

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1816 Session of  
1977

INTRODUCED BY GEESEY, O'CONNELL AND BENNETT, OCTOBER 27, 1977

REFERRED TO COMMITTEE ON LABOR RELATIONS, OCTOBER 27, 1977

AN ACT

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

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

19 Section 1. Subsection (h) of section 402, act of December 5,  
20 1936 (1937 P.L.2897, No.1), known as the "Unemployment  
21 Compensation Law," added December 17, 1959 (P.L.1893, No.693),  
22 is amended to read:

23 Section 402. Ineligibility for Compensation.--An employe  
24 shall be ineligible for compensation for any week--

25 \* \* \*

1       (h) In which he is engaged in self-employment: Provided,  
2       however, That an employe who is able and available for full-time  
3       work shall be deemed not engaged in self-employment by reason of  
4       continued participation without substantial change during a  
5       period of unemployment in any activity including farming  
6       operations undertaken while customarily employed by an employer  
7       in full-time work whether or not such work is "employment" as  
8       defined in this act and continued subsequent to separation from  
9       such work when such activity is not engaged in as a primary  
10      source of livelihood. Net earnings received by the employe with  
11      respect to such activity shall be deemed remuneration paid or  
12      payable with respect to such period as shall be determined by  
13      rules and regulations of the department. A person shall not be  
14      deemed to be engaged in self-employment if his wages were  
15      subjected to an employer's tax under section 301.

16      Section 2. This act shall take effect January 1, 1978.