



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2021-16

Unemployment Insurance Fraud Response Team

Unemployment insurance (“UI”) helps Michigan families get through tough times. UI keeps food on the table even when a steady source of income dries up. And it ensures that no child goes hungry simply because their parent has the misfortune to lose their job.

Even as UI provides a lifeline for working families to get back on their feet, it can also be a target for criminal enterprises. Over the last 18 months, states across the nation have seen UI fraud of unprecedented scope. UI fraud not only costs taxpayers money, it can deprive Michiganders of economic assistance just when they need it most. It is our duty as a state to do all we can to stop UI fraud, even as we ensure that valid claims are paid accurately and promptly.

Effective enforcement is an important tool to stop UI fraud. Michigan will benefit from a coordinated approach, leveraging the capacities of state, local, and federal law enforcement to efficiently identify, investigate, and prosecute individuals who steal UI benefits.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. **Creation of the Unemployment Insurance Fraud Response Team**

- (a) The Unemployment Insurance Fraud Response Team (“Response Team”) is created as an advisory body within the Michigan Department of Labor and Economic Opportunity (“Department”).

- (b) The Response Team must consist of:
 - (1) The director of the Unemployment Insurance Agency (“Agency”), and/or any of the director’s designees from within the Agency.
 - (2) The Attorney General, and/or any of the Attorney General’s designees from within the Department of Attorney General.
 - (3) The State Treasurer, and/or any of the State Treasurer’s designees from within the Department of Treasury.
 - (4) The director of the Department of State Police, and/or any of the director’s designees from within the Department of State Police.
- (c) Employees of the U.S. Department of Justice, U.S. Secret Service, U.S. Department of Labor, Federal Bureau of Investigation, U.S. Department of Homeland Security, Internal Revenue Service, U.S. Postal Inspection Service, Social Security Administration, or other relevant federal agencies may participate on the Response Team.
- (d) A vacancy on the Response Team must be filled in the same manner as the original appointment or designation.
- (e) All members of the Response Team serve at the pleasure of the governor.
- (f) The director of the Agency shall be the chairperson of the Response Team.

2. Charge to the Response Team

- (a) The Response Team will provide recommendations to the director of the Department and the heads of other departments or agencies.
- (b) The Response Team will coordinate activities among UI fraud enforcement partners at all levels of government.
- (c) The Response Team will work to expedite enforcement activities related to unemployment insurance fraud in Michigan.

3. Operations of the Response Team

- (a) The Department must assist the Response Team in the performance of its duties and provide personnel to staff the Response Team. The budgeting, procurement, and related management functions of the Response Team will be performed under the direction and supervision of the director of the Department. Other departments, including the Department of Attorney General, may also provide personnel to staff the Response Team.
- (b) The Response Team may adopt procedures, consistent with this order and applicable law, governing its organization and operations.

- (c) The Response Team may select from among its members a vice chairperson.
- (d) The Response Team may select from among its members a secretary.
- (e) The Response Team must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Response Team.
- (f) The Response Team may establish advisory workgroups composed of individuals or entities participating in Response Team activities or other members of the public as deemed necessary by the Response Team to assist it in performing its duties and responsibilities. The Response Team may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (g) The Response Team may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Response Team also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.
- (h) The Response Team may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Response Team and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (i) The Response Team may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (j) Members of the Response Team must not receive any additional compensation for their work as part of the Response Team.
- (k) Members of the Response Team must refer all legal, legislative, and media contacts to the Agency.

4. Implementation

- (a) All departments, agencies, committees, commissioners, and officers of this state must give to the Response Team any assistance necessary to the performance of its duties, so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Response Team, consistent with applicable law.
- (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

- (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.
- (e) This order is effective upon filing. The Response Team is terminated on December 31, 2023 at 11:59 PM.

Given under my hand and the Great Seal of the State of Michigan.



Date: December 29, 2021

Time: 7:15 a.m.

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE