

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2146 Session of
1981

INTRODUCED BY GLADECK, NOYE, VROON, DAIKELER, McVERRY, FARGO,
ALDEN, MERRY, SIRIANNI, SAURMAN, MACKOWSKI, SNYDER, FLECK,
HEISER, POTT, MARMION AND MADIGAN, DECEMBER 16, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, DECEMBER 16, 1981

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 defining
16 "suitable work" and requiring an active search for work.

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

19 Section 1. Clause (t) of section 4, act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment
21 Compensation Law," amended May 23, 1949 (P.L.1738, No.530), is
22 amended to read:

23 Section 4. Definitions.--The following words and phrases, as
24 used in this act, shall have the following meanings, unless the

1 context clearly requires otherwise.

2 * * *

3 (t) (1) "Suitable Work" means all work which the employe is
4 capable of performing. In determining whether or not any work is
5 suitable for an individual, the department shall consider the
6 degree of risk involved to his health, safety and morals, his
7 physical fitness, prior training and experience, and the
8 distance of the available work from his residence. The
9 department shall also consider among other factors the length of
10 time he has been unemployed and the reasons therefor, the
11 prospect of obtaining local work in his customary occupation,
12 his previous earnings, the prevailing condition of the labor
13 market generally and particularly in his usual trade or
14 occupation, prevailing wage rates in his usual trade or
15 occupation, and the permanency of his residence. However,
16 notwithstanding any other provisions of this subsection no work
17 shall be deemed suitable in which (1) the position offered is
18 vacant, due directly to a strike, lockout, or other labor
19 dispute, or (2) the remuneration, hours or other conditions of
20 the work offered are substantially less favorable to the employe
21 than those prevailing for similar work in the locality, or (3)
22 as a condition of being employed, the employe would be required
23 to join a company union, or to resign from, or refrain from
24 joining, any bona fide labor organization.

25 (2) After the thirteenth week of the benefits, the term
26 "suitable work" shall mean any work which is within the
27 individual's capabilities, and which:

28 (A) Pays a weekly wage which is not less than the Federal or
29 State minimum wage, whichever is higher.

30 (B) Pays a weekly wage in excess of his weekly benefit

1 amount plus supplemental benefits, if any, and

2 (C) Is otherwise consistent with subclause (1).

3 * * *

4 Section 2. Section 401 of the act is amended by adding a
5 subsection to read:

6 Section 401. Qualifications Required to Secure

7 Compensation.--Compensation shall be payable to any employe who
8 is or becomes unemployed, and who--

9 * * *

10 (h) Is engaged in a systematic and sustained effort to
11 obtain suitable work and furnishes tangible evidence that he is
12 so engaged.

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