

# Introduction to Michigan Unemployment

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# Topics

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- The Basics of Unemployment Insurance
- Separation Reasons (MCL 421.29)
- Continuing Eligibility Criteria (MCL 421.28)

# Basics of UI

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- UI 20 weeks of “benefits entitlement”
  - Used to be 26 before being reduced
- Maximum WBA is \$362
  - Each dependent adds \$6 per week, up to five dependents
- Complicated Formula for monetary eligibility
- Key language is “no fault of your own”. You are ineligible if you:
  - voluntarily quit a job;
  - are fired for misconduct;
  - reject a suitable job offer; or
  - are not able or available for full-time work

## Leaving Provisions (MCL 421.29)

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- A worker must be separated from their employer to be eligible for Unemployment Benefits
- Generally, there are three kinds of Separations:
  - Quit
    - Burden on ER to prove quit, on EE to prove involuntary
  - Fired
  - Laid Off
    - No Burden, eligible for UI

# Voluntary Quit

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- If it is a voluntary quit, Claimant is disqualified
- Essentially anything “not attributable to the employer” or “within employee’s control”
- **Burden of Proof: Claimant. But can be shifted to Employer to prove it was voluntary or quit if claimant contests.**
- Voluntary Includes:
  - Loses a qualification needed for the job - Delivery Driver losing their license
  - Disgruntled with job - Being passed over for promotion (usually)
  - Retirement or Buyout - If they were voluntary (no threat of being fired if refused)
  - 3 Days of no call, no show – if made employee was aware of how to call in worked at the time of hire

## Involuntary or Good Cause Quits

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If one of these, then claimant is not disqualified.

- Generally, requires something within the employer's control
- Involuntary Includes
  - Significant changes to working conditions or job description
  - Being told to do something illegal
  - Choice of being fired or quitting - no choice at all/Involuntary
  - Work Conditions and Harassment

# Misconduct

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- At will employment means that employees can be fired for any reason and a lot of them will not get them disqualified.
- For Misconduct, **Burden is on the Employer to prove:**
  - 1. Termination was for Misconduct
    - Misconduct: Intentional and Substantial Disregard for ER's interests
  - 2. In connection to work
  - If above proven, claimant must dispute or lose.

# Able and Available

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- Again, unemployment is for those who are temporarily unemployed
- It worth noting what the two words mean
  - **Able** – Illness/Injury
  - **Available** – Transportation, Childcare, etc.
- These can be temporary or permanent issues
  - Benefits can resume once you can show you are able and available