

Refusal of Work

What the law says: This issue is covered by Sections 29(1)(e), 29(6), and 29(7) of the *Michigan Employment Security Act*. The law says that if an unemployed worker collecting unemployment benefits refuses an offer of suitable work, without good cause, the unemployed worker must be disqualified from receiving unemployment benefits. The claimant's unemployment benefits will be reduced by up to 13 weeks.

To requalify, the unemployed worker must do at least one of the following in each of the 13 weeks:

- (1) meet all of the weekly eligibility requirements of the law (that is, be able to work, be available for work, be seeking work, and so certify to MARVIN); or
- (2) have earnings of at least \$220.00.

The unemployed worker will not be disqualified unless the job the unemployed worker refuses was "suitable," based on the claimant's prior earnings, length of unemployment, prior training and experience, distance of the job to the claimant's home, and safety risks. Also, the offered work will not be suitable if it is available because of a labor dispute, or if it pays less than the usual wage in the area for that type of work, or if the worker would be required to join, or to resign from, or to refrain from joining, a union.

If an individual refuses an offer of otherwise suitable work, the individual will be disqualified from receiving unemployment benefits if it pays at least 70% of the worker's last gross wage.

However, once a claimant has received 1/2 of his/her state unemployment benefits on a claim, the claimant must take a job that is not necessarily one the claimant performed before or was trained in. Also, at that point the claimant must accept a wage that is at least the State's minimum hourly wage of \$7.40, and that is at least the average wage for the offered job in that locality, and that pays at least 120% of that claimant's weekly benefit amount.

Even though the work may be suitable, the unemployed worker will not be disqualified for refusing the work if the unemployed worker has a "good cause" for refusing it.



What court cases have said: Courts have said that the offer of work must be specific, as far as hours, wages, fringe benefits, conditions, and duties of the job. The offer must be made known to the particular worker (verbally or in writing), not just posted in the workplace.

Refusal of an offer of future work will not result in disqualification. The offered work must be currently available.

Examples: If an employer posts a notice offering certain jobs to all workers who sign up, a particular unemployed worker will not be disqualified for failing to sign up, because the offer was not personally made to that particular worker.

If a worker who is unemployed and lives 10 miles from his or her old job, moves 60 miles from his or her old job and is then offered his or her old job back, the old job would likely be unsuitable now because of the distance from the worker's current home. In deciding whether a distance is too great, travel time, road and traffic conditions in the area are considered. There is no definite number of miles that is suitable or unsuitable.

If a worker has babysitting problems and cannot accept an offer of suitable work, the worker would not be disqualified for the refusal because he or she had "good cause" for refusing the offer. However, the babysitting problems may make the worker ineligible for unemployment benefits, because the worker may be unavailable for full-time, suitable work, as required to receive unemployment benefits.

Proof at the Hearing: The employer must prove that a specific offer of work was made to the unemployed worker, and that it was suitable, and that the worker refused it. The unemployed worker may show that the offer was not received, or may show why it was not suitable, or may explain that he or she had good cause for refusing the work.

For Further Help: The UIA Advocacy Program can provide assistance to employers and/or unemployed workers in preparing for an Administrative Law Judge hearing on this issue. Call 1-800-638-3994, Item 2.