

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1473 Session of
2007

INTRODUCED BY MANTZ, BOYD, CLYMER, CREIGHTON, CUTLER, DALLY,
DENLINGER, EVERETT, FAIRCHILD, GRELL, HERSHEY, HORNAMAN,
KAUFFMAN, KORTZ, MAHONEY, MARSHALL, R. MILLER, MOUL, MOYER,
NAILOR, NICKOL, PICKETT, REICHLEY, ROAE, ROHRER, SAYLOR,
SONNEY, STERN, SWANGER AND TURZAI, JUNE 5, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 5, 2007

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," further providing for
16 ineligibility for compensation.

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

19 Section 1. Section 402(b) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended October 22, 1981 (P.L.301, No.106), is
22 amended to read:

23 Section 402. Ineligibility for Compensation.--An employe

1 shall be ineligible for compensation for any week--

2 * * *

3 (b) In which his unemployment is due to voluntarily leaving
4 work without cause of a necessitous and compelling nature
5 attributable to his employment, irrespective of whether or not
6 such work is in "employment" as defined in this act: Provided,
7 That a voluntary leaving work because of a work-related
8 disability if the employer is able to provide other suitable
9 work, shall be deemed not a cause of a necessitous and
10 compelling nature attributable to his employment: And provided
11 further, That no employe shall be deemed to be ineligible under
12 this subsection where as a condition of continuing in employment
13 such employe would be required to join or remain a member of a
14 company union or to resign from or refrain from joining any bona
15 fide labor organization, or to accept wages, hours or conditions
16 of employment not desired by a majority of the employes in the
17 establishment or the occupation, or would be denied the right of
18 collective bargaining under generally prevailing conditions, and
19 that in determining whether or not an employe has left his work
20 voluntarily without cause of a necessitous and compelling nature
21 attributable to his employment, the department shall give
22 consideration to the same factors, insofar as they are
23 applicable, provided, with respect to the determination of
24 suitable work under section four (t): And provided further, That
25 the provisions of this subsection shall not apply in the event
26 of a stoppage of work which exists because of a labor dispute
27 within the meaning of subsection (d). Provided further, That no
28 otherwise eligible claimant shall be denied benefits for any
29 week in which his unemployment is due to exercising the option
30 of accepting a layoff, from an available position pursuant to a

1 labor-management contract agreement, or pursuant to an
2 established employer plan, program or policy: Provided further,
3 That a claimant shall not be disqualified for voluntarily
4 leaving work, which is not suitable employment to enter training
5 approved under section 236(a)(1) of the Trade Act of 1974. For
6 purposes of this subsection the term "suitable employment" means
7 with respect to a claimant, work of a substantially equal or
8 higher skill level than the claimant's past "adversely affected
9 employment" (as defined in section 247 of the Trade Act of
10 1974), and wages for such work at not less than eighty per
11 centum of the worker's "average weekly wage" (as defined in
12 section 247 of the Trade Act of 1974).

13 * * *

14 Section 2. The amendment of section 402(b) of the act shall
15 apply to initial claims filed after June 30, 2007.

16 Section 3. This act shall take effect July 1, 2007.