## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 297

Session of 2013

INTRODUCED BY VANCE, SCARNATI, PILEGGI, BAKER, VOGEL, TOMLINSON, TARTAGLIONE, EICHELBERGER, YAW, WASHINGTON, VULAKOVICH, SOLOBAY, RAFFERTY, WHITE, FOLMER, WAUGH, COSTA, FERLO, BRUBAKER, BOSCOLA AND BROWNE, JANUARY 24, 2013

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, APRIL 16, 2013

## AN ACT

Amending the act of December 5, 1936 (2nd Sp.Sess., 1937 1 P.L.2897, No.1), entitled "An act establishing a system of 2 unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) 5 selected on a civil service basis; requiring employers to 6 7 keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the 9 payment of compensation to certain unemployed persons; providing procedure and administrative details for the 10 determination, payment and collection of such contributions 11 and the payment of such compensation; providing for 12 cooperation with the Federal Government and its agencies; 13 creating certain special funds in the custody of the State 15 Treasurer; and prescribing penalties, " providing for ineligibility of State annuitants. 16 AMENDING THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 17 P.L.2897, NO.1), ENTITLED "AN ACT ESTABLISHING A SYSTEM OF 18 UNEMPLOYMENT COMPENSATION TO BE ADMINISTERED BY THE 19 DEPARTMENT OF LABOR AND INDUSTRY AND ITS EXISTING AND NEWLY 20 CREATED AGENCIES WITH PERSONNEL (WITH CERTAIN EXCEPTIONS) 21 SELECTED ON A CIVIL SERVICE BASIS; REQUIRING EMPLOYERS TO 22 KEEP RECORDS AND MAKE REPORTS, AND CERTAIN EMPLOYERS TO PAY 23 CONTRIBUTIONS BASED ON PAYROLLS TO PROVIDE MONEYS FOR THE 24 25 PAYMENT OF COMPENSATION TO CERTAIN UNEMPLOYED PERSONS; PROVIDING PROCEDURE AND ADMINISTRATIVE DETAILS FOR THE 26 DETERMINATION, PAYMENT AND COLLECTION OF SUCH CONTRIBUTIONS 27 AND THE PAYMENT OF SUCH COMPENSATION; PROVIDING FOR 28 COOPERATION WITH THE FEDERAL GOVERNMENT AND ITS AGENCIES; 29 CREATING CERTAIN SPECIAL FUNDS IN THE CUSTODY OF THE STATE 30 TREASURER; AND PRESCRIBING PENALTIES, "FURTHER PROVIDING FOR 31 QUALIFICATIONS REQUIRED TO SECURE COMPENSATION AND FOR 32

- 1 INELIGIBILITY FOR COMPENSATION.
- 2 The General Assembly of the Commonwealth of Pennsylvania
- 3 hereby enacts as follows:
- 4 Section 1. The act of December 5, 1936 (2nd Sp.Sess., 1937 <--
- 5 P.L.2897, No.1), known as the Unemployment Compensation Law, is
- 6 amended by adding a section to read:
- 7 <u>Section 402.7. Ineligibility of State Annuitants. An</u>
- 8 annuitant as defined in 71 Pa.C.S. § 5102 (relating to
- 9 <u>definitions</u>, shall not be eligible for payment of unemployment
- 10 compensation benefits when the annuitant voluntarily returns to
- 11 State service and accepts the terms provided in 71 Pa.C.S. §
- 12 <u>5706(a.1) (relating to termination of annuities).</u>
- 13 Section 2. This act shall take effect in 60 days.
- 14 SECTION 1. SECTION 401(F) OF THE ACT OF DECEMBER 5, 1936 <--
- 15 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
- 16 COMPENSATION LAW, AMENDED JUNE 12, 2012 (P.L.577, NO.60), IS
- 17 AMENDED TO READ:
- 18 SECTION 401. QUALIFICATIONS REQUIRED TO SECURE
- 19 COMPENSATION. -- COMPENSATION SHALL BE PAYABLE TO ANY EMPLOYE WHO
- 20 IS OR BECOMES UNEMPLOYED, AND WHO--
- 21 \* \* \*
- 22 (F) HAS EARNED, SUBSEQUENT TO HIS SEPARATION FROM WORK UNDER
- 23 CIRCUMSTANCES WHICH ARE DISQUALIFYING UNDER THE PROVISIONS OF
- 24 SUBSECTIONS 402(B), 402(E), 402(E.1) [AND 402(H)], 402(H) AND
- 25 <u>402(K)</u> OF THIS ACT, REMUNERATION FOR SERVICES IN AN AMOUNT EQUAL
- 26 TO OR IN EXCESS OF SIX (6) TIMES HIS WEEKLY BENEFIT RATE IN
- 27 "EMPLOYMENT" AS DEFINED IN THIS ACT. THE PROVISIONS OF THIS
- 28 SUBSECTION SHALL NOT APPLY TO A SUSPENSION OF WORK BY AN
- 29 INDIVIDUAL PURSUANT TO A LEAVE OF ABSENCE GRANTED BY HIS LAST
- 30 EMPLOYER, PROVIDED SUCH INDIVIDUAL HAS MADE A REASONABLE EFFORT

- 1 TO RETURN TO WORK WITH SUCH EMPLOYER UPON THE EXPIRATION OF HIS
- 2 LEAVE OF ABSENCE.
- 3 \* \* \*
- 4 SECTION 2. SECTION 402 OF THE ACT IS AMENDED BY ADDING A
- 5 SUBSECTION TO READ:
- 6 SECTION 402. INELIGIBILITY FOR COMPENSATION. -- AN EMPLOYE
- 7 SHALL BE INELIGIBLE FOR COMPENSATION FOR ANY WEEK--
- 8 \* \* \*
- 9 (K) IN WHICH THE EMPLOYE'S UNEMPLOYMENT IS DUE TO A
- 10 <u>SEPARATION FROM WORK INITIATED BY THE EMPLOYE OR THE EMPLOYER IN</u>
- 11 ORDER TO PRESERVE THE EMPLOYE'S EXISTING ENTITLEMENT TO A
- 12 PENSION, INCLUDING A GOVERNMENTAL OR OTHER PENSION, RETIREMENT
- 13 OR RETIRED PAY, ANNUITY OR ANY OTHER SIMILAR PERIODIC PAYMENTS.
- 14 SECTION 3. THE PROVISIONS OF THIS ACT SHALL APPLY TO BENEFIT
- 15 YEARS BEGINNING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.
- 16 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.