

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2938 Session of
1992

INTRODUCED BY DALEY, SALOOM, STABACK, BELFANTI, JOSEPHS,
KOSINSKI, LAUGHLIN AND LINTON, SEPTEMBER 22, 1992

REFERRED TO COMMITTEE ON LABOR RELATIONS, SEPTEMBER 22, 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," further providing for
16 benefits for education employees.

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

19 Section 1. Section 402.1 of the act of December 5, 1936 (2nd
20 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended December 12, 1979 (P.L.503, No.108)
22 and July 21, 1983 (P.L.68, No.30), is amended to read:

23 Section 402.1. Benefits Based on Service for Educational
24 Institutions.--Benefits based on service for educational
25 institutions pursuant to Article X, XI or XII shall as

1 hereinafter provided be payable in the same amount, on the same
2 terms and subject to the same conditions as outlined in section
3 404(g); except that:

4 (1) With respect to service performed after December 31,
5 1977, in an instructional, research, or principal administrative
6 capacity for an educational institution, benefits shall not be
7 paid based on such services for any week of unemployment
8 commencing during the period between two successive academic
9 years, or during a similar period between two regular terms
10 whether or not successive or during a period of paid sabbatical
11 leave provided for in the individual's contract, to any
12 individual if such individual performs such services in the
13 first of such academic years or terms as other than a substitute
14 teacher and if there is a contract [or a reasonable assurance]
15 that such individual will perform services in any such capacity
16 for any educational institution in the second of such academic
17 years or terms.

18 (2) With respect to services performed after October 31,
19 1983, in any other capacity for an educational institution,
20 benefits shall not be paid on the basis of such services to any
21 individual for any week which commences during a period between
22 two successive academic years or terms if such individual
23 performs such services in the first of such academic years or
24 terms and there is a reasonable assurance that such individual
25 will perform such services in the second of such academic years
26 or terms.

27 (3) With respect to any services described in clause (1) or
28 (2), benefits payable on the basis of such services shall be
29 denied to any individual for any week which commences during an
30 established and customary vacation period or holiday recess if

1 such individual performed such services in the period
2 immediately before such vacation period or holiday recess, and
3 there is a reasonable assurance that such individual will
4 perform such services in the period immediately following such
5 vacation period or holiday recess.

6 (4) With respect to weeks of unemployment beginning after
7 January 1, 1979, benefits shall be denied to an individual who
8 performed services in or near an educational institution while
9 in the employ of an educational service agency for any week
10 which commences during a period described in clauses (1), (2)
11 and (3) if such individual performs any services described in
12 clause (1) or (2) in the first of such periods, as specified in
13 the applicable clause, and there is a contract or a reasonable
14 assurance, as applicable in the appropriate clause, that such
15 individual will perform such services in the second of such
16 periods, as applicable in the appropriate clause. For purposes
17 of this clause the term "educational service agency" means a
18 governmental agency or governmental entity which is established
19 and operated exclusively for the purposes of providing such
20 services to one or more educational institutions. A political
21 subdivision or an intermediate unit may establish and operate
22 such an educational service agency. Nothing contained in this
23 section shall be construed to modify existing collective
24 bargaining units organized under the provisions of the act of
25 July 23, 1970 (P.L.563, No.195), known as the "Public Employee
26 Relations Act," unless specifically agreed to by both the
27 employer and employe representatives.

28 (5) With respect to an individual who performs services
29 described in clause (2) of this section and who pursuant to
30 clause (2) or (4) of this section is denied benefits for the

1 period between academic years or terms, such individual if he is
2 not offered an opportunity to perform such service in the second
3 of such academic years or terms shall be paid benefits for the
4 period which commences with the first week he was denied
5 benefits solely by the reason of clause (2) or (4) of this
6 section, provided he had filed timely claims for benefits
7 throughout the denial period and was otherwise eligible for
8 benefits.

9 Section 2. The amendment of section 402.1 of the act shall
10 apply to applications for benefits made on or after the
11 effective date of this act, regardless of the date of
12 performance of service.

13 Section 3. This act shall take effect in 60 days.