

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 421 Session of
2013

INTRODUCED BY C. HARRIS, BENNINGHOFF, MILLARD, TALLMAN, CAUSER,
LAWRENCE, MACKENZIE, AUMENT, F. KELLER, METCALFE, CUTLER,
TOEPEL, BLOOM, SWANGER, SAYLOR, O'NEILL, GROVE, M. K. KELLER,
FLECK, HICKERNELL, TRUITT, ROSS, EVERETT, CLYMER, DENLINGER,
MATZIE, COX, GIBBONS, MOUL, MILLER, MILNE AND GRELL,
JANUARY 30, 2013

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 12, 2013

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 QUALIFICATIONS REQUIRED TO SECURE COMPENSATION AND FOR <--
17 ineligibility for compensation.

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

20 ~~Section 1. Section 402 of the act of December 5, 1936 (2nd~~ <--
21 ~~Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~
22 ~~Compensation Law, is amended by adding a subsection to read:~~

23 SECTION 1. SECTION 401(F) OF THE ACT OF DECEMBER 5, 1936 <--

1 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
2 COMPENSATION LAW, AMENDED JUNE 12, 2012 (P.L.577, NO.60), IS
3 AMENDED TO READ:

4 SECTION 401. QUALIFICATIONS REQUIRED TO SECURE
5 COMPENSATION.--COMPENSATION SHALL BE PAYABLE TO ANY EMPLOYEE WHO
6 IS OR BECOMES UNEMPLOYED, AND WHO--

7 * * *

8 (F) HAS EARNED, SUBSEQUENT TO HIS SEPARATION FROM WORK UNDER
9 CIRCUMSTANCES WHICH ARE DISQUALIFYING UNDER THE PROVISIONS OF
10 SUBSECTIONS 402(B), 402(E), 402(E.1) [AND 402(H)], 402(H) AND
11 402(K) OF THIS ACT, REMUNERATION FOR SERVICES IN AN AMOUNT EQUAL
12 TO OR IN EXCESS OF SIX (6) TIMES HIS WEEKLY BENEFIT RATE IN
13 "EMPLOYMENT" AS DEFINED IN THIS ACT. THE PROVISIONS OF THIS
14 SUBSECTION SHALL NOT APPLY TO A SUSPENSION OF WORK BY AN
15 INDIVIDUAL PURSUANT TO A LEAVE OF ABSENCE GRANTED BY HIS LAST
16 EMPLOYER, PROVIDED SUCH INDIVIDUAL HAS MADE A REASONABLE EFFORT
17 TO RETURN TO WORK WITH SUCH EMPLOYER UPON THE EXPIRATION OF HIS
18 LEAVE OF ABSENCE.

19 * * *

20 SECTION 2. SECTION 402 OF THE ACT IS AMENDED BY ADDING A
21 SUBSECTION TO READ:

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

24 * * *

25 ~~(k) In which his unemployment is due to either of the~~
26 ~~following reasons:~~

27 ~~(1) voluntarily leaving employment in order to maintain~~
28 ~~benefits under a retirement plan, annuity or other similar~~
29 ~~periodic payment plan after returning to work following~~
30 ~~retirement; or~~

<--

1 ~~(2) termination of employment in order to maintain benefits~~
2 ~~under a retirement plan, annuity or other similar periodic~~
3 ~~payment plan after returning to work following retirement~~ THE <--
4 EMPLOYE'S UNEMPLOYMENT IS DUE TO A SEPARATION FROM WORK
5 INITIATED BY THE EMPLOYE OR THE EMPLOYER IN ORDER TO PRESERVE
6 THE EMPLOYE'S EXISTING ENTITLEMENT TO A PENSION, INCLUDING A
7 GOVERNMENTAL OR OTHER PENSION, RETIREMENT OR RETIRED PAY,
8 ANNUITY OR ANY OTHER SIMILAR PERIODIC PAYMENTS.

9 Section ~~2~~ 3. The provisions of this act shall apply to <--
10 initial claims filed on or after the effective date of this
11 section.

12 Section ~~3~~ 4. This act shall take effect in 60 days. <--