

AMENDMENTS TO HOUSE BILL NO. 2388

Sponsor: SENATOR SCHWANK

Printer's No. 3719

1 Amend Bill, page 1, line 21, by inserting after "provisions"  
2 and for employee unemployment compensation protection

3 Amend Bill, page 2, lines 1 and 2, by striking out "an  
4 article" and inserting  
5 articles

6 Amend Bill, page 6, by inserting between lines 20 and 21

7 ARTICLE II-B

8 EMPLOYEE UNEMPLOYMENT COMPENSATION PROTECTION

9 Section 201-B. Definitions.

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

13 "Business." A business, industry or trade operating with a  
14 physical location in this Commonwealth regardless of whether  
15 that physical location is open to the public.

16 "Business reopening plan." A multiple phase plan developed  
17 by the Commonwealth for the gradual reopening of businesses that  
18 are subject to a business closure order pursuant to a  
19 declaration of public health emergency.

20 "CARES Act." The Federal Coronavirus Aid, Relief, and  
21 Economic Security Act (Public Law 116-136, 134 Stat. 281).

22 "COVID-19." The novel coronavirus, otherwise known as COVID-  
23 19.

24 "Employee." An individual employed by a business.

25 "Infectious disease." A disease that is caused by a  
26 microorganism, such as a bacterium, virus, or protozoan, that is  
27 not normally found in the human body and is capable of causing  
28 infection. Some, but not all, infectious diseases are  
29 contagious, meaning they can spread from person to person,  
30 including COVID-19 or the coronavirus. Other infectious diseases  
31 can spread from animals or insects to humans, but not from  
32 person to person.

33 "Intermediate reopening phase." A phase of a business  
34 reopening plan developed to address business operations during a  
35 public health emergency where specific non-life-sustaining

1 businesses within a specified county of the Commonwealth are  
2 authorized to reopen and conduct limited in-person and physical  
3 operations in compliance with guidance issued by the Centers for  
4 Disease Control and Prevention for businesses to plan and  
5 respond to COVID-19 or any other infectious disease, and the  
6 guidance on business practices issued by the Department of  
7 Health to address COVID-19 or any other infectious disease.

8 "Life-sustaining business." A business that is designated as  
9 a life-sustaining business pursuant to a declaration of public  
10 health emergency issued by the Governor and any subsequent  
11 guidance.

12 "Public health emergency." An emergency declaration by the  
13 Governor of an occurrence or imminent threat of a disease or  
14 condition of critical public health importance with the  
15 following characteristics:

16 (1) Is believed to be caused by any of the following:

17 (i) the emergence and spread of a novel or  
18 previously controlled or eradicated infectious disease;  
19 or

20 (ii) an infectious disease epidemic in this  
21 Commonwealth or a pandemic.

22 (2) Poses a high probability of any of the following in  
23 the affected population:

24 (i) Death.

25 (ii) Serious or long-term disabilities.

26 (iii) Widespread exposure to an infectious disease  
27 that poses a significant risk of substantial present or  
28 future harm to the public health and safety.

29 Section 202-B. Employee unemployment compensation protection.

30 Notwithstanding any provision of law, an employee who is  
31 employed by a business that is subject to a business closure  
32 order issued by the Governor during a public health emergency  
33 shall remain eligible for the following assistance during the  
34 period when the business is authorized for limited operations  
35 under an intermediate reopening phase, if the employee is  
36 recalled to work at the business and the employee declines to  
37 return to work due to a concern that returning to work at the  
38 business during the intermediate reopening phase will place the  
39 employee's health at risk:

40 (1) Pandemic unemployment assistance under section 2102  
41 of the CARES Act.

42 (2) Emergency increase in unemployment compensation  
43 benefits under section 2104 of the CARES Act.

44 (3) Pandemic emergency unemployment compensation under  
45 section 2017 of the CARES Act.

46 (4) Unemployment compensation received from the  
47 Commonwealth under the act of December 5, 1936 (2nd Sp.Sess.,  
48 1937 P.L.2897, No.1), known as the Unemployment Compensation  
49 Law.