AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," in emergency provisions related to COVID-19, providing for grounds for refusal of suitable work or voluntarily quitting work.

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

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

Section 1602.1. Grounds for refusal of suitable work or voluntarily quitting work.

(a) General rule.--For claimants whose unemployment is
related to COVID-19, only the following shall constitute good cause for refusing otherwise suitable work under section 402(a) or necessitous and compelling cause for quitting work under section 402(b):

(1) The employee provides the employer with documentation from a licensed health care provider that the employee:

   (i) has a medical condition that places the employee at a substantially greater risk for serious medical complications related to COVID-19; or

   (ii) lives with or directly cares for an individual who has a medical condition that places the individual at a substantially greater risk for serious medical complications related to COVID-19.

(2) The employer has failed to comply with Federal or State workplace safety standards intended to mitigate the spread of COVID-19, and the employer's failure was willful, repeated or grossly negligent. The employee shall provide documentation demonstrating the failure of the employer to comply with applicable standards, including:

   (i) evidence that the employee or another individual informed the employer of the applicable standards and the employer failed to take reasonable steps to comply with the standards in good faith; or

   (ii) evidence that the employer was cited for the violation by a law enforcement official or any Federal or State agency responsible for enforcing the applicable standards.

(3) The employer retaliated or discriminated against the employee for informing the employer of a failure to comply.
with Federal or State workplace safety standards intended to
mitigate the spread of COVID-19 or the employer retaliated or
discriminated against the employee for filing a complaint
with a law enforcement official or the appropriate Federal or
State agency with regard to the employer's failure to comply
with the applicable workplace safety standards.

(b) Nonapplicability.--Subsection (a)(1) shall not apply if:

(1) the employee's work does not require face-to-face
contact within 15 feet of another individual;

(2) the employee is able to work remotely; or

(3) the employer is able to offer suitable alternative
work that does not require face-to-face contact within 15
feet of another individual.

(c) Elements.--The following shall not constitute good cause
for refusing otherwise suitable work under section 402(a) or
necessitous and compelling cause for quitting work under section
402(b):

(1) The employee's general concern about the spread of
COVID-19, whether reasonable or not.

(2) A statement by the employee, which is unaccompanied
by documentation from a licensed health care provider, that
the employee:

(i) has a medical condition that places the employee
at substantially greater risk for serious medical
complications related to COVID-19; or

(ii) the employee lives with or directly cares for
an individual who has a medical condition that places the
individual at substantially greater risk for serious
medical complications related to COVID-19.

(3) The failure of the employer to comply with Federal
or State workplace safety standards intended to mitigate the
spread of COVID-19, if the failure was not made known to the
employer by the employee, a law enforcement official, a
Federal or State agency responsible for enforcing the
applicable standard or other person.
(4) The amount or duration of extended or additional
unemployment benefits provided to assist workers affected by
COVID-19.
(d) Reinstatement.--Nothing in this section shall be
construed to:
(1) require an employer to reinstate an employee who
voluntarily quits or refuses work, whether or not the
employee is determined to be eligible for benefits under this
act; or
(2) prohibit an employer from filling the position of an
employee who quit or refused work.
(e) Expiration.--This section shall expire the same date as
the expiration of the proclamation of disaster emergency issued
by the Governor on March 6, 2020, published at 50 Pa.B. 1644
(March 21, 2020), or any renewal of the state of disaster
emergency.
Section 2. This act shall take effect immediately.