

AMENDMENTS TO HOUSE BILL NO. 68

Sponsor: SENATOR BROWNE

Printer's No. 1757

1 Amend Bill, page 1, line 15, by inserting after "penalties,"
2 in administration of act, providing for unemployment
3 compensation benefit notification by employers,

4 Amend Bill, page 1, line 17, by inserting after "charges"
5 ; and providing for emergency provisions related to COVID-19

6 Amend Bill, page 1, lines 20 through 22, by striking out all
7 of said lines and inserting

8 Section 1. The act of December 5, 1936 (2nd Sp.Sess., 1937
9 P.L.2897, No.1), known as the Unemployment Compensation Law, is
10 amended by adding a section to read:

11 Section 206.1. Unemployment Compensation Benefit
12 Notification by Employers.--Each employer, whether or not liable
13 for the payment of contributions under this act, shall provide
14 notification of the availability of unemployment compensation to
15 the employer's employees at the time of separation from
16 employment. The notification shall include, but not be limited
17 to, the following information:

18 (1) Availability of unemployment compensation benefits to
19 workers who are unemployed and who meet the requirements of this
20 act.

21 (2) Ability of an employee to file an unemployment
22 compensation claim in the first week that employment stops or
23 work hours are reduced.

24 (3) Availability of assistance or information about an
25 unemployment compensation claim on the department's publicly
26 accessible Internet website or by calling a toll-free number
27 that the employer shall provide.

28 (4) That the employee will need certain information in order
29 to file a claim, including:

30 (i) the employe's full legal name;

31 (ii) the employe's Social Security number; and

32 (iii) if not a citizen or resident of the United States,
33 authorization to work in the United States.

34 Section 2. Section 302.1(b)(2)(i) and (3)(i) of the act are
35 amended to read:

1 Amend Bill, page 2, lines 28 through 30; page 3, lines 1
2 through 5; by striking out all of said lines on said pages and
3 inserting

4 Section 3. The act is amended by adding an article to read:

5 ARTICLE XVI

6 Emergency Provisions Related to COVID-19

7 Section 1601. Definitions.

8 The following words and phrases when used in this article
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "COVID-19." The novel coronavirus as identified in the
12 Governor's Proclamation of Disaster Emergency issued on March 6,
13 2020.

14 Section 1602. Emergency eligibility rules.

15 (a) General rule.--The secretary shall waive provisions of
16 this act to ease eligibility requirements and access to
17 unemployment compensation for claimants whose unemployment is
18 related to the COVID-19 outbreak or the efforts of public health
19 officials to contain and prevent the spread of COVID-19. The
20 secretary shall only waive provisions of this act if the waiver
21 is authorized under this section and is permitted under Federal
22 law.

23 (b) Waiting period.--The one-week waiting period required
24 under section 401(e) shall be waived for all claimants for the
25 duration of a disaster emergency declared by the Governor
26 because of COVID-19.

27 (c) Job search and registration requirements.--The job
28 search and registration requirements under section 401(b) shall
29 be waived under section 401(b) (6) for all claimants for the
30 duration of a disaster emergency declared by the Governor
31 because of COVID-19.

32 (d) Construction.--This section shall not be construed to
33 provide unemployment compensation benefits for an individual who
34 does not meet the definition of unemployed as provided under
35 section 4(u).

36 Section 1603. Relief from charges.

37 (a) General rule.--If the department determines that a
38 claimant's unemployment is related to the COVID-19 outbreak or
39 the efforts of public health officials to contain and prevent
40 the spread of COVID-19, the department shall provide relief from
41 benefit charges for any employer whose account would otherwise
42 be charged under section 302. The department shall only provide
43 relief under this section if permitted under Federal law.

44 (b) Automatic relief from charges.--Relief under subsection
45 (a) shall be provided automatically for those claims related to
46 the COVID-19 outbreak or the efforts of public officials to
47 contain and prevent the spread of COVID-19. The employer shall
48 not be required to apply for relief under section 302.1 to

1 obtain relief under subsection (a).

2 (c) Determination of relationship to COVID-19.--The
3 following shall apply:

4 (1) For purposes of this section, the employer who is
5 eligible for relief from charges shall be entitled to relief
6 from charges for weeks of unemployment occurring during the
7 duration of a disaster emergency declared by the Governor
8 which is related to COVID-19 under this section.

9 (2) For a claim where the department has determined that
10 the claimant's unemployment is not related to the COVID-19
11 outbreak or the efforts of public health officials to contain
12 and prevent the spread of COVID-19, relief from charges under
13 this section shall be determined in accordance with section
14 302.1.

15 (d) Benefit repayment for reimbursable employers.--For any
16 employer who makes payments in lieu of contribution under this
17 act, the following shall apply to payments for benefits for
18 weeks of unemployment occurring during a disaster emergency
19 declared by the Governor related to COVID-19:

20 (1) An employer who has elected to pay the solvency fee
21 under section 213 shall receive automatic relief from charges
22 in accordance with subsections (b) and (c).

23 (2) An employer who has not elected to pay the solvency
24 fee under section 213 shall make payments as follows:

25 (I) The employer shall repay benefits within 120
26 days of the date of the statement of account notifying
27 the employer of the repayment obligation.

28 (II) The department may extend the 120-day time
29 period for repayment up to another 60 days upon the
30 request of an employer who demonstrates financial
31 hardship.

32 (III) The department shall offer interest-free
33 payment plans to an employer who demonstrates financial
34 hardship.

35 (IV) No interest on late payments shall accrue or be
36 charged to employers until January 1, 2021.

37 Section 1604. Funding of extended unemployment compensation in
38 response to COVID-19.

39 (a) Compliance with Federal requirements.--To the extent
40 Federal funding is authorized for the administration of the
41 unemployment compensation program, extended unemployment
42 compensation, disaster unemployment assistance or any other
43 unemployment assistance related to COVID-19 made available by
44 the Federal Government, the secretary is authorized to
45 administer the assistance. The secretary is authorized to adopt
46 temporary regulations to ensure Federal compliance in order to
47 receive funding and the following shall apply:

48 (1) The temporary regulations shall not be subject to:

49 (i) Sections 201, 202, 203, 204 and 205 of the act
50 of July 31, 1968 (P.L.769, No.240), referred to as the
51 Commonwealth Documents Law.

1 (ii) Section 204(b) of the act of October 15, 1980
2 (P.L.950, No.164), known as the Commonwealth Attorneys
3 Act.

4 (iii) The act of June 25, 1982 (P.L.633, No.181),
5 known as the Regulatory Review Act.

6 (2) The temporary regulations adopted by the secretary
7 shall expire 120 days after the expiration date of the
8 Federal law authorizing the funding.

9 (a.1) Additional statutory requirements to receive
10 funding.--If the secretary determines that additional statutory
11 amendments are needed to receive Federal funding related to
12 COVID-19 unemployment assistance beyond the expiration date of
13 the temporary regulations authorized under subsection (a), the
14 secretary shall include legislative recommendations to the
15 General Assembly in the monthly report required under subsection
16 (d).

17 (b) Sequencing.--The following shall apply to Federal
18 funding received for administrative purposes:

19 (1) Upon the availability of Federal funding, money
20 received from the Federal Government shall be utilized by the
21 secretary prior to expending any other funds made available
22 to address COVID-19.

23 (2) (Reserved).

24 (c) Authorized use.--The secretary is prohibited from
25 expending any money made available for administrative purposes
26 in response to COVID-19 beyond what is necessary to administer
27 unemployment compensation.

28 (d) Report.--The following shall apply:

29 (1) Beginning April 1, 2020, and the first day of each
30 subsequent month, the secretary shall prepare a report
31 detailing any permanent statutory changes that must be made
32 in order for the Commonwealth to comply with Federal
33 requirements for funding and all spending related to
34 unemployment compensation in response to COVID-19 the
35 department has made during the preceding month, including any
36 funding made available through the Federal Government, the
37 Governor's disaster proclamation or any other transfers
38 authorized under this section.

39 (2) The report under paragraph (1) shall include the
40 number of applications processed, the number of applications
41 approved and denied and the total amount expended.

42 (3) The secretary shall submit the report under
43 paragraph (1) to the President pro tempore of the Senate, the
44 Speaker of the House of Representative, the Majority Leader
45 and Minority Leader of the Senate, the Majority Leader and
46 Minority Leader of the House of Representatives, the
47 chairperson and minority chairperson of the Appropriations
48 Committee of the Senate and the chairperson and minority
49 chairperson of the Appropriations Committee of the House of
50 Representatives.

51 Section 1605. Expiration.

1 This article shall expire on January 1, 2021.

2 Section 4. The amendment of section 302.1(b)(2)(i) and (3)(i)
3 of the act shall apply to notices issued under section 302.1(b)
4 (2)(i) and (3)(i) on or after the publication of the notice
5 under section 5 of this act.

6 Section 5. The Secretary of Labor and Industry shall transmit
7 notice to the Legislative Reference Bureau for publication in
8 the Pennsylvania Bulletin upon completion of modifications to
9 the delivery system for unemployment compensation benefits
10 implementing the changes to the filing periods under section 2
11 of this act.

12 Amend Bill, page 3, line 6, by striking out "4" and inserting

13 6

14 Amend Bill, page 3, line 9, by striking out "Sections 2 and 3
15 of this act" and inserting

16 The remainder of this act

17 Amend Bill, page 3, line 10, by striking out "remainder of
18 this" and inserting

19 amendment of section 302.1(b)(2)(i) and (3)(i) of the

20 Amend Bill, page 3, line 11, by striking out "3" and

21 inserting

22 5