptable to the~~  
 4 ~~employer and of which the individual was informed at the time of~~  
 5 ~~hire is considered~~ **rebuttably presumed** to have voluntarily left  
 6 work without good cause attributable to the employer. An individual  
 7 who becomes unemployed as a result of negligently losing a  
 8 requirement for the job of which ~~he or she~~ **the individual** was  
 9 informed at the time of hire is considered to have voluntarily left  
 10 work without good cause attributable to the employer. An individual  
 11 claiming benefits under this act has the burden of proof to  
 12 establish that ~~he or she~~ **the individual** left work involuntarily or  
 13 for good cause that was attributable to the employer or employing  
 14 unit. An individual claiming to have left work involuntarily for  
 15 medical reasons must have done all of the following before the  
 16 leaving: secured a statement from a medical professional that  
 17 continuing in the individual's current job would be harmful to the  
 18 individual's physical or mental health, unsuccessfully attempted to  
 19 secure alternative work with the employer, and unsuccessfully  
 20 attempted to be placed on a leave of absence with the employer to  
 21 last until the individual's mental or physical health would no  
 22 longer be harmed by the current job. Notwithstanding any other  
 23 provision of this act, with respect to claims for weeks beginning  
 24 before April 1, 2021, an individual is considered to have left work  
 25 involuntarily for medical reasons if ~~he or she~~ **the individual**  
 26 leaves work to self-isolate or self-quarantine in response to  
 27 elevated risk from COVID-19 because ~~he or she~~ **the individual** is  
 28 immunocompromised, displayed a commonly recognized principal  
 29 symptom of COVID-19 that was not otherwise associated with a known



1 medical or physical condition of the individual, had contact in the  
 2 last 14 days with an individual with a confirmed diagnosis of  
 3 COVID-19, needed to care for an individual with a confirmed  
 4 diagnosis of COVID-19, or had a family care responsibility that was  
 5 the result of a government directive regarding COVID-19.

6 Notwithstanding any other provision of this act, with respect to  
 7 claims for weeks beginning before April 1, 2021, the unemployment  
 8 agency may consider an individual laid off if the individual became  
 9 unemployed to self-isolate or self-quarantine in response to  
 10 elevated risk from COVID-19 because ~~he or she~~ **the individual** is  
 11 immunocompromised, displayed a commonly recognized principal  
 12 symptom of COVID-19 that was not otherwise associated with a known  
 13 medical or physical condition of the individual, had contact in the  
 14 last 14 days with an individual with a confirmed diagnosis of  
 15 COVID-19, needed to care for an individual with a confirmed  
 16 diagnosis of COVID-19, or had a family care responsibility that was  
 17 the result of a government directive regarding COVID-19. However,  
 18 if any of the following conditions are met, the leaving does not  
 19 disqualify the individual:

20 (i) The individual has an established benefit year in effect  
 21 and during that benefit year leaves unsuitable work within 60 days  
 22 after the beginning of that work. Benefits paid after a leaving  
 23 under this subparagraph must not be charged to the experience  
 24 account of the employer the individual left, but must be charged  
 25 instead to the nonchargeable benefits account.

26 (ii) The individual is the spouse of a full-time member of the  
 27 United States Armed Forces, and the leaving is due to the military  
 28 duty reassignment of that member of the United States Armed Forces  
 29 to a different geographic location. Benefits paid after a leaving



1 under this subparagraph must not be charged to the experience  
2 account of the employer the individual left, but must be charged  
3 instead to the nonchargeable benefits account.

4 (iii) The individual is concurrently working part-time for an  
5 employer or employing unit and for another employer or employing  
6 unit and voluntarily leaves the part-time work while continuing  
7 work with the other employer. The portion of the benefits paid in  
8 accordance with this subparagraph that would otherwise be charged  
9 to the experience account of the part-time employer that the  
10 individual left must not be charged to the account of that employer  
11 but must be charged instead to the nonchargeable benefits account.

12 (iv) The individual is a victim of domestic violence who meets  
13 the requirements in section 29a. Benefits paid after a leaving  
14 under this subparagraph must not be charged to the experience  
15 account of the employer the individual left, but must be charged  
16 instead to the nonchargeable benefits account. ~~This subparagraph~~  
17 ~~does not apply after March 31, 2021.~~ **This subparagraph applies**  
18 **beginning on the effective date of the amendatory act that added**  
19 **this sentence.**

20 (b) Was suspended or discharged for misconduct connected with  
21 the individual's work or for intoxication while at work.

22 (c) Failed without good cause to apply diligently for  
23 available suitable work after receiving notice from the  
24 unemployment agency of the availability of that work or failed to  
25 apply for work with employers that could reasonably be expected to  
26 have suitable work available.

27 (d) Failed without good cause while unemployed to report to  
28 the individual's former employer or employing unit within a  
29 reasonable time after that employer or employing unit provided



1 notice of the availability of an interview concerning available  
2 suitable work with the former employer or employing unit.

3 (e) Failed without good cause to accept suitable work offered  
4 to the individual or to return to the individual's customary self-  
5 employment, if any, when directed by the employment office or the  
6 unemployment agency. An employer that receives a monetary  
7 determination under section 32 may notify the unemployment agency  
8 regarding the availability of suitable work with the employer on  
9 the monetary determination or other form provided by the  
10 unemployment agency. ~~Upon~~ **On** receipt of the notice of the  
11 availability of suitable work, the unemployment agency shall notify  
12 the claimant of the availability of suitable work.

13 (f) Lost ~~his or her~~ **the individual's** job due to absence from  
14 work resulting from a violation of law for which the individual was  
15 convicted and sentenced to jail or prison. This subdivision does  
16 not apply if conviction of an individual results in a sentence to  
17 county jail under conditions of day parole as provided in 1962 PA  
18 60, MCL 801.251 to 801.258, or if the conviction was for a traffic  
19 violation that resulted in an absence of less than 10 consecutive  
20 work days from the individual's place of employment.

21 (g) Is discharged, whether or not the discharge is  
22 subsequently reduced to a disciplinary layoff or suspension, for  
23 participation in either of the following:

24 (i) A strike or other concerted action in violation of an  
25 applicable collective bargaining agreement that results in  
26 curtailment of work or restriction of or interference with  
27 production.

28 (ii) A wildcat strike or other concerted action not authorized  
29 by the individual's recognized bargaining representative.



1 (h) Was discharged for an act of assault and battery connected  
2 with the individual's work.

3 (i) Was discharged for theft connected with the individual's  
4 work.

5 (j) Was discharged for willful destruction of property  
6 connected with the individual's work.

7 (k) Committed a theft after receiving notice of a layoff or  
8 discharge, but before the effective date of the layoff or  
9 discharge, resulting in loss or damage to the employer who would  
10 otherwise be chargeable for the benefits, regardless of whether the  
11 individual qualified for the benefits before the theft.

12 (l) Was employed by a temporary help firm, which as used in  
13 this section means an employer whose primary business is to provide  
14 a client with the temporary services of 1 or more individuals under  
15 contract with the employer, to perform services for a client of  
16 that firm if each of the following conditions is met:

17 (i) The temporary help firm provided the employee with a  
18 written notice before the employee began performing services for  
19 the client stating in substance both of the following:

20 (A) That ~~within~~**not more than** 7 days after completing services  
21 for a client of the temporary help firm, the employee is under a  
22 duty to notify the temporary help firm of the completion of those  
23 services.

24 (B) That a failure to provide the temporary help firm with  
25 notice of the employee's completion of services pursuant to sub-  
26 subparagraph (A) constitutes a voluntary quit that will affect the  
27 employee's eligibility for unemployment compensation if the  
28 employee seeks unemployment compensation following completion of  
29 those services.



1           (ii) The employee did not provide the temporary help firm with  
2 notice that the employee had completed ~~his or her~~ **the employee's**  
3 services for the client ~~within~~ **not later than** 7 days after  
4 completion of ~~his or her~~ **the employee's** services for the client.

5           (m) Was discharged for illegally ingesting, injecting,  
6 inhaling, or possessing a controlled substance on the premises of  
7 the employer; refusing to submit to a drug test that was required  
8 to be administered in a nondiscriminatory manner; or testing  
9 positive on a drug test, if the test was administered in a  
10 nondiscriminatory manner. If the worker disputes the result of the  
11 testing, and if a generally accepted confirmatory test has not been  
12 administered on the same sample previously tested, then a generally  
13 accepted confirmatory test must be administered on that sample. If  
14 the confirmatory test also indicates a positive result for the  
15 presence of a controlled substance, the worker who is discharged as  
16 a result of the test result will be disqualified under this  
17 subdivision. A report by a drug testing facility showing a positive  
18 result for the presence of a controlled substance is conclusive  
19 unless there is substantial evidence to the contrary. As used in  
20 this subdivision:

21           (i) "Controlled substance" means that term as defined in  
22 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

23           (ii) "Drug test" means a test designed to detect the illegal  
24 use of a controlled substance.

25           (iii) "Nondiscriminatory manner" means administered impartially  
26 and objectively in accordance with a collective bargaining  
27 agreement, rule, policy, a verbal or written notice, or a labor-  
28 management contract.

29           (n) Theft from the employer that resulted in the employee's



1 conviction, within 2 years of the date of the discharge, of theft  
2 or a lesser included offense.

3 (2) A disqualification under subsection (1) begins the week in  
4 which the act or discharge that caused the disqualification occurs  
5 and continues until the disqualified individual requalifies under  
6 subsection (3).

7 (3) After the week in which the disqualifying act or discharge  
8 described in subsection (1) occurs, an individual who seeks to  
9 requalify for benefits is subject to all of the following:

10 (a) For benefit years established before October 1, 2000, the  
11 individual must complete 6 requalifying weeks if ~~he or she~~ **the**  
12 **individual** was disqualified under subsection (1)(c), (d), (e), (f),  
13 (g), or (l), or 13 requalifying weeks if ~~he or she~~ **the individual**  
14 was disqualified under subsection (1)(h), (i), (j), (k), or (m). A  
15 requalifying week required under this subdivision is each week in  
16 which the individual does any of the following:

17 (i) Earns or receives remuneration in an amount at least equal  
18 to an amount needed to earn a credit week, as that term is defined  
19 in section 50.

20 (ii) Otherwise meets all of the requirements of this act to  
21 receive a benefit payment if the individual were not disqualified  
22 under subsection (1).

23 (iii) Receives a benefit payment based on credit weeks  
24 subsequent to the disqualifying act or discharge.

25 (b) For benefit years established before October 1, 2000, if  
26 the individual is disqualified under subsection (1)(a) or (b), ~~he~~  
27 ~~or she~~ **the individual** must requalify, after the week in which the  
28 disqualifying discharge occurred by earning in employment for an  
29 employer liable under this act or the unemployment compensation act





1 of another state an amount equal to, or in excess of, 7 times the  
 2 individual's potential weekly benefit rate, calculated on the basis  
 3 of employment with the employer involved in the disqualification,  
 4 or by earning in employment for an employer liable under this act  
 5 or the unemployment compensation act of another state an amount  
 6 equal to, or in excess of, 40 times the state minimum hourly wage  
 7 times 7, whichever is the lesser amount.

8 (c) For benefit years established before October 1, 2000, a  
 9 benefit payable to an individual disqualified under subsection  
 10 (1)(a) or (b) must be charged to the nonchargeable benefits  
 11 account, and not to the account of the employer with whom the  
 12 individual was involved in the disqualification.

13 (d) For benefit years beginning on or after October 1, 2000,  
 14 after the week in which the disqualifying act or discharge  
 15 occurred, an individual must complete 13 requalifying weeks if ~~he~~  
 16 ~~or she~~ **the individual** was disqualified under subsection (1)(c),  
 17 (d), (e), (f), (g), or (l), or 26 requalifying weeks if ~~he or she~~  
 18 **the individual** was disqualified under subsection (1)(h), (i), (j),  
 19 (k), (m), or (n). A requalifying week required under this  
 20 subdivision is each week in which the individual does any of the  
 21 following:

22 (i) Earns or receives remuneration in an amount equal to at  
 23 least 1/13 of the minimum amount needed in a calendar quarter of  
 24 the base period for an individual to qualify for benefits, rounded  
 25 down to the nearest whole dollar.

26 (ii) Otherwise meets all of the requirements of this act to  
 27 receive a benefit payment if the individual was not disqualified  
 28 under subsection (1).

29 (e) For benefit years beginning on or after October 1, 2000



1 and beginning before April 26, 2002, if the individual is  
 2 disqualified under subsection (1)(a) or (b), ~~he or she~~ **the**  
 3 **individual** must requalify, after the week in which the  
 4 disqualifying act or discharge occurred by earning in employment  
 5 for an employer liable under this act or the unemployment  
 6 compensation law of another state at least the lesser of the  
 7 following:

8 (i) Seven times the individual's weekly benefit rate.

9 (ii) Forty times the state minimum hourly wage times 7.

10 (f) For benefit years beginning on or after April 26, 2002, if  
 11 the individual is disqualified under subsection (1)(a), ~~he or she~~  
 12 **the individual** must requalify, after the week in which the  
 13 disqualifying act or discharge occurred by earning in employment  
 14 for an employer liable under this act or the unemployment  
 15 compensation law of another state at least 12 times the  
 16 individual's weekly benefit rate.

17 (g) For benefit years beginning on or after April 26, 2002, if  
 18 the individual is disqualified under subsection (1)(b), ~~he or she~~  
 19 **the individual** must requalify, after the week in which the  
 20 disqualifying act or discharge occurred by earning in employment  
 21 for an employer liable under this act or the unemployment  
 22 compensation law of another state at least 17 times the  
 23 individual's weekly benefit rate.

24 (h) A benefit payable to the individual disqualified or  
 25 separated under disqualifying circumstances under subsection (1)(a)  
 26 or (b) must be charged to the nonchargeable benefits account, and  
 27 not to the account of the employer with whom the individual was  
 28 involved in the separation. Benefits payable to an individual  
 29 determined by the unemployment agency to be separated under



1 disqualifying circumstances must not be charged to the account of  
2 the employer involved in the disqualification for any period after  
3 the employer notifies the unemployment agency of the claimant's  
4 possible ineligibility or disqualification. However, an individual  
5 filing a new claim for benefits who reports the reason for  
6 separation from a base period employer as a voluntary leaving is  
7 presumed to have voluntarily left without good cause attributable  
8 to the employer and is disqualified unless the individual provides  
9 substantial evidence to rebut the presumption. If a disqualifying  
10 act or discharge occurs during the individual's benefit year, any  
11 benefits that may become payable to the individual in a later  
12 benefit year based on employment with the employer involved in the  
13 disqualification must be charged to the nonchargeable benefits  
14 account.

15 (4) The maximum amount of benefits otherwise available under  
16 section 27(d) to an individual disqualified under subsection (1) is  
17 subject to all of the following conditions:

18 (a) For benefit years established before October 1, 2000, if  
19 the individual is disqualified under subsection (1)(c), (d), (e),  
20 (f), (g), or (l) and the maximum amount of benefits is based on  
21 wages and credit weeks earned from an employer before an act or  
22 discharge involving that employer, the amount must be reduced by an  
23 amount equal to the individual's weekly benefit rate as to that  
24 employer multiplied by the lesser of either of the following:

25 (i) The number of requalifying weeks required of the individual  
26 under this section.

27 (ii) The number of weeks of benefit entitlement remaining with  
28 that employer.

29 (b) If the individual has insufficient or no potential benefit



1 entitlement remaining with the employer involved in the  
 2 disqualification in the benefit year in existence on the date of  
 3 the disqualifying determination, a reduction of benefits described  
 4 in this subsection applies in a succeeding benefit year with  
 5 respect to any benefit entitlement based ~~upon~~**on** credit weeks  
 6 earned with the employer before the disqualifying act or discharge.

7 (c) For benefit years established before October 1, 2000, an  
 8 individual disqualified under subsection (1)(h), (i), (j), (k), or  
 9 (m) is not entitled to benefits based on wages and credit weeks  
 10 earned before the disqualifying act or discharge with the employer  
 11 involved in the disqualification.

12 (d) The benefit entitlement of an individual disqualified  
 13 under subsection (1)(a) or (b) is not subject to reduction as a  
 14 result of that disqualification.

15 (e) A denial or reduction of benefits under this subsection  
 16 does not apply to benefits based ~~upon~~**on** multiemployer credit  
 17 weeks.

18 (f) For benefit years established on or after October 1, 2000,  
 19 if the individual is disqualified under subsection (1)(c), (d),  
 20 (e), (f), (g), or (l), the maximum number of weeks otherwise  
 21 applicable in calculating benefits for the individual under section  
 22 27(d) must be reduced by the lesser of the following:

23 (i) The number of requalifying weeks required of the individual  
 24 under this section.

25 (ii) The number of weeks of benefit entitlement remaining on  
 26 the claim.

27 (g) For benefit years beginning on or after October 1, 2000,  
 28 the benefits of an individual disqualified under subsection (1)(h),  
 29 (i), (j), (k), (m), or (n) must be reduced by 13 weeks and any



1 weekly benefit payments made to the claimant thereafter must be  
 2 reduced by the portion of the payment attributable to base period  
 3 wages paid by the base period employer involved in a  
 4 disqualification under subsection (1)(h), (i), (j), (k), (m), or  
 5 (n).

6 (5) Subject to subsection (11), if an individual leaves work  
 7 to accept permanent full-time work with another employer or to  
 8 accept a referral to another employer from the individual's union  
 9 hiring hall and performs services for that employer, or if an  
 10 individual leaves work to accept a recall from a former employer,  
 11 all of the following apply:

12 (a) Subsection (1) does not apply.

13 (b) Wages earned with the employer whom the individual last  
 14 left, including wages previously transferred under this subsection  
 15 to the last employer, for the purpose of computing and charging  
 16 benefits, are wages earned from the employer with whom the  
 17 individual accepted work or recall, and benefits paid based upon  
 18 those wages must be charged to that employer.

19 (c) When issuing a determination covering the period of  
 20 employment with a new or former employer described in this  
 21 subsection, the unemployment agency shall advise the chargeable  
 22 employer of the name and address of the other employer, the period  
 23 covered by the employment, and the extent of the benefits that may  
 24 be charged to the account of the chargeable employer.

25 (6) In determining whether work is suitable for an individual,  
 26 the unemployment agency shall consider the degree of risk involved  
 27 to the individual's health, safety, and morals, the individual's  
 28 physical fitness and prior training, the individual's length of  
 29 unemployment and prospects for securing local work in the



1 individual's customary occupation, and the distance of the  
2 available work from the individual's residence. Additionally, the  
3 unemployment agency shall consider the individual's experience and  
4 prior earnings, but an unemployed individual who refuses an offer  
5 of work determined to be suitable under this section must be denied  
6 benefits if the pay rate for that work is at least 70% of the gross  
7 pay rate ~~he or she~~ **the unemployed individual** received immediately  
8 before becoming unemployed. Beginning January 15, 2012, after an  
9 individual has received benefits for 50% of the benefit weeks in  
10 the individual's benefit year, work is not considered unsuitable  
11 because it is outside of the individual's training or experience or  
12 unsuitable as to pay rate if the pay rate for that work meets or  
13 exceeds the minimum wage; is at least the prevailing mean wage for  
14 similar work in the locality for the most recent full calendar year  
15 for which data are available as published by the department of  
16 technology, management, and budget as "wages by job title", by  
17 standard metropolitan statistical area; and is 120% or more of the  
18 individual's weekly benefit amount.

19 (7) Work is not suitable and benefits must not be denied under  
20 this act to an otherwise eligible individual for refusing to accept  
21 new work under any of the following conditions:

22 (a) If the position offered is vacant due directly to a  
23 strike, lockout, or other labor dispute.

24 (b) If the remuneration, hours, or other conditions of the  
25 work offered are substantially less favorable to the individual  
26 than those prevailing for similar work in the locality.

27 (c) If as a condition of being employed, the individual would  
28 be required to join a company union or to resign from or refrain  
29 from joining a bona fide labor organization.



1 (8) All of the following apply to an individual who seeks  
2 benefits under this act:

3 (a) An individual is disqualified from receiving benefits for  
4 a week in which the individual's total or partial unemployment is  
5 due to either of the following:

6 (i) A labor dispute in active progress at the place at which  
7 the individual is or was last employed, or a shutdown or start-up  
8 operation caused by that labor dispute.

9 (ii) A labor dispute, other than a lockout, in active progress  
10 or a shutdown or start-up operation caused by that labor dispute in  
11 any other establishment within the United States that is both  
12 functionally integrated with the establishment described in  
13 subparagraph (i) and operated by the same employing unit.

14 (b) An individual's disqualification imposed or imposable  
15 under this subsection is terminated if the individual performs  
16 services in employment with an employer in at least 2 consecutive  
17 weeks falling wholly within the period of the individual's total or  
18 partial unemployment due to the labor dispute, and in addition  
19 earns wages in each of those weeks in an amount equal to or greater  
20 than the individual's actual or potential weekly benefit rate.

21 (c) An individual is not disqualified under this subsection if  
22 the individual is not directly involved in the labor dispute. An  
23 individual is not directly involved in a labor dispute unless any  
24 of the following are established:

25 (i) At the time or in the course of a labor dispute in the  
26 establishment in which the individual was then employed, the  
27 individual in concert with 1 or more other employees voluntarily  
28 stopped working other than at the direction of the individual's  
29 employing unit.



1           (ii) The individual is participating in, financing, or directly  
2 interested in the labor dispute that causes the individual's total  
3 or partial unemployment. The payment of regular union dues, in  
4 amounts and for purposes established before the inception of the  
5 labor dispute, is not financing a labor dispute within the meaning  
6 of this subparagraph.

7           (iii) At any time a labor dispute in the establishment or  
8 department in which the individual was employed does not exist, and  
9 the individual voluntarily stops working, other than at the  
10 direction of the individual's employing unit, in sympathy with  
11 employees in some other establishment or department in which a  
12 labor dispute is in progress.

13           (iv) The individual's total or partial unemployment is due to a  
14 labor dispute that was or is in progress in a department, unit, or  
15 group of workers in the same establishment.

16           (d) As used in this subsection, "directly interested" must be  
17 construed and applied so as not to disqualify individuals  
18 unemployed as a result of a labor dispute the resolution of which  
19 may not reasonably be expected to affect their wages, hours, or  
20 other conditions of employment, and to disqualify individuals whose  
21 wages, hours, or conditions of employment may reasonably be  
22 expected to be affected by the resolution of the labor dispute. A  
23 "reasonable expectation" of an effect on an individual's wages,  
24 hours, or other conditions of employment exists, in the absence of  
25 a substantial preponderance of evidence to the contrary, in any of  
26 the following situations:

27           (i) If it is established that there is in the particular  
28 establishment or employing unit a practice, custom, or contractual  
29 obligation to extend within a reasonable period to members of the





1 individual's grade or class of workers in the establishment in  
 2 which the individual is or was last employed changes in terms and  
 3 conditions of employment that are substantially similar or related  
 4 to some or all of the changes in terms and conditions of employment  
 5 that are made for the workers among whom there exists the labor  
 6 dispute that has caused the individual's total or partial  
 7 unemployment.

8 (ii) If it is established that 1 of the issues in or purposes  
 9 of the labor dispute is to obtain a change in the terms and  
 10 conditions of employment for members of the individual's grade or  
 11 class of workers in the establishment in which the individual is or  
 12 was last employed.

13 (iii) If a collective bargaining agreement covers both the  
 14 individual's grade or class of workers in the establishment in  
 15 which the individual is or was last employed and the workers in  
 16 another establishment of the same employing unit who are actively  
 17 participating in the labor dispute, and that collective bargaining  
 18 agreement is subject by its terms to modification, supplementation,  
 19 or replacement, or has expired or been opened by mutual consent at  
 20 the time of the labor dispute.

21 (e) In determining the scope of the grade or class of workers,  
 22 evidence of the following is relevant:

23 (i) Representation of the workers by the same national or  
 24 international organization or by local affiliates of that national  
 25 or international organization.

26 (ii) Whether the workers are included in a single, legally  
 27 designated, or negotiated bargaining unit.

28 (iii) Whether the workers are or within the past 6 months have  
 29 been covered by a common master collective bargaining agreement



1 that sets forth all or any part of the terms and conditions of the  
2 workers' employment, or by separate agreements that are or have  
3 been bargained as a part of the same negotiations.

4 (iv) Any functional integration of the work performed by those  
5 workers.

6 (v) Whether the resolution of those issues involved in the  
7 labor dispute as to some of the workers could directly or  
8 indirectly affect the advancement, negotiation, or settlement of  
9 the same or similar issues in respect to the remaining workers.

10 (vi) Whether the workers are currently or have been covered by  
11 the same or similar demands by their recognized or certified  
12 bargaining agent or agents for changes in their wages, hours, or  
13 other conditions of employment.

14 (vii) Whether issues on the same subject matter as those  
15 involved in the labor dispute have been the subject of proposals or  
16 demands made upon the employing unit that would by their terms have  
17 applied to those workers.

18 (9) Notwithstanding subsections (1) to (8), if the employing  
19 unit submits notice to the unemployment agency of possible  
20 ineligibility or disqualification beyond the time limits prescribed  
21 by unemployment agency rule and the unemployment agency concludes  
22 that benefits should not have been paid, the claimant shall repay  
23 the benefits paid during the entire period of ineligibility or  
24 disqualification. The unemployment agency shall not charge interest  
25 on repayments required under this subsection.

26 (10) An individual is disqualified from receiving benefits for  
27 any week or part of a week in which the individual has received, is  
28 receiving, or is seeking unemployment benefits under an  
29 unemployment compensation law of another state or of the United



1 States. If the appropriate agency of the other state or of the  
2 United States finally determines that the individual is not  
3 entitled to unemployment benefits, the disqualification described  
4 in this subsection does not apply.

5 (11) Beginning on May 1, 2020, and until ~~the effective date of~~  
6 ~~the amendatory act that added this subsection,~~ **October 20, 2020**, if  
7 an individual leaves work to accept permanent full-time work with  
8 another employer, the individual is considered to have met the  
9 requirements of subsection (5) regardless of whether the individual  
10 actually performed services for the other employer or whether the  
11 work was permanent full-time work. Benefits payable to the  
12 individual must be charged to the nonchargeable benefits account.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No. 40 of the 102nd Legislature is enacted into  
15 law.

