

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1305 Session of 2011

INTRODUCED BY DINNIMAN, STACK, SCHWANK, WASHINGTON, BLAKE,
BOSCOLA, BREWSTER, BROWNE, COSTA, ERICKSON, FONTANA, WAUGH,
WILLIAMS AND TARTAGLIONE, OCTOBER 24, 2011

REFERRED TO LABOR AND INDUSTRY, OCTOBER 24, 2011

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(h) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, added December 17, 1959 (P.L.1893, No.693), is
22 amended to read:

23 Section 402. Ineligibility for Compensation.--An employe
24 shall be ineligible for compensation for any week--

1 * * *

2 (h) In which he is engaged in self-employment: Provided,
3 however[,];

4 (1) That an employe who is able and available for full-time
5 work shall be deemed not engaged in self-employment by reason of
6 continued participation without substantial change during a
7 period of unemployment in any activity including farming
8 operations undertaken while customarily employed by an employer
9 in full-time work whether or not such work is in "employment" as
10 defined in this act and continued subsequent to separation from
11 such work when such activity is not engaged in as a primary
12 source of livelihood. Net earnings received by the employe with
13 respect to such activity shall be deemed remuneration paid or
14 payable with respect to such period as shall be determined by
15 rules and regulations of the department[.]; or

16 (2) That an employe who becomes self-employed after
17 qualifying for benefits under this act shall remain eligible for
18 benefits for up to a twenty-six-week period or until such time
19 as the source of income derived from such self-employment
20 surpasses fifty per centum (50%) of the amount of benefits
21 received under this act, whichever is earlier. The employe shall
22 meet the requirements that the employe is available for suitable
23 work under section 401.

24 * * *

25 Section 2. This act shall take effect in 60 days.