



## 2012 Payroll Fact Sheet

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### Seasonal Status – Michigan Unemployment

Public Act 25 of 1995 allows Michigan employers to apply for seasonal designation if they are in a seasonal industry and meet certain other criteria described below. Section 27(o) of the Michigan Employment Security Act and Administrative Rule 421.15 give the authority to make this designation and establish seasonal status to the UIA.

This seasonal designation denies unemployment benefits between seasons, to some seasonal workers (the construction industry is specifically exempt by law) if the employer has given those workers a reasonable assurance of returning to work the next season. The employer must still file Forms UIA 1020, Employer's Quarterly Tax Report, and UIA 1017, Wage Detail Report, and pay unemployment taxes on wages paid to seasonal workers.

To be designated as seasonal an employer must be seasonal and the industry, of which the employer is part, must be seasonal. A seasonal industry is one that either customarily operates during 26 or fewer weeks in a period of 52 consecutive weeks, or customarily employs at least half of its workers during 26 or fewer weeks in a period of 52 consecutive weeks.

An employer wishing to take advantage of this law must apply to the UIA on Form UIA 1155, Application for Designation as Seasonal Employer. The employer must post (for the employees to see) the application at the time the application is made. The application must be received by the UIA not less than 20 days before the expected beginning date of the season. The UIA will review the employer's application and will issue a determination. If the seasonal designation is granted, the employer will receive Form UIA 1156, Notice to Workers of Employer's Designation as Seasonal. Form UIA 1156 will specify the beginning and ending dates of the normal seasonal work period. This too, must be posted for employees to see.

If the seasonal designation is granted, the employer must give written notice to each employee, at the time of hire, that they are seasonal and that benefits may be denied during the period between seasons. At the end of the season, the employer must give the employee reasonable assurance that work will be available in the next season. Reasonable assurance is not a guarantee of employment. It is an employer's good faith statement of intent that work will be available for the seasonal worker for the next season. The work should be comparable to the previous work in skills required and location, and in rate of pay and benefits.

If the worker was offered reasonable assurance of returning to work the next season, but then the work does not materialize, the unemployed worker can collect unemployment benefits during the new season. Also, if the employer never makes work available in the new season and the worker applied for unemployment benefits and certified for benefits during the period between seasons, the worker can collect retroactive benefits for the period between seasons.

If you have a question about seasonal status, please contact Tax Status at 313-456-2080 or via e-mail at [EmployerLiability@michigan.gov](mailto:EmployerLiability@michigan.gov).