

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1108

Session of
1979

INTRODUCED BY WILT, APRIL 30, 1979

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, AS AMENDED,
HOUSE OF REPRESENTATIVES, MAY 1, 1979

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," further providing for
16 the payment of unemployment compensation to certain employes
17 of institutions of higher education.

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

20 Section 1. Subsection (d) of section 401, act of December 5,
21 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
22 "Unemployment Compensation Law," amended December 5, 1974
23 (P.L.769, No.261), is amended to read:

24 Section 401. Qualifications Required to Secure
25 Compensation.--Compensation shall be payable to any employe who

1 is or becomes unemployed, and who--

2 * * *

3 (d) Is able to work and available for suitable work:

4 Provided, That no otherwise eligible claimant shall be denied
5 benefits for any week because he is in training with the
6 approval of the secretary nor shall such individual be denied
7 benefits with respect to any week in which he is in training
8 with the approval of the secretary by reason of the application
9 of the provisions of this subsection relating to availability
10 for work or the provisions of section 402 (a) of this act
11 relating to failure to apply for or a refusal to accept suitable
12 work: And, provided further, That NON-PROFESSIONAL employees of <—
13 institutions of higher education shall not be denied
14 compensation under this provision during prescheduled summer and
15 other vacation and holiday periods solely by reason of the fact
16 that they have a reasonable assurance of resuming services
17 thereafter with such educational institution and intend to do
18 so.

19 * * *

20 Section 2. Section 402.1 of the act, added July 6, 1977
21 (P.L.41, No.22), is amended to read:

22 Section 402.1. Benefits Based on Service for Educational
23 Institutions.--Benefits based on service for educational
24 institutions pursuant to Article X, XI or XII shall as
25 hereinafter provided be payable in the same amount, on the same
26 terms and subject to the same conditions as outlined in section
27 404(g); except that:

28 (1) With respect to service performed after December 31,
29 1977, in an instructional, research, or principal administrative
30 capacity for an educational institution, benefits shall not be

1 paid based on such services for any week of unemployment
2 commencing during the period between two successive academic
3 years, or during a similar period between two regular terms
4 whether or not successive or during a period of paid sabbatical
5 leave provided for in the individual's contract, to any
6 individual if such individual performs such services in the
7 first of such academic years or terms and if there is a contract
8 or a reasonable assurance that such individual will perform
9 services in any such capacity for any educational institution in
10 the second of such academic years or terms.

11 (2) With respect to services performed after December 31,
12 1977, in any other capacity for an educational institution
13 (other than an institution of higher education as defined in
14 section 4(m.2)), benefits shall not be paid on the basis of such
15 services to any individual for any week which commences during a
16 period between two successive academic years or terms if such
17 individual performs such services in the first of such academic
18 years or terms and there is a reasonable assurance that such
19 individual will perform such services in the second of such
20 academic years or terms. [However, if upon presenting himself
21 for work at the end of such period between academic years or
22 terms, the individual is not permitted to resume work of the
23 same capacity, or resumes it for less than twenty working days,
24 his claims for unemployment compensation during such period
25 shall be accepted retroactively to the time the individual's
26 benefits would have commenced if the individual had not received
27 reasonable assurance of employment and considered under the
28 eligibility provisions of this act and benefits shall be paid
29 with respect to any weeks for which his eligibility is
30 established. This provision shall apply also to holiday and

1 vacation periods.]

2 (3) With respect to any services described in clause (1) or
3 (2), benefits payable on the basis of such services shall be
4 denied to any individual for any week which commences during an
5 established and customary vacation period or holiday recess if
6 such individual performed such services in the period
7 immediately before such vacation period or holiday recess, and
8 there is a reasonable assurance that such individual will
9 perform such services in the period immediately following such
10 vacation period or holiday recess.

11 (4) With respect to weeks of unemployment beginning after
12 January 1, 1979, benefits shall be denied to an individual who
13 performed services in or near an educational institution while
14 in the employ of an educational service agency for any week
15 which commences during a period described in clauses (1), (2)
16 and (3) if such individual performs any services described in
17 clause (1) or (2) in the first of such periods, as specified in
18 the applicable clause, and there is a contract or a reasonable
19 assurance, as applicable in the appropriate clause, that such
20 individual will perform such services in the second of such
21 periods, as applicable in the appropriate clause. For purposes
22 of this clause the term "educational service agency" means a
23 governmental agency or governmental entity which is established
24 and operated exclusively for the purposes of providing such
25 services to one or more educational institutions.

26 Section 3. Section 1003 of the act is amended by adding a
27 subsection to read:

28 Section 1003. Contributions.--* * *

29 (c) Notwithstanding any provisions of section 302(a) or any
30 other provision of this act to the contrary, the Commonwealth of

1 Pennsylvania and all of its departments, bureaus, boards,
2 agencies, commissions and authorities, shall be liable for all
3 benefits paid that are attributable to services performed in the
4 employ of the Commonwealth.

5 Section 4. Sections 1104 and 1202.2 of the act are amended
6 by adding subsections to read:

7 Section 1104. Election of Reimbursement.--* * *

8 (c) Notwithstanding any other provisions of this act to the
9 contrary, any nonprofit organization which elects to become
10 liable for reimbursement of benefit payments as provided under
11 this act, shall not be relieved of any charges for benefits paid
12 which are attributable to services in the employ of such
13 organizations.

14 Section 1202.2. Election of Reimbursement.--* * *

15 (c) Notwithstanding any other provisions of this act to the
16 contrary, any political subdivision of the Commonwealth or any
17 instrumentality of any one or more thereof, which elects to
18 become liable for reimbursement of benefit payments as provided
19 under this act, shall not be relieved of any charges for
20 benefits paid which are attributable to services in the employ
21 of such organizations.

22 Section 5. Subsection (b) of section 1202.4 of the act,
23 added July 6, 1977 (P.L.41, No.22), is amended to read:

24 Section 1202.4. Reimbursement Payments.--Payments in lieu of
25 contributions shall be made in accordance with the following
26 provisions of this section.

27 * * *

28 (b) Payment of any bill rendered under subsection (a) shall
29 be made not later than thirty days after such bill was mailed to
30 the last known address of the political subdivision or any

1 instrumentality of any one or more thereof, or was otherwise
2 delivered to it[, unless there has been an application for
3 review and redetermination under section 301].

4 * * *

5 Section 6. This act shall take effect ~~in 60 days.~~ <—
6 IMMEDIATELY AND SECTIONS 1 AND 2 SHALL BE RETROACTIVE TO JANUARY <—
7 1, 1979.