

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 88

Session of
1995

INTRODUCED BY D. R. WRIGHT, M. COHEN, TRELLO AND RICHARDSON,
JANUARY 19, 1995

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 19, 1995

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 eligibility for compensation.

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

19 Section 1. Section 401 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 September 29, 1951 (P.L.1580, No.408),
22 September 27, 1971 (P.L.460, No.108), July 9, 1976 (P.L.842,
23 No.147), July 6, 1977 (P.L.41, No.22), July 10, 1980 (P.L.521,
24 No.108) and July 21, 1983 (P.L.68, No.30), is amended to read:

1 Section 401. Qualifications Required to Secure
2 Compensation.--Compensation shall be payable to any employee who
3 is or becomes unemployed, and who--

4 [(a) Has, within his base year, been paid wages for
5 employment as required by section 404(c) of this act: Provided,
6 however, That not less than twenty per centum (20%) of the
7 employee's total base year wages have been paid in one or more
8 quarters, other than the highest quarter in such employee's base
9 year.]

10 (b) Has registered for work at, and thereafter continued to
11 report to an employment office in accordance with such
12 regulations as the secretary may prescribe, except that the
13 secretary may by regulation waive or alter either or both of the
14 requirements of this clause as to individuals attached to
15 regular jobs and as to such other types of cases or situations
16 with respect to which he finds that compliance with such
17 requirements would be oppressive or would be inconsistent with
18 the purposes of the act: Provided, however, That no such
19 regulation shall conflict with section four hundred and one (c)
20 of this act;

21 (c) Has made a valid application for benefits with respect
22 to the benefit year for which compensation is claimed and has
23 made a claim for compensation in the proper manner and on the
24 form prescribed by the department;

25 (d) (1) Is able to work and available for suitable work:
26 Provided, That no otherwise eligible claimant shall be denied
27 benefits for any week because he is in training with the
28 approval of the secretary nor shall such individual be denied
29 benefits with respect to any week in which he is in training
30 with the approval of the secretary by reason of the application

1 of the provisions of this subsection relating to availability
2 for work or the provisions of section 402(a) of this act
3 relating to failure to apply for or a refusal to accept suitable
4 work.

5 (2) No otherwise eligible claimant shall be denied benefits
6 for any week in which his unemployment is due to exercising the
7 option of accepting a layoff, from an available position,
8 pursuant to a labor-management contract, or pursuant to an
9 established employer plan, program or policy.

10 (e) (1) Has been unemployed for a waiting period of one
11 week.

12 (2) No week shall be counted as a week of unemployment for
13 the purposes of this section, (i) unless it occurs within the
14 benefit year which includes the week with respect to which such
15 employee claims compensation, or (ii) if compensation has been
16 paid or is payable with respect thereto, or (iii) unless the
17 employee was eligible for compensation with respect thereto under
18 all other provisions of this section and was not disqualified
19 with respect thereto under section 402(a), (b), (d), (e), (g),
20 (h) and (i).

21 (f) Has earned, subsequent to his separation from work under
22 circumstances which are disqualifying under the provisions of
23 subsections 402(b), 402(e) and 402(h) of this act, remuneration
24 for services in an amount equal to or in excess of six (6) times
25 his weekly benefit rate irrespective of whether or not such
26 services were in "employment" as defined in this act. The
27 provisions of this subsection shall not apply to a suspension of
28 work by an individual pursuant to a leave of absence granted by
29 his last employer, provided such individual has made a
30 reasonable effort to return to work with such employer upon the

1 expiration of his leave of absence.

2 (g) With respect to weeks of unemployment beginning on or
3 after January 1, 1978, wages for insured work shall include
4 wages paid for previously uncovered services. For the purposes
5 of this subsection, the term "Previously Uncovered Services"
6 means services--

7 (A) which were not in employment as defined in section 4(1)
8 and were not services covered pursuant to this act at anytime
9 during the one-year period ending December 31, 1975; and

10 (B) which--

11 (I) are agricultural labor (as defined in section (4)(1)
12 (3)(G) or domestic service (as defined in section 4(1)(3)(H)) or

13 (II) are services performed by an employe of the
14 Commonwealth or of a political subdivision thereof, as provided
15 in Article X and Article XII or by an employe of a nonprofit
16 educational institution which is not an institution of higher
17 education, as provided in Article XI, except to the extent that
18 assistance under Title II of the Emergency Jobs and Unemployment
19 Assistance Act of 1974 was paid on the basis of such services.

20 Section 2. The amendment of section 401 of the act shall
21 apply to claims for compensation filed on or after the effective
22 date of this act.

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