

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2032 Session of
2019

INTRODUCED BY ECKER, BERNSTINE, KLUNK, KEEFER, MILLARD, HERSHEY,
CAUSER, CALTAGIRONE, ZIMMERMAN, FEE, PYLE, M. K. KELLER,
MOUL, STRUZZI, GLEIM, SCHLEGEL CULVER, WHEELAND, KAUFFMAN,
SAYLOR, HAHN, ROEBUCK, SCHEMEL, PASHINSKI, COOK, ROWE AND
TOBASH, NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, NOVEMBER 14, 2019

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," in preliminary
16 provisions, further providing for definitions.

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

19 Section 1. Section 4(1)(3)(G)(a) and (a.1) of the act of
20 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
21 the Unemployment Compensation Law, are amended to read:

22 Section 4. Definitions.--The following words and phrases, as
23 used in this act, shall have the following meanings, unless the

1 context clearly requires otherwise.

2 * * *

3 (1) * * *

4 (3) "Employment" shall also include--

5 * * *

6 (G) Notwithstanding any other provisions of this act,
7 service performed after December 31, 1977, by an individual in
8 agricultural labor as defined in section 4(1)(4)(1) when:

9 (a) Such service is performed for a person who--

10 (1) during any calendar quarter in either the current or the
11 preceding calendar year paid remuneration in cash of twenty
12 thousand dollars or more to individuals employed in agricultural
13 labor [(not taking into account service in agricultural labor
14 performed before January 1, 1982, by an alien referred to in
15 section 4(1)(3)(G)(a.1) or 4(1)(2)(G)(a.1))] (including labor
16 performed by an alien referred to in section 4(1)(3)(G)(a.1));
17 or

18 (2) for some portion of a day in each of twenty different
19 calendar weeks, whether or not such weeks were consecutive, in
20 either the current or the preceding calendar year, employed in
21 agricultural labor [(not taking into account service in
22 agricultural labor performed before January 1, 1982, by an alien
23 referred to in section 4(1)(3)(G)(a.1))] (including labor
24 performed by an alien referred to in section 4(1)(3)(G)(a.1))
25 ten or more individuals, regardless of whether they were
26 employed at the same moment of time.

27 (a.1) Such service is not performed in agricultural labor if
28 performed [before January 1, 1982,] by an individual who is an
29 alien admitted to the United States to perform service in
30 agricultural labor pursuant to sections 214(c) and 101(a)(15)(H)

1 of the Immigration and Nationality Act.

2 * * *

3 Section 2. This act shall apply to service performed after
4 December 31, 2019.

5 Section 3. This act shall take effect in 60 days.