

SPECIAL REPORT

REVISED UNEMPLOYMENT INSURANCE ACT

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This Special Report was written by Kenneth R. Hale, J.D., CPCU, AAI, LIC. of Marsh & McLennan Agency LLC. Mr. Ken Hale can be contacted at 734-525-2412 or khale@mma-mi.com. More Special Reports are available at www.mma-mi.com.

A new comprehensive unemployment insurance legislative package has been signed into law. Senate Bills 483, 484 and 806 have been enacted as Public Acts 267, 268 and 269 of 2011.

Public Act 269 is intended to provide cost-saving reforms. Several of these reforms are summarized below.

1. Strengthens the requirement for seeking work.

The Act requires an individual to meet various criteria in order to receive benefits including the requirement that the individual has registered for work and is seeking work. The individual must be "actively engaged" in seeking work. The intent of this Act is to strengthen the requirement that the individual be seeking work.

2. Tightens disqualification standards.

Except as otherwise provided under the Act, an individual is disqualified from receiving benefits if he or she left work voluntarily without good cause attributable to the employer. An individual will be considered to have voluntarily left work without good cause attributable to the employer if he or she is absent from work for at least three consecutive work days without contacting the employer.

3. Provides stringent requirements regarding availability for work.

Specifically, the Act requires an individual to be able and available to perform suitable full-time work of a character that he or she is qualified to perform by past experience or training, that is generally similar to work

for which the individual has previously received wages, and for which he or she is available full-time.

The Act further provides that an individual is considered unavailable for work under any of the following circumstances:

The individual fails during a benefit year to notify or update a chargeable employer with telephone, electronic mail, or other information sufficient to allow the employer to contact the individual about available work.

The individual fails, without good cause, to respond to the Unemployment Insurance Agency (UIA) within 14 days after a notice to contact the Agency is mailed or a phone message requesting a return call is left, whichever is later.

Unless the claimant shows good cause for failure to respond, mail sent to the individual's address of record is returned as undeliverable and the telephone number of record has been disconnected or changed or is otherwise no longer associated with the individual.

4. Provides requirements for leaving work involuntarily for medical reasons.

The Act provides that an individual claiming benefits has the burden of proof to establish that he or she left work involuntarily or for good cause attributable to the employer. Except as provided under the Act, an individual claiming to have left work involuntarily for medical reasons must have done all of the following before leaving:

Secured a medical professional's statement that continuing in the current job would be harmful to the individual's physical or mental health.

Unsuccessfully attempted to secure alternative work with the employer.

Unsuccessfully attempted to be placed on a leave of absence with the employer to last until the individual's mental or physical health would no longer be harmed by the current job.

5. Provides grounds for disqualification for illegal use of a **controlled substance on the employer's premises.**

Disqualifications that are disputed by claimants for illegally ingesting, injecting, inhaling or possessing a controlled substance on the employer's premises would require a generally accepted confirmatory test on the same sample previously tested. If the confirmatory test also indicates a positive result for the presence of a controlled substance, the worker who is discharged as a result of the test result will be disqualified. A report by a drug testing facility showing a positive result is conclusive unless there is substantial evidence to the contrary.

Please call or email us if you have any questions regarding the information provided in this Special Report.

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