

AMENDMENTS TO HOUSE BILL NO. 1852

Sponsor: REPRESENTATIVE PERRY

Printer's No. 3094

1 Amend Bill, page 1, line 18, by inserting after

2 "COMPENSATION,"

3 for ineligibility for compensation,

4 Amend Bill, page 2, line 6, by inserting after "AMENDED"

5 and the section is amended by adding subsections

6 Amend Bill, page 2, by inserting between lines 29 and 30

7 (z.8) "Abuse" means one or more of the following:

8 (1) Attempting to cause or causing physical harm.

9 (2) Placing another in fear of imminent serious physical
10 harm.

11 (3) Causing another to engage involuntarily in sexual
12 relations by force, threat or duress or engaging or threatening
13 to engage in sexual activity with a dependent child.

14 (4) Engaging in mental abuse, which includes threats,
15 intimidation or acts designed to induce terror.

16 (5) Depriving another of medical care, housing, food or
17 other necessities of life.

18 (6) Restraining the liberty of another.

19 (z.9) "Domestic violence" means abuse committed against a
20 claimant by:

21 (1) a current or former spouse of the claimant;

22 (2) an individual with whom the claimant shares a child in
23 common;

24 (3) an individual who is cohabiting with or has cohabited
25 with the claimant;

26 (4) an individual who is related by blood or marriage to the
27 claimant; or

28 (5) an individual with whom the claimant has or had a dating
29 or engagement relationship.

30 Amend Bill, page 3, by inserting between lines 27 and 28

31 Section 4. Section 402(b) of the act, October 22, 1981
32 (P.L.301, No.106), is amended and the section is amended by
33 adding a subsection to read:

34 Section 402. Ineligibility for Compensation.--An employe

1 shall be ineligible for compensation for any week--

2 * * *

3 (b) In which his unemployment is due to voluntarily leaving
4 work without cause of a necessitous and compelling nature
5 attributable to his employment, irrespective of whether or not
6 such work is in "employment" as defined in this act: Provided,
7 That a voluntary leaving work because of a work-related
8 disability if the employer is able to provide other suitable
9 work, shall be deemed not a cause of a necessitous and
10 compelling nature attributable to his employment: And provided
11 further, That no employe shall be deemed to be ineligible under
12 this subsection where the Federal Unemployment Tax Act requires
13 eligibility, and provided that no employe shall be deemed
14 ineligible under this subsection if the employe is a spouse of a
15 full-time member of the United States Armed Forces or a full-
16 time member of any of its reserve components, including the
17 Pennsylvania National Guard, and the employe is leaving
18 employment due to the reassignment of the military member to a
19 different geographical location: And provided further, That no
20 employe shall be deemed to be ineligible under this section for
21 voluntarily leaving work if the individual reasonably believes
22 that due to a domestic violence situation such individual's
23 continued employment would jeopardize the safety of the
24 individual. The domestic violence situation shall be verified by
25 reasonable and confidential documentation as the department may
26 require, to include a statement supporting the existence of
27 recent domestic violence from a qualified professional from whom
28 the individual has sought assistance, such as a counselor,
29 shelter worker, member of the clergy, attorney or health care
30 worker and any type of evidence that reasonably proves domestic
31 violence, but the department may not require an active or
32 recently issued protective or other order documenting domestic
33 violence, or a police record documenting recent domestic
34 violence, although a claimant may present such documentation as
35 evidence: And provided further, That no employe shall be deemed
36 to be ineligible under this subsection where as a condition of
37 continuing in employment such employe would be required to join
38 or remain a member of a company union or to resign from or
39 refrain from joining any bona fide labor organization, or to
40 accept wages, hours or conditions of employment not desired by a
41 majority of the employes in the establishment or the occupation,
42 or would be denied the right of collective bargaining under
43 generally prevailing conditions, and that in determining whether
44 or not an employe has left his work voluntarily without cause of
45 a necessitous and compelling nature attributable to his
46 employment, the department shall give consideration to the same
47 factors, insofar as they are applicable, provided, with respect
48 to the determination of suitable work under section four (t):
49 And provided further, That the provisions of this subsection
50 shall not apply in the event of a stoppage of work which exists
51 because of a labor dispute within the meaning of subsection (d).

1 Provided further, That no otherwise eligible claimant shall be
2 denied benefits for any week in which his unemployment is due to
3 exercising the option of accepting a layoff, from an available
4 position pursuant to a labor-management contract agreement, or
5 pursuant to an established employer plan, program or policy:
6 Provided further, That a claimant shall not be disqualified for
7 voluntarily leaving work, which is not suitable employment to
8 enter training approved under section 236(a)(1) of the Trade Act
9 of 1974. For purposes of this subsection the term "suitable
10 employment" means with respect to a claimant, work of a
11 substantially equal or higher skill level than the claimant's
12 past "adversely affected employment" (as defined in section 247
13 of the Trade Act of 1974), and wages for such work at not less
14 than eighty per centum of the worker's "average weekly wage" (as
15 defined in section 247 of the Trade Act of 1974).

16 * * *

17 Amend Bill, page 3, line 28, by striking out "4" and
18 inserting

19 5

20 Amend Bill, page 6, line 10, by striking out "5" and
21 inserting

22 6

23 Amend Bill, page 7, line 13, by striking out "6" and
24 inserting

25 7

26 Amend Bill, page 7, line 26, by striking out "7" and
27 inserting

28 8

29 Amend Bill, page 8, line 20, by striking out "8" and
30 inserting

31 9

32 Amend Bill, page 9, by inserting between lines 1 and 2

33 (4) The amendment of section 402(b) of the act shall
34 apply to initial claims filed on or after July 1, 2012.

35 Amend Bill, page 9, line 2, by striking out "(4)" and
36 inserting

37 (5)

1 Amend Bill, page 9, line 5, by striking out "(5)" and
2 inserting

3 (6)

4 Amend Bill, page 9, line 9, by striking out "(6)" and
5 inserting

6 (7)

7 Amend Bill, page 9, line 12, by striking out "(7)" and
8 inserting

9 (8)

10 Amend Bill, page 9, line 15, by striking out "(8)" and
11 inserting

12 (9)

13 Amend Bill, page 9, line 18, by striking out "9" and
14 inserting

15 10