

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1690 Session of
2001

INTRODUCED BY WALKO, CURRY, LEDERER, CALTAGIRONE, STABACK,
FREEMAN, THOMAS, MELIO, LAUGHLIN, SOLOBAY, SURRA, WOJNAROSKI,
YOUNGBLOOD, HARHAI, SHANER, LEVDANSKY, JOSEPHS, CLARK,
GRUCELA, BEBKO-JONES, STEELMAN, HORSEY, YUDICHAK AND
COLAFELLA, JUNE 4, 2001

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 4, 2001

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 birth
16 and adoption unemployment compensation; and requiring the
17 enactment of certain enabling legislation.

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

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

23 ARTICLE IV-B

24 BIRTH AND ADOPTION UNEMPLOYMENT COMPENSATION

1 Section 401-B. Definitions.--As used in this article:

2 (a) "Approved leave" means a specific period of time, agreed
3 to by both the employe and employer, during which an employe is
4 temporarily separated from employment and after which the
5 employe will return to work for that employer.

6 (b) "Birth and adoption unemployment compensation" means
7 unemployment compensation paid only to parents on approved leave
8 or who otherwise leave employment to be with their newborns or
9 newly-adopted children.

10 (c) "Department" means the Department of Labor and Industry
11 of the Commonwealth.

12 (d) "DL" means the United States Department of Labor.

13 (e) "Newborns" means children up to the age of one year.

14 (f) "Newly-adopted children" means children, regardless of
15 age, who have been placed within the previous twelve calendar
16 months with an adoptive parent or parents.

17 (g) "Parents" means biological or legal mothers and fathers
18 or persons who have legal custody of a child during the adoption
19 process.

20 (h) "Placement" means the time a parent becomes legally
21 responsible for a child pending adoption.

22 Section 402-B. Birth and Adoption Unemployment
23 Compensation.--(a) A person who takes more than one week of
24 unpaid job-protected leave pursuant to the Family and Medical
25 Leave Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et seq.),
26 or who leaves employment to be with the person's child during
27 the first year of life or during the first year following
28 placement of a child with the person for adoption shall not be
29 denied compensation under section 402(b) of this act for
30 voluntarily leaving employment, for failing to apply for

1 suitable work or for failing to be available for suitable work.

2 (b) Section 804 of this act, concerning the reduction of the
3 amount of compensation due to receipt of disqualifying income,
4 shall apply to payments under this article. In addition, the
5 following payments shall cause a reduction in the compensation
6 amount:

7 (1) any payment from the employer resulting from a birth or
8 adoption described in subsection (a); and

9 (2) any payment resulting in the birth or adoption described
10 in subsection (a) from a disability insurance plan contributed
11 to by an employer, in proportion to the employer's contribution
12 to such plan.

13 Section 403-B. Notice to Employes.--(a) Every employer
14 shall post at each site operated by the employer in a
15 conspicuous place accessible to employes the following
16 information:

17 (1) The name and mailing address of the employer where a
18 request for leave shall be sent.

19 (2) The employer's identification number.

20 (3) Instructions on how to file a claim for birth and
21 adoption unemployment compensation.

22 (4) The address and telephone number of the department.

23 (b) In addition to posting the information required by
24 subsection (a), an employer shall display a poster provided by
25 the department.

26 (c) Every employer shall provide to each employe at the
27 beginning of the employment and whenever such employe requests a
28 leave under this section the criteria for eligibility and
29 compensation.

30 Section 404-B. Compensation.--(a) Compensation payable to a

1 person under this article shall be for a maximum of twelve weeks
2 with respect to any birth or placement for adoption.

3 (b) Any unemployment benefits granted to a person under this
4 article shall be deducted from the total benefits payable to the
5 person in that person's benefit year.

6 Section 405-B. Protections.--Nothing stated in this article
7 shall interfere with any greater rights or benefits under the
8 terms of a collective bargaining agreement, or any other
9 employment agreement between the employer and employee.

10 Section 406-B. Funds Received.--Notwithstanding any other
11 provision of this article, any moneys credited to or received by
12 the Commonwealth pursuant to Federal law shall be used only to
13 pay expenses incurred by the Commonwealth for the administration
14 of the unemployment insurance law and shall not be used for the
15 payment of unemployment compensation.

16 Section 407-B. Unemployment Compensation Trust Fund.--(a)
17 Unemployment benefits granted under this article to an eligible
18 person pursuant to section 402-B shall not be charged to the
19 employer's unemployment insurance account, but shall be charged
20 to the Unemployment Compensation Trust Fund.

21 (b) The General Assembly shall no later than June 30, 2001,
22 enact into law enabling legislation to provide sufficient funds
23 to carry out this article. Legislation that is enacted shall
24 ensure the present and future integrity of the Unemployment
25 Compensation Trust Fund as to payments made under this act.

26 Section 408-B. Administration of Article.--(a) The
27 department shall promulgate rules and regulations necessary to
28 implement and administer this article.

29 (b) The department shall ensure that this article is applied
30 consistent with regulations issued by the DL.

1 Section 2. This article shall apply 60 days after the
2 enabling legislation required under section 407-B of the act is
3 enacted into law.

4 Section 3. This act shall take effect immediately.