

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2117 Session of
1984

INTRODUCED BY KENNEDY, PITTS, JACKSON, DORR, NOYE, BOWSER,
SCHEETZ, CLYMER, FARGO, HERMAN, GEIST AND GODSHALL, MAY 2,
1984

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 2, 1984

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," restricting the good-
16 cause excuse for voluntary quitting.

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

19 Section 1. Section 402(b) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended October 22, 1981 (P.L.301, No.106), is
22 amended to read:

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

1 * * *

2 (b) In which his unemployment is due to voluntarily leaving
3 work without cause attributable to the employment terminated of
4 a necessitous and compelling nature, irrespective of whether or
5 not such work is in "employment" as defined in this act:

6 Provided, That a voluntary leaving work because of a disability
7 if the employer is able to provide other suitable work, shall be
8 deemed not a cause of a necessitous and compelling nature: And
9 provided further, That no employe shall be deemed to be

10 ineligible under this subsection where as a condition of
11 continuing in employment such employe would be required to join
12 or remain a member of a company union or to resign from or
13 refrain from joining any bona fide labor organization, or to
14 accept wages, hours or conditions of employment not desired by a
15 majority of the employes in the establishment or the occupation,
16 or would be denied the right of collective bargaining under
17 generally prevailing conditions, and that in determining whether
18 or not an employe has left his work voluntarily without cause of
19 a necessitous and compelling nature, the department shall give
20 consideration to the same factors, insofar as they are

21 applicable, provided, with respect to the determination of
22 suitable work under section four (t): And provided further, That
23 the provisions of this subsection shall not apply in the event
24 of a stoppage of work which exists because of a labor dispute
25 within the meaning of subsection (d). Provided further, That no
26 otherwise eligible claimant shall be denied benefits for any
27 week in which his unemployment is due to exercising the option
28 of accepting a layoff, from an available position pursuant to a
29 labor-management contract agreement, or pursuant to an
30 established employer plan, program or policy: Provided further,

1 That a claimant shall not be disqualified for voluntarily
2 leaving work, which is not suitable employment to enter training
3 approved under section 236(a)(1) of the Trade Act of 1974. For
4 purposes of this subsection the term "suitable employment" means
5 with respect to a claimant, work of a substantially equal or
6 higher skill level than the claimant's past "adversely affected
7 employment" (as defined in section 247 of the Trade Act of
8 1974), and wages for such work at not less than eighty per
9 centum of the worker's "average weekly wage" (as defined in
10 section 247 of the Trade Act of 1974).

11 * * *

12 Section 2. This act shall take effect in 60 days.