

LENAWEE COUNTY
UNEMPLOYMENT COMPENSATION SYSTEM

Section 1. Unemployment Compensation System

There is hereby established an unemployment compensation system and benefit plan for employees in the County of Lenawee to be administered by the Personnel Department of the County of Lenawee. This plan is established pursuant to Act 170 of the Public Acts of 1958, as amended, of the State of Michigan.

Section 2. Definitions

“Average Weekly Wage” with respect to a base period of employment, shall be the amount determined by dividing total wages for credit weeks earned by the number of such credit weeks chargeable to the County of Lenawee as employer.

“Base Period” means the period of 52 consecutive calendar weeks ending with the day immediately preceding the first day of an individual’s benefit year.

“Benefit Year” with respect to any individual means the period of 52 consecutive calendar weeks beginning with the first calendar week with respect to which the individual, who does not already have a benefit year in effect, files a claim for benefits under this plan provided that the individual has earned wages of at least \$25.01 in each of fourteen (14) or more calendar weeks within the Base Period. Such weeks are called “Credit Weeks”.

“Benefits” means the money payments payable to an eligible and qualified individual as provided in this plan, with respect to unemployment.

“Personnel Director” means the Personnel Director of the County of Lenawee.

“Unemployed” means an individual shall be deemed unemployed with respect to any week during which he performs no services and with respect to which no remuneration is payable to him, or with respect to any week of less than full-time work if the remuneration payable to him is less than his weekly benefit rate.

“Wages” means remuneration paid for employment as defined in the Michigan Employment Security Act.

Section 3. Benefit Rates

Benefit payments to eligible employees shall begin with the date of eligibility and shall be calculated according to the following rules:

- a) The weekly benefit rate and the amount of the weekly benefit payment shall be determined in accordance with the relevant provisions set forth in Section

Viewers of this presentation of present ordinances which have been adopted by Lenawee County Board of Commissioners are advised that the information contained herein is presented for informational purposes only. Viewers are cautioned that this presentation of ordinances may or may not be current or up to date. In addition this presentation does not include public health code ordinances. The Lenawee County Department of Public Health should be contacted for other items of public health concern.

27 of the Michigan Employment Security Act, as amended, and as set forth in the Michigan Employment Security Act Weekly Benefit Rate Table in effect for the week for which benefits are claimed.

- b) The dependency class of an unemployed person shall be determined as stipulated and provided by the relevant provisions of Section 27 of the Michigan Employment Security Act, as amended. A dependent shall be defined by the Michigan Employment Security Act, as amended.
- c) Eligible employees shall be entitled to three (3) weeks of benefits for each for four (4) credit weeks earned working for the County of Lenawee up to a maximum of twenty-six (26) weeks of benefits for thirty-five (35) weeks preceding the week in which the claimant applied for benefits except that an employee who was employed by the County during his base period shall need only thirty-four (34) credit weeks to qualify for the maximum twenty-six (26) weeks of benefits. The minimum duration shall not be less than ten and one-half (10½) weeks if the claimant worked fourteen (14) weeks and earned at least 25.01 in each week.
- d) Any change in the rate of regular benefits and their duration, the definition of dependent and the determination of the dependency class of an unemployed person or other related change that would be mandatory to meet the requirements for equivalency with the Michigan Employment Security Act shall become effective the same day as under the Michigan Employment Security Act.

Section 4. Authorization of Payments

Payment of unemployed benefits shall be based on a certification from the Personnel Director to the County Clerk. Such certification shall contain all information necessary for payment. A record of the benefits received by each individual shall be maintained by the Personnel Director.

Section 5. Employees Covered

Except as provided by Section 6, employees covered by this unemployment compensation system shall consist exclusively of the employees employed by the County of Lenawee.

Section 6. Employees and Persons Not Covered

The following employees and officials shall not be covered by this unemployment compensation system:

- a) Elected officials, or their replacements, and persons appointed to a board, commission, council, or other similar organizations.
- b) Persons providing contractual service to the County as specialists, independent contractors, or employees thereof.

- c) Employees who are or were at the time of their employment by the County, students enrolled on a regular basis in high school, college, graduate school, or any other school in which their primary status is clearly that of a student, or any persons hired as students.
- d) Seasonal, temporary and part-time employees of the County of Lenawee.
- e) An individual who performs a service and receives compensation which is derived from federal, state, or other funds received under a specific program for which an application was made, except where such program requires that benefits equal to those provided for qualified county employees be extended to the employees of such special program, and the total cost of such benefits is reimbursed to the County by such program regardless of when such costs are incurred.
- f) A student attending a public or private high school, college, or university whose employment was part-time or within the vacation period of the institution, or a part of the institutions' school curriculum or program.

Section 7. Eligibility for Benefits

A claimant to be eligible for benefits must be unemployed as defined and must make a claim for benefits in the manner prescribed by the Personnel Director and further must:

- a) Be able and available to perform full-time work which he is qualified to perform by past experience or training and of a character generally similar to work for which he has previously earned wages and be seeking such work; and
- b) Be in compliance with registration and reporting requirements.

Section 8. Disqualifications

A claimant is disqualified from receiving benefits if the Personnel Director finds that an individual is unemployed due to an ineligible termination or separation as specified in Section 9, has left his work voluntarily, or has accepted permanent full-time work with another employer, or has failed without just cause to apply for available suitable work, or has failed to report for available suitable work, or has failed to report for a work interview, or has failed to accept suitable work when offered, or has failed when directed to return to his customary work, or any other condition as defined by the Michigan Employment Security Act, as amended.

Section 9. Ineligible Terminations and Separations

An employee shall not be eligible for benefits under the unemployment compensation system established by this plan if the unemployment shall result from:

- a) Retirement under any retirement system or any future retirement system covering County employees.
- b) Discharge or suspension for reasons including but not limited to misconduct connected with one's work, intoxication while at work, absence due to

Viewers of this presentation of present ordinances which have been adopted by Lenawee County Board of Commissioners are advised that the information contained herein is presented for informational purposes only. Viewers are cautioned that this presentation of ordinances may or may not be current or up to date. In addition this presentation does not include public health code ordinances. The Lenawee County Department of Public Health should be contacted for other items of public health concern.

imprisonment, or an act of assault, theft, or sabotage connected with one's work.

- c) Resignations or quits including resignations or quits in lieu of discharge.
- d) Leaves of absence for any reason whether voluntary or involuntary.
- e) Temporary separations made at the request of the employee.
- f) Participation or direct interest in a labor dispute including any strike, any action contrary.

Section 10. Payment of and Restrictions on Benefits

Benefits shall be paid bi-weekly at a time and place fixed by the County Personnel Committee. All beneficiaries must report bi-weekly to the Personnel Office on designated days for bi-weekly benefit checks and determination of continuing eligibility. For continuing eligibility, a beneficiary must be actively seeking work, and must be registered with the Michigan Employment Security Commission. No beneficiary who shall refuse any reasonable "bona fide" offer of employment shall receive any benefits after such refusal.

Section 11. Rules and Procedures

Rules and procedures including any necessary forms may be established by the Personnel Department to administer the unemployment compensation system. The Personnel Director or his designee may bring suit in the name of the County of Lenawee to recover any moneys paid upon a fraudulent or untrue application or claim.

Section 12. Determinations

The Personnel Director or his designee shall promptly make a determination after an application for benefits is filed whether the claimant is a covered individual eligible and qualified to draw benefits based upon the available information. The issuance of each benefit check shall be considered a "prima facie" determination that the claimant receiving the check was a covered individual eligible and qualified for benefits. Where a claimant refuses work or fails to apply for work or in any other way is or becomes disqualified or ineligible for benefits, the Personnel Director or his designee shall promptly make a written determination of such disqualification or ineligibility and shall send the claimant notice thereof, including a notice of right to appeal.

Section 13. Redeterminations

Upon written request of any claimant within 15 days following any determination or decision respecting qualification, eligibility or rate of benefits, the Personnel Director or his designee shall promptly review the prior determination and, if necessary, may order a hearing thereon. Upon review with or without hearing, the Personnel Director or his designee shall issue a redetermination affirming, modifying or reversing the prior determination and stating the reasons therefor. Such redetermination shall be final unless an appeal is filed as provided in Section 14.

Viewers of this presentation of present ordinances which have been adopted by Lenawee County Board of Commissioners are advised that the information contained herein is presented for informational purposes only. Viewers are cautioned that this presentation of ordinances may or may not be current or up to date. In addition this presentation does not include public health code ordinances. The Lenawee County Department of Public Health should be contacted for other items of public health concern.

Section 14. Appeals

There is hereby established an unemployment compensation appeal board which functions shall be performed by the Personnel Committee of Lenawee County. It shall be the duty of the board to review redeterminations and decisions of the Personnel Director pertaining to this unemployment compensation system provided that a claim of appeal is filed within 15 days of the time notice is given of such decision or redetermination and his right to appeal thereof. The term notice as used in this section shall mean the mailing thereof by first class mail from Adrian, Michigan in an envelope bearing proper postage and properly addressed to the employee at the last address on the employee's personnel record or furnished in writing to the Personnel Director.

Section 15. Appeal Board Powers and Duties

The appeal board may on its own motion affirm, modify, set aside or reverse any decision or order on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision, or order to initiate further appeals before it. The appeal board shall promptly notify parties of its findings and decisions and its reasons therefore but may omit the giving of any reasons if the previous order, decision or determination is affirmed without any alteration or modification.

Section 16. Procedure, Reports, Record of Proceedings on Appeal, Transcripts of Testimony

The manner in which appeals to the appeal board shall be presented, the reports thereon required from the interested party or parties, and the procedure governing such appeals shall be in accordance with rules prescribed by the appeal board. A full and complete record shall be kept of all proceedings in connection with an appeal. Staff, space and such clerical service as is needed shall be provided by the Personnel Director to the appeal board.

Section 17. Extension of Time

Whenever the last day of the period to apply for redetermination or to appeal any decision, determination or redetermination, falls on a Saturday, Sunday or legal holiday, such period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday.

Section 18. Finances

Financing shall be accomplished through the Contingency Fund which shall account for related revenue and expenditures, including payment of unemployment benefits. The Personnel Director shall recommend to the Ways and Means Committee annual appropriations to be made for this activity.

Viewers of this presentation of present ordinances which have been adopted by Lenawee County Board of Commissioners are advised that the information contained herein is presented for informational purposes only. Viewers are cautioned that this presentation of ordinances may or may not be current or up to date. In addition this presentation does not include public health code ordinances. The Lenawee County Department of Public Health should be contacted for other items of public health concern.

Section 19. False Statements

No person shall, with intent to deceive about a material matter or point make any false or untrue statements or reports.

Section 20. Catchline Headings

The catchline headings of the sections of this plan shall in no way be considered to be a part of the respective sections or of this ordinance but are inserted herein for purposes of convenience.

Section 21. Severability

Each section and every part of each section is hereby declared to be an independent section and part of section, and a holding of any section or part of section to be void and ineffective for any cause, or the modification of or addition to any section or part of section shall not be deemed to affect any other section or part of section.

Section 22. Effective Date

The effective date of the unemployment compensation system established by this ordinance and of coverage thereunder shall be, July 1, 1976, or the earliest date thereafter permitted by law.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held on the 12th day of December, 1976.