

February 9, 2020

The Honorable Julie Petrik, Chairperson
Unemployment Insurance Appeals Commission
c/o Michigan Department of Labor and Economic Opportunity
525 W Allegan
PO Box 30475
Lansing, MI 48933

Dear Chair Petrik:

Thank you for the opportunity to provide comment as the Commission works to revise administrative rules governing appeals. Members of the Michigan Manufacturers Association (MMA) are interested in a fair, predictable and efficient appeals process and appreciate the opportunity to work collaboratively with you, members of the Unemployment Insurance Appeals Commission (UIAC) and the Unemployment Insurance Agency on continuous improvement of the process.

Rule 792.11407 Notice of Hearing: Ensuring that all parties are adequately prepared is critical to ensuring efficient and fair hearings. Accordingly, we respectfully request that additional advance notice of a hearing be required under Rule 792.11407(1). The current ten-day notice provided under subsection (1) is often insufficient for an employer to both make a decision on how they would like to proceed with the hearing, and to engage legal representation if they so choose. In order to ensure that employers are able to gather all relevant evidence, secure all necessary witnesses, and seek guidance as to what is required to meet their burden of proof, we would suggest that at least 20-day notice be provided, as in subsection (3).

Rule 792.11412 Hearing location; telephone hearing: In cases where the employer must prove misconduct by the claimant, it can be very difficult to meet the burden of proof via telephone. It is extremely difficult to determine claimant credibility without physically observing the claimant testify. We respectfully request that parties be provided with the opportunity to request an in-person hearing, especially in misconduct cases.

MMA, on behalf of its over 1600 manufacturing member companies, appreciates the opportunity to provide input on the impending rule revision and looks forward to working collaboratively with the UIAC as the rules promulgation process moves forward. I hope that you will not hesitate to reach out if I can provide any additional information.

Sincerely,
Delaney McKinley
Senior Director, Government Affairs and Membership