

Section: Employee/Labor Relations

Section Number: 4.4.3

Subject: Mandated Benefits:
Unemployment Compensation

Date of Present Issue: 04/15/96

Date of Previous Issues:
06/79, 11/81, 01/87

POLICY:

Employees at Lake Superior State University are covered by the provisions of the Michigan Employment Security Act and the Federal Unemployment Tax Act.

A. EXCLUSIONS

Provisions of the acts exclude from coverage some of the following services:

1. Services performed in the employ of the University by a person who is "primarily a student" and enrolled at the University, pursuing a course of study for academic credit and while enrolled, normally works 30 hours or less per week for the University.
2. Services performed by a spouse of such a student, if given written notice at the start of such service that the employment is under a program to provide financial assistance to such student, and that such employment will not be covered by any program of unemployment compensation.
3. Services performed by an individual less than 22 years of age who is enrolled, at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has certified that fact to the employer. This subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.
4. Services performed by a student of any age if employment is a formal and accredited part of the regular curriculum of the University.
5. Services performed by an individual employed at the University in an instructional, research, or principal administrative capacity. Benefits shall not be paid to such individuals for any week(s) of unemployment between two academic years, or semesters, whether successive or not, during an established and customary vacation period or holiday recess, or a paid sabbatical leave, if the individual was employed by the University immediately before the aforementioned period(s) and there is a contract, or reasonable assurance that employment by the University will continue in an instructional, research or principal administrative capacity immediately following the aforementioned period(s).
6. Services performed by an individual employed at the University in other than an instructional, research or principal administrative capacity. Benefits shall not be paid to such individuals for any week(s) of unemployment between two successive academic years or semesters, if the individual performed the service in the first of the academic years or semesters, and there is reasonable assurance delivered to the individual that he/she will perform the service in the second of the academic years or semesters, or during an established and customary vacation period or holiday recess, if they performed the service in the period immediately before the recess and have a contract or reasonable assurance that they will perform the work immediately following the recess or vacation period.
7. An individual shall not be deemed to be unemployed or receive unemployment benefits during any leave of absence from work granted by the employer either at the request of the individual or pursuant to a bargaining unit agreement. This does not apply to individuals who elect a layoff option provided under a bargaining unit agreement or employer plan when there is a temporary layoff because of lack of work, and the employer consents thereto.

B. ADVOCACY ASSISTANCE PROGRAM

A program has been implemented to provide, upon request, claimant and employer advocacy assistance. The purpose of the program is to provide information, consultation, and representation to claimants and employers relating to the referee or board of review appeal levels, or both. Please review the Michigan Employment Security Act for additional details.

C. ADMINISTRATION AND PROCESSING

The Office of Employee Relations is charged with the responsibility to administer the unemployment compensation program at Lake Superior State University, and to process all claims.

Only ten days from date of mailing are allowed to respond to an initial claim, thirty days to request redetermination or to appeal a decision to the next higher level of governmental authority. It is of the utmost importance that claims be processed through the Employee Relations Office without loss of time. Occasionally, initial claim forms may be sent directly to the supervisor of a former employee. All personnel handling mail in campus offices should forward without delay all communications from any Employment Security Commission of any state to the Employee Relations Office.

D. BENEFITS

The 1984 amendments to certain sections of the Unemployment Tax Act, P.A. 1936 and the Michigan Employment Security Act:

- a. An individual shall be eligible for benefits if the individual has the required credit weeks (whether from one employer or as a multi-employer claim), has filed a claim, registers for work and reports to the local unemployment office as necessary, and is able and available to perform suitable work for which the individual is qualified.
- b. See Section 27 of the Michigan Employment Security Act for information on benefit payments. See Section 50 of the Michigan Employment Security Act for a definition of "week" and "credit week."
- c. An individual shall be disqualified for benefits when leaving work voluntarily without good cause attributable to the employer, being discharged for misconduct connected with the individual's work, for participating in an illegal strike, for assault and battery connected with the individual's work, for theft, discharged for intoxication while at work, for willful destruction of property, or convicted of violation of the law resulting in a prison sentence.
- d. Please review the Michigan Employment Security Act, Section 29 (3), for information relating to re-qualifying acts.

E. COSTS

The University is a "reimbursing employer" under the Michigan Employment Security Act. This means that all unemployment benefits paid out, for both regular and extended benefit periods, by the Michigan Employment Security Commission to former employees of the University who are eligible for these benefits, are billed directly to the University, and are paid for by the University from its various operating funds.