Navigating Michigan’s Unemployment Insurance Law
MOST COMMON DISQUALIFICATIONS:
- VOLUNTARY LEAVING (QUIT)
- DISCHARGE (FIRED)
- REFUSAL OF WORK
DISQUALIFICATIONS AND INELIGIBILITIES

VOLUNTARY LEAVING (QUIT)

The claimant is disqualified for

Voluntarily leaving work

Without good cause attributable to the employer
VOLUNTARY LEAVING (QUIT)

The “burden of proof” is on the claimant to show either:

Leaving was involuntary, or
Leaving was voluntary, but with good cause attributable to the employer
VOLUNTARY LEAVING (QUIT)

To show the leaving was “involuntary,” the claimant must show

✓ medical evidence that continued work would be injurious, **and**
✓ unsuccessful attempt to secure alternate work from employer, **and**
✓ unsuccessful attempt to secure leave of absence.
VOLUNTARY LEAVING (QUIT)

Leaving was voluntary, but with good cause attributable to the employer.

Claimant must show attempt to correct legitimate problem by bringing it to employer’s attention, and must show problem was not corrected after reasonable time.
VOLUNTARY LEAVING (QUIT)

A claimant who is disqualified cannot begin or continue to receive benefits from any employer until the claimant earns 12 times his/her weekly unemployment benefit amount (that is, “reworks”). If the claimant satisfies the rework, the account of the employer involved in the quit will not be charged. Instead, the “Nonchargeable Benefits Account” is charged.
DISQUALIFICATIONS AND INELIGIBILITIES

DISCHARGE (FIRING)

The “burden of proof” is on the employer to show

“Misconduct” and

Connection with the work
DISQUALIFICATIONS AND INELIGIBILITIES

DISCHARGE (FIRING)

A claimant who is disqualified cannot begin or continue to receive benefits from any employer until the claimant earns 17 times his/her weekly unemployment benefit amount (that is, “reworks”). If the claimant satisfies the rework, the account of the employer involved in the discharge will not be charged. Instead, the “Nonchargeable Benefits Account” is charged.
"[Misconduct in an unemployment compensation case is] … conduct evincing such wilful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer. On the other hand, mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion are not to be deemed 'misconduct' within the meaning of the [unemployment compensation] statute."
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DISQUALIFICATIONS AND INELIGIBILITIES

DISCHARGE (FIRING)

The “burden of proof” is on the employer to show

“Misconduct” and

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DISCHARGE (FIRING)

The discharge can be for a single, serious incident of misconduct (such as assault, theft, insubordination)

The discharge can be for a series of incidents, no one of which would be misconduct but which, in the aggregate, can be considered misconduct. But the final incident in the series must show some degree of wrongdoing by the claimant to sustain disqualification.
REFUSAL OF WORK

The “burden of proof” is on the employer to show

- Communication of offer of work
- Suitability of offered work
- Refusal of offered work

The “burden of proof” then shifts to the claimant to show “good cause” for refusal.
DISQUALIFICATIONS AND INELIGIBILITIES

REFUSAL OF WORK

Distance from residence
Risk to health, safety, morals
Physical fitness
Length of unemployment
Wage differential
REFUSAL OF WORK

Wage differential

- Until ½ of benefits are paid:
  - Prior experience and training
  - 70% of prior wage

- Once ½ of benefits are paid:
  - Any job within capabilities
  - Job that pays at least minimum wage, and average wage in area, and 120% of weekly benefit amount.
REFUSAL OF WORK

If a claimant refuses an offer of suitable work, a disqualification can be imposed. If the claimant turns down hours of work they could have had, the issue will be “lost remuneration” and the pay for hours the claimant could have worked will be used to reduce unemployment benefits for the week just as if the hours had actually been worked and the wages paid.
REFUSAL OF WORK

To requalify for benefits after refusing an offer of suitable work, the claimant must serve a 13-week period of requalification, and benefits will be reduced by 13 weeks (or the number of weeks remaining on the claim, if fewer than 13). Requalification can be served in a week with earnings, or by “certification” to benefit eligibility for the week.
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 (taking into account the claimant’s age and health, time of day of travel, travel time and traffic conditions, and availability of a means of transportation).

After the claimant has received 50% of his/her benefits on a claim, the claimant must accept a job even if it is outside of his or her past training and experience, if it pays at least the state minimum hourly wage of $7.40 an hour; if it pays at least the average wage in the locality for that kind of work; and if it pays at least 120% of the claimant’s weekly unemployment benefit amount.

What an Employer Should Do

The employer should communicate the offer of suitable work to a specific worker, with specific details about the job. Providing a “sign up” sheet for workers to use in responding to a generalized offer will not suffice.

If a worker refuses an offer of work, the employer should notify the UIA of the refusal (by writing to P.O. Box 169 Grand Rapids, MI 49501-0169 or Fax: 1-517-436-4247) and provide the following:

- A copy of the offer, including specifics on who offered it and how it was communicated to the claimant (e.g., verbal, written, posted, personally delivered).
- If applicable, how the work was offered compared to work previously performed for the employer by the claimant.
- Reason given by the claimant for refusing the work that was offered.

Sometimes a claimant will have “good cause” for refusing work and will not be “disqualified” for the refusal, but will be held “ineligible” indefinitely because the reason shows that the worker is unable to work or unavailable for work.

What Action will UIA take?

The UIA will use the employer’s information to ask questions of the claimant about the offer, and about why he or she refused the work. If the claimant cannot show good cause for refusing an offer of suitable work, 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 refused work because he/she did not wish to jeopardize or reduce his/her unemployment benefits, the UIA will adjudicate the issue of “lost wages” and will consider earnings that were turned down as if they had actually been earned. The “lost wages” 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 Outreach (OEQ), 1-855-445-2306, or email EOE@Michigan.gov.

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DISQUALIFICATIONS AND INELIGIBILITIES

What is Suitable Work?

Michigan’s unemployment insurance law requires claimants to make reasonable efforts to accept suitable work. The following are considered suitable work:

- Acceptable work
- Acceptable training
- Volunteering for work experience
- Preparing to return to work
- Unemployment benefits
- Other accepted work
- Acceptable work not suitable for the worker’s skills and abilities

During the 30-day period of unemployment, benefits may be terminated if the worker is not available to begin work or does not actively seek work. After that period, the person may be terminated if he or she continues not to seek work.

- If the person is not looking for work, the person’s eligibility will be challenged.
- If the person is not looking for work, the person will be terminated.

What is Not Suitable Work?

The following are not considered suitable work:

- Not looking for work
- Not looking for work
- Not looking for work
- Not looking for work
- Not looking for work
- Not looking for work

How Does the UIA Determine Average Wage Information?

Michigan’s unemployment insurance law requires the worker to accept suitable work. The UIA works with the Department of Labor to determine the average wage. The UIA also works with the Department of Labor to ensure that the average wage is determined.

The following are some examples of average wages in Michigan:

- $15 per hour
- $12 per hour
- $10 per hour
- $8 per hour
- $6 per hour
- $4 per hour

Example 2: Suitable Work After Collecting Full Benefits

An unemployed claimant worked for 4 weeks as a cashier at a local grocery store. He worked 40 hours per week and earned $20 per hour. He then lost his job and collected unemployment benefits for 26 weeks. After he finished his benefits, he accepted a job as a cashier at a local supermarket. He worked 40 hours per week and earned $20 per hour. He then lost his job and collected unemployment benefits for 26 weeks. After he finished his benefits, he accepted a job as a cashier at a local supermarket.

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Preparing or Appealing a Disqualification Decision

If you receive a determination disqualifying you from receiving benefits, you may appeal the decision. You have 10 days from the date of the determination to file an appeal. If you do not file an appeal, the determination will be final and you will not be eligible for benefits.
WEEKLY ELIGIBILITY:

☑ Be able to work

☑ Be available for full-time, suitable work (must keep UIA and employer informed of contact information)

☑ Seek work (must file monthly report of work search results)

☑ Register for work with MW!A

☑ Report to MARVIN on appointment.
DENIAL PERIOD FOR SEASONAL EMPLOYERS:
An employer that employs one or more workers hired to work regularly recurring periods of 26 weeks or less within a 26-week period can be designated as a “seasonal employer.” If “reasonable assurance” is given of re-employment for the next season, unemployment benefits will be denied to the employee between seasons, to the extent the benefits are chargeable to the seasonal employer.
DENIAL PERIOD FOR SEASONAL EMPLOYERS:
In addition to a “seasonal employer,” the denial period can also apply to a school, or to a 3rd party contractor for a school, or to an employer of a professional athlete.