

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 738 Session of
1997

INTRODUCED BY PETTIT, LYNCH, HENNESSEY, FLICK, WAUGH, HERSHEY,
BARRAR, MAITLAND, HUTCHINSON, FAIRCHILD, EGOLF, SATHER, TRUE,
FEESE, GODSHALL, SEYFERT, ROHRER, E. Z. TAYLOR AND FARGO,
MARCH 11, 1997

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 11, 1997

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 ineligibility for compensation and for recovery and
17 recoupment of compensation.

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

20 Section 1. Section 402(d) of the act of December 5, 1936
21 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
22 Compensation Law, amended May 23, 1949 (P.L.1738, No.530), is
23 amended to read:

24 Section 402. Ineligibility for Compensation.--An employe

1 shall be ineligible for compensation for any week--

2 * * *

3 (d) In which his unemployment is due to a stoppage of work,
4 which exists because of a labor dispute (other than a lock-out)
5 at the factory, establishment or other premises at which he is
6 or was last employed: Provided, That this subsection shall not
7 apply if it is shown that (1) he is not participating in, or
8 directly interested in, the labor dispute which caused the
9 stoppage of work, and (2) he is not a member of an organization
10 which is participating in, or directly interested in, the labor
11 dispute which caused the stoppage of work, and (3) he does not
12 belong to a grade or class of workers of which, immediately
13 before the commencement of the stoppage, there were members
14 employed at the premises at which the stoppage occurs, any of
15 whom are participating in, or directly interested in, the
16 dispute[.]: And provided further, That this subsection shall
17 apply to a person who is employed in an instructional capacity
18 by an educational institution or educational service agency
19 under Article X, XI or XII.

20 * * *

21 Section 2. Section 804(a) of the act, amended October 19,
22 1988 (P.L.818, No.109), is amended to read:

23 Section 804. Recovery and Recoupment of Compensation.--(a)
24 (1) Any person who by reason of his fault has received any sum
25 as compensation under this act to which he was not entitled,
26 shall be liable to repay to the Unemployment Compensation Fund
27 to the credit of the Compensation Account a sum equal to the
28 amount so received by him and interest at the rate determined by
29 the Secretary of Revenue as provided by section 806 of the act
30 of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code,"

1 per month or fraction of a month from fifteen (15) days after
2 the Notice of Overpayment was issued until paid. Such sum shall
3 be collectible (1) in the manner provided in section 308.1 or
4 section 309 of this act, for the collection of past due
5 contributions, or (2) by deduction from any future compensation
6 payable to the claimant under this act: Provided, That interest
7 assessed under this section cannot be recouped by deduction from
8 any future compensation payable to the claimant under this act:
9 Provided further, That no administrative or legal proceedings
10 for the collection of such sum shall be instituted after the
11 expiration of six years following the end of the benefit year
12 with respect to which such sum was paid.

13 (2) This subsection shall apply to a person employed in an
14 instructional capacity by an educational institution or
15 educational service agency under Article X, XI or XII who has
16 received any sum as compensation to which he is not entitled
17 under subsection (d) of section 402 for weeks during a stoppage
18 of work resulting from a labor dispute at his employer's
19 premises.

20 * * *

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