

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1006 Session of  
1981

INTRODUCED BY KUSSE, JULY 1, 1981

REFERRED TO LABOR AND INDUSTRY, JULY 1, 1981

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," making changes  
16 required by the Federal Government to conform to Federal law.

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

19 Section 1. Subsection (f) of section 401, act of December 5,  
20 1936 (2nd Sp.Sess., 1937 P.L. 2897, No.1), known as the  
21 "Unemployment Compensation Law," amended September 27, 1971  
22 (P.L.460, No.108), is amended and a subsection is added 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 (f) Has earned, subsequent to his separation from work  
4 whether such work is full-time or part-time under circumstances  
5 which are disqualifying under the provisions of subsections 402  
6 (b), 402 (e) and 402 (h) of this act, remuneration for services  
7 in an amount equal to or in excess of six (6) times his weekly  
8 benefit rate irrespective of whether or not such services were  
9 in "employment" as defined in this act. The provisions of this  
10 subsection shall not apply to a suspension of work by an  
11 individual pursuant to a leave of absence granted by his last  
12 employer, provided such individual has made a reasonable effort  
13 to return to work with such employer upon the expiration of his  
14 leave of absence.

15 \* \* \*

16 (h) (1) Has performed services in employment, subsequent to  
17 his failure either to apply for or accept suitable work of a  
18 temporary or casual nature, under circumstances which are  
19 disqualifying under subsection 402(a), without regard to whether  
20 the services were in employment as defined by this act. For  
21 purposes of this paragraph work of a temporary or casual nature  
22 is defined as work expected to last less than thirty (30)  
23 calendar days.

24 (2) Has performed services in employment expected to last  
25 more than thirty (30) calendar days, subsequent to his failure  
26 either to apply for or accept suitable work not of a temporary  
27 or casual nature, under circumstances which are disqualifying  
28 under subsection 402(a), without regard to whether the services  
29 were in employment as defined by this act. For purposes of this  
30 paragraph work not of a temporary or casual nature is defined as

1 work expected to last at least thirty (30) calendar days.

2 Section 2. The introductory paragraph of section 402 of the  
3 act is amended to read:

4 Section 402. Ineligibility for Compensation.--An employe  
5 shall be ineligible for compensation in any amount for any  
6 week--

7 \* \* \*

8 Section 3. Sections 402-A and 403-A of the act, added  
9 February 9, 1971 (P.L.1, No.1), are amended to read:

10 Section 402-A. Effect of State Law Provisions Relating to  
11 Regular Benefits on Claims for, and the Payment of, Extended  
12 Benefits.--Except when the result would be inconsistent with the  
13 other provisions of this section, as provided in the regulations  
14 of the Secretary of Labor and Industry, the provisions of this  
15 act which apply to claims for, or the payment of, regular  
16 benefits shall apply to claims for, and the payment of, extended  
17 benefits except that payment of extended benefits shall not be  
18 made to any individual for any week if:

19 (1) Extended benefits would, but for this section, have been  
20 payable for such week pursuant to an interstate claim filed in  
21 any state under the interstate benefit payment plan.

22 (2) An extended benefit period is not in effect for such  
23 week in such state.

24 (3) The denial of extended benefits shall not apply with  
25 respect to the first two weeks (whether full or partial payment)  
26 for which extended benefits is payable (determined without  
27 regard to this section) pursuant to an interstate claim filed  
28 under the interstate benefit payment plan to the individual from  
29 the extended compensation account established for the benefit  
30 year.

1 Section 403-A. Eligibility Requirements for Extended

2 Benefits.--(a) An individual shall be eligible to receive  
3 extended benefits with respect to any week of unemployment in  
4 his eligibility period only if the Secretary of Labor and  
5 Industry finds that with respect to such week:

6 [(a)] (1) he is an "exhaustee" as defined in section 401-  
7 A(j)[,] ;

8 [(b)] (2) he has satisfied the requirements of this act for  
9 the receipt of regular benefits that are applicable to  
10 individuals claiming extended benefits, including not being  
11 subject to a disqualification for the receipt of benefits.

12 (b) Notwithstanding any other provisions of section 402-A an  
13 individual shall be ineligible for the payment of extended  
14 benefits for any week of unemployment in his eligibility period  
15 if the secretary finds that during such period:

16 (1) he failed to accept any offer of suitable work (as  
17 defined under subsection (d)) or failed to apply for any  
18 suitable work to which he was referred by the employment office;  
19 or

20 (2) he failed to actively engage in seeking work as  
21 prescribed under subsection (f).

22 (c) Any individual who has been found ineligible for  
23 extended benefits by reason of the provisions in subsection (b)  
24 shall also be denied benefits beginning with the first day of  
25 the week following the week in which such failure occurred and  
26 until he has been employed (without regard to employment as  
27 defined by this act) in each of four (4) subsequent weeks  
28 (whether or not consecutive) and has earned remuneration equal  
29 to not less than four (4) times his extended weekly benefit  
30 amount.

(d)(1) For the purposes of this section, the term "suitable work" means, with respect to any individual, the requirements contained in clauses (i) and (ii) below:

(i) Any work which is within such individual's capabilities: Provided, however, That the gross average weekly remuneration payable for the work must exceed the sum of the following:

(A) The individual's extended weekly benefit amount as determined under section 404-A (relating to the extended benefit program).

(B) The amount, if any, of supplemental unemployment benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954, payable to such individual for such week.

(ii) Pays wages not less than the higher of:

(A) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(B) the applicable State or local minimum wage.

(2) No individual shall however be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitability as described above if:

(i) the position was not offered to such individual in writing or was not listed with the employment service;

(ii) such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in section 4(t) to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subsection; or

(iii) the individual furnishes satisfactory evidence to the department that his or her prospects for obtaining work in his or her customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose,

1 the determination of whether any work is suitable with respect  
2 to such individual shall be made in accordance with the  
3 definition of suitable work for regular benefit claimants in  
4 section 4(t) without regard to the definition specified by this  
5 subsection.

6 (e) Notwithstanding, the provisions of section 403-A to the  
7 contrary, no work shall be deemed to be suitable work for an  
8 individual which does not accord with the labor standard  
9 provisions required by section 3304(a)(5) of the Internal  
10 Revenue Code of 1954 and set forth herein under section 4(t).

11 (f) For the purposes of subsection (b)(2), an individual  
12 shall be treated as actively engaged in seeking work during any  
13 week if he meets both of the following:

14 (1) The individual has engaged in a systematic and sustained  
15 effort to obtain work during such week.

16 (2) The individual furnishes tangible evidence that he has  
17 engaged in such an effort during such week.

18 (g) The employment office shall refer any claimant entitled  
19 to extended benefits under this act to any suitable work which  
20 meets the criteria prescribed in subsection (d).

21 (h) Notwithstanding any other provision of this act, for the  
22 purposes of this section, extended benefits means all benefits  
23 paid subsequent to the receipt of twenty-six (26) times an  
24 individual's weekly benefit amount when an extended benefits  
25 period has triggered on.

26 (i) An individual shall not be eligible to receive extended  
27 benefits with respect to any week of unemployment in his  
28 eligibility period if such individual has been disqualified for  
29 regular or extended benefits under this act because he or she  
30 voluntarily left work, was discharged for misconduct or failed

1 to accept an offer of or apply for suitable work unless the  
2 disqualification imposed for such reasons has been terminated in  
3 accordance with specific conditions established under this act  
4 requiring the individual to perform service for remuneration  
5 subsequent to the date of such disqualification.

6       Section 4. This act shall apply to all weeks of unemployment  
7 beginning in an extended benefit period on or after March 31,  
8 1981; except that the amendments to section 402-A shall be  
9 retroactive for all claim weeks beginning on or after June 1,  
10 1981.