

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 591 Session of
2001

INTRODUCED BY EGOLF, BENNINGHOFF, DeLUCA, T. ARMSTRONG,
READSHAW, NAILOR, ALLEN, LYNCH, CALTAGIRONE, GEIST, CORRIGAN,
GRUCELA, PHILLIPS, HERMAN, GODSHALL, M. BAKER, M. WRIGHT,
TRAVAGLIO, VANCE, SOLOBAY, FEESE, TULLI, HALUSKA, ORIE,
BIRMELIN, FLICK, WOJNAROSKI, ZUG, WILT, YEWIC, HERSHEY,
STABACK, WOGAN, TIGUE, DALLY, BEBKO-JONES, FRANKEL, SHANER,
JADLOWIEC, FAIRCHILD, FORCIER, CLARK, S. MILLER, MAITLAND,
FICHTER, WANSACZ, SCHULER, PISTELLA, B. SMITH, BASTIAN,
CASORIO, E. Z. TAYLOR, WALKO, LEH, ROHRER, MARSICO,
C. WILLIAMS, SATHER, CIVERA, J. TAYLOR, McNAUGHTON, ROSS,
T. STEVENSON, BARRAR, RUBLEY, METCALFE, HUTCHINSON, ADOLPH,
STERN, HESS, CLYMER, SCRIMENTI, MICHLOVIC, PETRARCA, FREEMAN,
COSTA, BROWNE, HORSEY, SEMMEL, STEELMAN AND McCALL,
FEBRUARY 8, 2001

SENATOR ARMSTRONG, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
NOVEMBER 19, 2002

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," PROVIDING FOR REFERRAL <—
16 TO EMPLOYMENT OFFICES; AND further providing for
17 INELIGIBILITY FOR COMPENSATION AND FOR ineligibility of <—
18 incarcerated employees.

19 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 402.6 of the act of December 5, 1936 (2nd~~ <—
3 ~~Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~
4 ~~Compensation Law, added October 30, 1996 (P.L.738, No.133), is~~
5 ~~amended to read:~~

6 SECTION 1. THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 <—
7 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, IS
8 AMENDED BY ADDING A SECTION TO READ:

9 SECTION 212. REFERRAL TO EMPLOYMENT OFFICES.--THE DEPARTMENT
10 SHALL REFER ALL CLAIMANTS ELIGIBLE FOR COMPENSATION TO
11 EMPLOYMENT OFFICES FOR REEMPLOYMENT SERVICES.

12 SECTION 2. SECTION 402 OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 SECTION 402. INELIGIBILITY FOR COMPENSATION.--AN EMPLOYEE
15 SHALL BE INELIGIBLE FOR COMPENSATION FOR ANY WEEK--

16 * * *

17 (E.1) IN WHICH HIS UNEMPLOYMENT IS DUE TO DISCHARGE OR
18 TEMPORARY SUSPENSION FROM WORK DUE TO FAILURE TO SUBMIT AND/OR
19 PASS A DRUG TEST CONDUCTED PURSUANT TO AN EMPLOYER'S ESTABLISHED
20 SUBSTANCE ABUSE POLICY, PROVIDED THAT THE DRUG TEST IS NOT
21 REQUESTED OR IMPLEMENTED IN VIOLATION OF THE LAW OR OF A
22 COLLECTIVE BARGAINING AGREEMENT.

23 * * *

24 SECTION 3. SECTION 402.6 OF THE ACT, ADDED OCTOBER 30, 1996
25 (P.L.738, NO.133), IS AMENDED TO READ:

26 Section 402.6. Ineligibility of Incarcerated Employee.--
27 [Nothing in this act] An employe shall [require] not be eligible
28 for payment of unemployment compensation benefits for any weeks
29 of unemployment during which the employe is incarcerated after a
30 conviction.

1 Section 2 4. The amendment of section 402.6 of the act shall <—
2 apply to compensation for weeks ending on or after the effective
3 date of this act.

4 Section 3 5. This act shall take effect immediately. <—