

~~CONSUMER AND INDUSTRY SERVICES~~
~~TALENT AND ECONOMIC DEVELOPMENT~~

~~UNEMPLOYMENT AGENCY DIRECTOR'S OFFICE~~
~~TALENT AND INVESTMENT AGENCY~~

UNEMPLOYMENT INSURANCE

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of employment security by section 4 of 1936 (Ex Sess) PA 1, MCL 421.4 and Executive Reorganization Order Nos. 1995-7 and 1997-11, MCL 421.93 and 421.94)

R 421.210 of the Michigan Administrative Code is amended and R 421.217 is added as follows:

R 421.210 Unemployment insurance benefit filing requirements; definitions.

Rule 210. (1) An individual shall receive benefits for any week of unemployment for which the individual filed a claim and reported in accordance with this rule and with the direction of the agency and for which the individual is otherwise eligible and qualified for benefits. In the case of an employer whose workers have filed either 1,000 or more new claims or additional claims, or both, in each of the previous 3 calendar years, the employer shall file claims on behalf of the workers, in a manner prescribed by the agency.

(2) As used in this rule:

(a) "Additional claim" means a claim filed by an individual to reestablish eligibility for benefits after an interruption in the claim series during an existing benefit year caused by a period of employment.

(b) "Claim series" means an uninterrupted period of weeks for which an individual claims benefits.

(c) "Continued claim" means a report filed by an individual who has filed a new, additional, or reopened claim and who is certifying as to eligibility for benefits for 1 or more weeks of unemployment.

(d) "Day of work" means a calendar day or portion of a calendar day on which an individual performed services for an employing unit under a contract of hire, including a calendar day or portion of a calendar day for which an individual received, or is entitled to receive, call-in pay. If an individual reports for work on a day on which the individual has been scheduled to work, but does not work because work is not available, then that day is considered a "day of work."

(e) "Good cause for late filing of a new, additional, or reopened claim" and "good cause for late reporting to file a continued claim" means that there is a justifiable reason, determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, that prevented a timely filing or reporting to file as required by this rule. Examples of justifiable reasons that the agency may consider as constituting good cause include any of the following:

(i) Acts of God.

(ii) Working or reliance on a promise of work that did not materialize.

(iii) Closing of agency offices, or the failure of the agency's telephonic or electronic equipment, during scheduled hours of operation.

(iv) Delay or interruption in the delivery of mail or the delay or interruption of information by telephonic or other means by a business or governmental agency entrusted with the delivery of mail or of messages by telephonic or other means.

(v) Personal physical incapacity or the physical incapacity or death of a relative or ward of either the individual or the individual's spouse or of any person living in the same household as the individual claiming benefits.

(vi) Attendance at a funeral.

(vii) Incarceration.

(viii) Jury duty.

(f) "New claim" means a claim filed by an individual to establish eligibility for a new benefit year.

(g) "Reopened claim" means a claim filed by an individual to reestablish eligibility for benefits after an interruption in the claim series during an existing benefit year for a reason other than employment that is caused by a period of nonreporting.

(h) "Week of unemployment" means a week during which an individual is unemployed within the meaning of section 48 of 1936 PA 1, MCL 421.48.

(3) An individual shall file a new, additional, or reopened claim or shall report to file a continued claim as directed by the agency. **All of the following apply:**

(a) For all new, additional, or reopened claims an individual must provide all information as required by section 28 of 1936 (Ex Sess) PA 1, MCL 421.28 before any claim is processed.

(b) For each new, additional, or reopened claim, the individual must provide a valid phone number or email address at which he or she can be reached. The Unemployment Agency may leave a message at the phone number or email address provided.

(c) All information provided may be used by the Unemployment Agency to verify the indemnity of the individual applying for benefits and for any other purpose in administering the Michigan employment security act 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.

(4) To be filed on time and effective as of the beginning of the individual's first week of unemployment, a new or additional claim shall be received by the agency, in a manner prescribed by the agency, not later than the Friday after the end of the week containing the individual's last day of work. A reopened claim is effective as of the beginning of the week in which it is received by the agency.

(5) To be filed on time and effective for each week for which the individual is reporting to file, a continued claim shall be received by the agency, in a manner prescribed by the agency, not later than the Friday after the end of the last week of the period for which the

claimant is instructed to report and has continued to report in a claim series. If an individual does not file a continued claim in a timely manner in accordance with this sub rule, and if the filing is untimely without good cause, then the claim filed by the individual is a reopened claim.

(6) If an individual does not file a new, additional, or reopened claim as prescribed in subrules (4) and (5) of this rule, but files the new, additional, or reopened claim not later than the fourteenth calendar day after the time limits prescribed in subrules (4) and (5) of this rule, then the new, additional, or reopened claim is considered filed on time if the claimant has good cause for the lateness of the filing. If the ~~claimant~~ **individual** does not have good cause for the lateness of the filing, then the new, additional, or reopened claim is effective beginning with the week in which it is filed.

(7) If an individual does not report to file a continued claim within the time limits prescribed in subrules (4) and (5) of this rule, but reports to file the continued claim not later than the fourteenth calendar day after the time limits prescribed in subrules (4) and (5) of this rule, then the individual is considered to have reported on time to file the continued claim if the individual has good cause for the lateness of the reporting to file the continued claim. If the individual does not have good cause for the lateness of the reporting to file the continued claim, then the reporting to file the continued claim is a reopened claim.

(8) If an individual files a new, additional, or reopened claim or reports to file a continued claim by mail, then the claim or report is considered received by the agency as of the date the mail is received by the agency.

(9) If an individual files a new, additional, or reopened claim or reports to file a continued claim by deposit in a designated agency drop box, then it is presumed that the claim was received by the agency on the previous business day if gathered in the first retrieval of the day if this presumption is required for the new, additional, or reopened claim to be considered filed on time or the continued claim to be considered a timely report.

(10) If the claimant is unable to file a claim in a timely manner because the agency's services are unavailable, then the claim is considered filed on time if it is received by the agency on the next workday.

R. 421.217 Verification of employer report, claimant affidavit of identity theft

Rule 421.17 (1) Upon the simultaneous receipt of an employer report and the affidavit of an affected individual as defined by section 54f of 1936 (Ex Sess) PA 1, MCL 421.54f, the unemployment agency shall promptly examine the claim as required by section 32(a) of 1936 (Ex Sess) PA 1, MCL 421.32(a). The unemployment agency shall make a determination within 2 business days after an unemployment agency employee or agent examines the facts and independently determines whether the claim was filed by an impostor as required by Section 54(m) of 1936 (Ex Sess) PA 1, MCL 421.54(m). The examination of the facts by an unemployment agency employee or agent must afford any interested party an opportunity to provide evidence on whether the claim was filed by an impostor.

(2) If both an employer report and an affidavit of an affected individual are not received simultaneously, upon receipt of either, the unemployment agency shall issue notice to the named claimant to verify his or her identification.

(3) If a notice to verify identification is issued prior to the receipt of both an employer report and affidavit of an affected individual, the unemployment agency shall not make a determination until the time to respond in that notice has elapsed.