

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2355 Session of
1992

INTRODUCED BY VEON, RITTER, DeWEESE, KUKOVICH, RUDY, LAUGHLIN,
HARPER, JOSEPHS, McNALLY, LUCYK, HERMAN, ITKIN, BELARDI,
KRUSZEWSKI, GIGLIOTTI, BUTKOVITZ, BELFANTI, WILLIAMS AND
RICHARDSON, JANUARY 29, 1992

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 29, 1992

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," providing for
16 unemployment compensation eligibility due to sexual
17 harassment.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The act of December 5, 1936 (2nd Sp.Sess., 1937
21 P.L.2897, No.1), known as the Unemployment Compensation Law, is
22 amended by adding a section to read:

23 Section 402.6. Eligibility of Persons Unemployed Due to
24 Sexual Harassment.--(a) Benefits may be paid to persons

1 voluntarily leaving work due to sexual harassment when:

2 (1) the claimant notifies the employer of the harassment;

3 (2) the claimant has taken reasonable steps to alleviate the
4 harassment; and

5 (3) the claimant has not engaged in willful misconduct.

6 (b) As used in this section, the term "sexual harassment"
7 means unwelcome sexual advances, requests for sexual favors and
8 other verbal or physical conduct of a sexual nature where:

9 (1) submission to such conduct is made either explicitly or
10 implicitly a term or condition of an individual's employment;

11 (2) submission to or rejection of such conduct by an
12 individual is used as the basis for employment decisions
13 affecting such individual; or

14 (3) such conduct has the purpose or effect of unreasonably
15 interfering with an individual's work performance or creating an
16 intimidating, hostile or offensive working environment.

17 Section 2. This act shall take effect in 60 days.