

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1819 Session of 2021

INTRODUCED BY LABS, R. BROWN, GROVE, HAMM, MENTZER, MILLARD, MOUL, POLINCHOCK, ROAE, RYAN, SCHROEDER, STAATS, STAMBAUGH, THOMAS, TOMLINSON, TOPPER, ZIMMERMAN, MERCURI, JONES, FARRY, COX AND ROWE, AUGUST 31, 2021

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 26, 2021

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," in compensation,
16 further providing for ~~qualifications required to secure~~ <--
17 ~~compensation~~ INELIGIBILITY FOR COMPENSATION. <--

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

20 Section 1. Section ~~401(b)(1)(iii)~~ 402(A) of the act of <--
21 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
22 the Unemployment Compensation Law, is amended to read:

23 ~~Section 401. Qualifications Required to Secure~~ <--
24 ~~Compensation. Compensation shall be payable to any employe who~~

1 ~~is or becomes unemployed, and who~~

2 ~~\* \* \*~~

3 ~~(b) (1) Is making an active search for suitable employment.~~

4 ~~The requirements for "active search" shall be established by the~~

5 ~~department and shall include, at a minimum, all of the~~

6 ~~following:~~

7 ~~\* \* \*~~

8 ~~(iii) Applying for positions that offer employment and wages~~

9 ~~similar to those the claimant had prior to his unemployment and~~

10 ~~which are within a forty five (45) minute commuting distance.~~

11 ~~The following apply:~~

12 ~~(A) A claimant shall make a good faith effort to obtain~~

13 ~~employment in suitable work. A claimant who has applied for a~~

14 ~~position may not take any action to unreasonably discourage the~~

15 ~~claimant's own hire in suitable work, including any of the~~

16 ~~following:~~

17 ~~(I) Refusing to attend or failing to participate, without~~

18 ~~good cause, in a job interview or other applicant selection~~

19 ~~activity offered by the employer.~~

20 ~~(II) Refusing employment or a referral for employment,~~

21 ~~without good cause, prior to an interview or a discussion of the~~

22 ~~details of a job with the employer.~~

23 ~~(B) Within 90 days of the effective date of this~~

24 ~~subparagraph, the department shall create forms or update~~

25 ~~existing forms to enable employers to report claimants who~~

26 ~~discourage their own hire, as provided in this subclause. The~~

27 ~~forms shall include notice of the provisions of section 802.~~

28 ~~(C) A claimant who unreasonably discourages the claimant's~~

29 ~~own hire in suitable work shall be considered to have refused an~~

30 ~~offer of work for purposes of section 402(a).~~

1       \* \* \*

2       SECTION 402. INELIGIBILITY FOR COMPENSATION.--AN EMPLOYEE       <--  
3       SHALL BE INELIGIBLE FOR COMPENSATION FOR ANY WEEK--

4       (A) IN WHICH HIS UNEMPLOYMENT IS DUE TO FAILURE, WITHOUT  
5       GOOD CAUSE, EITHER TO APPLY FOR SUITABLE WORK AT SUCH TIME AND  
6       IN SUCH MANNER AS THE DEPARTMENT MAY PRESCRIBE, OR TO ACCEPT  
7       SUITABLE WORK WHEN OFFERED TO HIM BY THE EMPLOYMENT OFFICE OR BY  
8       ANY EMPLOYER, IRRESPECTIVE OF WHETHER OR NOT SUCH WORK IS IN  
9       "EMPLOYMENT" AS DEFINED IN THIS ACT: PROVIDED, THAT SUCH  
10      EMPLOYER NOTIFIES THE EMPLOYMENT OFFICE OF SUCH OFFER WITHIN  
11      SEVEN (7) DAYS AFTER THE MAKING THEREOF; HOWEVER THIS SUBSECTION  
12      SHALL NOT CAUSE A DISQUALIFICATION OF A WAITING WEEK OR BENEFITS  
13      UNDER THE FOLLOWING CIRCUMSTANCES: WHEN WORK IS OFFERED BY HIS  
14      EMPLOYER AND HE IS NOT REQUIRED TO ACCEPT THE OFFER PURSUANT TO  
15      THE TERMS OF THE LABOR-MANAGEMENT CONTRACT OR AGREEMENT, OR  
16      PURSUANT TO AN ESTABLISHED EMPLOYER PLAN, PROGRAM OR POLICY:  
17      PROVIDED FURTHER, THAT A CLAIMANT SHALL NOT BE DISQUALIFIED FOR  
18      REFUSING SUITABLE WORK WHEN HE IS IN TRAINING APPROVED UNDER  
19      SECTION 236(A) (1) OF THE TRADE ACT OF 1974[.]: PROVIDED FURTHER,  
20      THAT THE FOLLOWING APPLY:

21      (1) A CLAIMANT SHALL MAKE A GOOD-FAITH EFFORT TO OBTAIN  
22      EMPLOYMENT IN SUITABLE WORK. A CLAIMANT WHO HAS APPLIED FOR A  
23      POSITION MAY NOT TAKE ANY ACTION TO UNREASONABLY DISCOURAGE THE  
24      CLAIMANT'S OWN HIRE IN SUITABLE WORK, INCLUDING ANY OF THE  
25      FOLLOWING:

26      (I) REFUSING TO ATTEND OR FAILING TO PARTICIPATE, WITHOUT  
27      GOOD CAUSE, IN A JOB INTERVIEW OR OTHER APPLICANT SELECTION  
28      ACTIVITY OFFERED BY THE EMPLOYER.

29      (II) REFUSING EMPLOYMENT OR A REFERRAL FOR EMPLOYMENT,  
30      WITHOUT GOOD CAUSE, PRIOR TO AN INTERVIEW OR A DISCUSSION OF THE

1 DETAILS OF A JOB WITH THE EMPLOYER.

2 (2) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH,  
3 THE DEPARTMENT SHALL CREATE FORMS OR UPDATE EXISTING FORMS TO  
4 ENABLE EMPLOYERS TO REPORT CLAIMANTS WHO DISCOURAGE THEIR OWN  
5 HIRE, AS PROVIDED IN THIS SUBSECTION. THE FORMS SHALL INCLUDE  
6 NOTICE OF THE PROVISIONS OF SECTION 802.

7 (3) A CLAIMANT WHO UNREASONABLY DISCOURAGES THE CLAIMANT'S  
8 OWN HIRE IN SUITABLE WORK SHALL BE CONSIDERED TO HAVE REFUSED AN  
9 OFFER OF WORK FOR PURPOSES OF THIS SUBSECTION.

10 \* \* \*

11 Section 2. This act shall take effect immediately.