

Fact Sheet #145

What is Suitable Work?

Michigan's unemployment insurance law requires individuals collecting unemployment benefits to be available for suitable work and accept an offer of suitable work. Wages, workplace safety, and other factors are considered in determining whether the work is "suitable."

In determining whether full-time or part-time work is "suitable," the law considers the following criteria:

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

An individual that refuses an offer of suitable work will be denied benefits, if the gross rate of pay is at least 70% of what the claimant receives immediately prior to filing for unemployment.

After collecting half (50%) of the claimant's eligible weeks, they must apply for and accept work. This work can even be outside of the claimants past training, experience or rate of pay.

A job is unsuitable if it is vacant due to a labor dispute, if it pays less than the usual wage for that job in that location, or if a worker would be required to join, resign from, or refrain from joining a union.

If an employee refuses to return to work

If the Unemployment Insurance Agency (UIA) finds that the employee did not have good cause to refuse to return to work, the employee: (1) will not be eligible for further unemployment benefits, and (2) would have to replay benefits received after the refusal.

How does the UIA determine average wage information?

State law requires the UIA to use an online database published by the Department of Technology, Management and Budget (DTMB) to determine average hourly and average annual wage information for a specified occupation or job title within a geographical area. This searchable database is available to the public at:

<https://lmi.org/DataSearch/index>.

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Refusal of suitable work examples

Example 1: Suitable work during first half of benefits

- An electrical engineer files for benefits after being laid off from a manufacturing job. She is entitled to 20 weeks of benefits with a weekly benefit rate of \$446 per week. She has a degree in engineering and seeking full-time work while collecting benefits. After collecting eight (8) weeks of benefits, she is offered a full-time job as an engineer. Her gross wage at her last employer was \$60,000 per year.

Is this considered suitable work?

- The offer of work is consistent with her past training, work experience and proximity to her home. The pay offer is at least 70% of her last gross wage (\$60,000 x .70 \$42,000). Unless one of the other criteria prevents this job from being suitable, such as a risk to her health or safety, the work offered is suitable.

Example 2: Suitable work after collecting half of benefits

- A medical assistant files for unemployment benefits in March of 2016 after being laid off from a local hospital. He receives a determination entitling him to 20 weeks of benefits at a weekly benefit of \$446. He has previous training in the medical field and is certified as a medical assistant with prior work experience as a waiter. After collecting 14 weeks of benefits, he is offered a part-time job working 25 hours a week as a word processor at an insurance company in proximity to his home, making \$16 per hour.

Is this considered suitable work?

- Since he collected half of his benefits, he must accept any offer of work, regardless of his prior work experience and training as a medical assistant. In addition, it also must be at least 120% of his weekly benefit rate, average

wage in the locality of the work offered and be at least the state minimum hourly wage (\$9.65 per hour). In this example, the hourly pay exceeds the state minimum hourly wage and gross pay is greater than 120% of his weekly benefit rate. See below calculations.

- **Gross wages of offered work** = 25 hours of work x \$16 per hour = \$400 per Week
- **Weekly Benefit Amount (WBA)** = \$446
- **120% of WBA** = \$446 x 1.20 = \$535.20 rounded down to \$535
- \$400 gross earning offered per week is less than \$535, which is 120% of his WBA.
- However, this offer of work is deemed unsuitable due to the average hourly wage in this locality as a word processor is \$17.50 per hour statistically.

Protesting or appealing a refusal of work determination or redetermination

Determinations or redeterminations can be protested or appealed within 30 days of the mail date on the(re) determination. The employer has the burden of proof that an offer of work was made and it was suitable.