

FACT SHEET #144 APRIL 2015

Information for Employers Who Offer Work that a Claimant Refuses

When an Employer Offers “Suitable Work,” the Claimant Can Lose Unemployment Benefits if He/She Refuses It

What is “suitable work?”

Before the claimant has received 50% of his/her benefits on an unemployment claim, the claimant must accept a job that pays at least 70% of his or her gross wage before becoming unemployed. In addition to wages, other factors considered in determining suitability of a job are:

- Degree of risk to the claimant’s health, safety, and morals
- Claimant’s physical fitness for the job
- Claimant’s prior training and work experience
- Length of the claimant’s unemployment
- Claimant’s prospects for securing work in his/her customary occupation
- Distance of work from the claimant’s residence

After the claimant has received 50% of his/her benefits on a claim, the claimant must accept a job even if he or she has not performed the work in the past or been trained in the work. In addition, the claimant must accept the job if the job:

- Pays at least the state minimum hourly wage of \$8.15 an hour
- Pays at least the average wage in the locality for that kind of work
- Pays at least 120% of the claimant’s weekly unemployment benefit amount.

The factors shown above, other than prior wage, training, and experience, are still taken into account.

The employer should have communicated the offer to a specific worker, with specific details about the job. Sending the offer by registered mail and getting a return receipt is a good idea. Providing a “sign up” sheet for workers to use in responding to a generalized offer will not suffice in this case. Also, it must be a job the employer currently has available to offer.

If a worker who has been offered a job contingent on passing a drug test, and the worker either fails the drug test or refuses to take it, and the employer withdraws the conditional offer for that reason, the worker will be considered to have refused the offer of work. The employer may notify the UIA of the withdrawal of the offer based on the worker’s failure of the test or refusal to take it.

What an Employer Should Do

If a worker refuses an offer of work or fails/refuses a pre-employment drug test, the employer should notify the UIA of the refusal, either in writing at P.O. Box 169 Grand Rapids, MI 49501-0169; by fax, at (517) 636-0427, or online using the employer’s MIWAM Account. Provide the following information:

- A copy of the offer; rate of pay; who offered it; and specifically how it was communicated to the claimant (e.g. verbally, written, posted, personally delivered).
- If applicable, how the offered work compares to work previously performed for the employer by the claimant
- Reason given by the claimant for refusing the offered work (a claimant may have “good cause” for refusing work and will not be “disqualified” for the refusal, but may be held “ineligible” indefinitely because the reason shows that the worker is unable to work or unavailable for work).

What Action UIA Will Take

The UIA will use the employer's information to ask questions of the claimant about the offer or about the failure/refusal of the drug test, and about why he or she refused the work or drug test. If the claimant cannot show good cause for refusing an offer of suitable work or failing/refusing the drug test, the UIA will suspend benefit payments for 13 weeks, and reduce the claimant's balance of weeks of benefits by 13 weeks (or the number of weeks remaining on the claim, if fewer than 13). Also, if the claimant explained to the employer or to the UIA that he/she turned down work because he/she did not wish to jeopardize or reduce his/her unemployment benefits, the UIA will adjudicate the issue of "lost earnings" and will consider earnings that were turned down as if they had actually been earned. The "lost earnings" will be used to reduce unemployment benefits for the week involved.

For further information about how employers can notify the UIA about a worker's refusal of an offer of suitable work, call UIA's **Office of Employer Ombudsman (OEO)**, 1-855-484-2636 (4-UIAOEO) or 313-456-2300, or email OEO@michigan.gov.