

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1819 Session of  
2021

INTRODUCED BY LABS, R. BROWN, GROVE, HAMM, MENTZER, MILLARD,  
MOUL, POLINCHOCK, ROAE, RYAN, SCHROEDER, STAATS, STAMBAUGH,  
THOMAS, TOMLINSON, TOPPER, ZIMMERMAN, MERCURI, JONES, FARRY  
AND COX, AUGUST 31, 2021

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 2021

## 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 compensation,  
16 further providing for qualifications required to secure  
17 compensation ~~and for ineligibility for compensation.~~ <--

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

20 ~~Section 1. Sections 401(b)(1)(iii) and 402(a) of the act of~~ <--  
21 ~~December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as~~  
22 ~~the Unemployment Compensation Law, are amended to read:~~

23 SECTION 1. SECTION 401(B)(1)(III) OF THE ACT OF DECEMBER 5, <--  
24 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE

1 UNEMPLOYMENT COMPENSATION LAW, IS AMENDED TO READ:

2 Section 401. Qualifications Required to Secure  
3 Compensation.--Compensation shall be payable to any employe who  
4 is or becomes unemployed, and who--

5 \* \* \*

6 (b) (1) Is making an active search for suitable employment.  
7 The requirements for "active search" shall be established by the  
8 department and shall include, at a minimum, all of the  
9 following:

10 \* \* \*

11 (iii) Applying for positions that offer employment and wages  
12 similar to those the claimant had prior to his unemployment and  
13 which are within a forty-five (45) minute commuting distance.  
14 The following apply:

15 (A) A CLAIMANT SHALL MAKE A GOOD-FAITH EFFORT TO OBTAIN <--  
16 EMPLOYMENT IN SUITABLE WORK. A claimant who has applied for a  
17 position may not take any action to UNREASONABLY discourage the <--  
18 claimant's own hire IN SUITABLE WORK, including any of the <--  
19 following:

20 (I) Refusing to attend or failing to participate in a job  
21 interview or other applicant selection activity offered by the  
22 employer without good cause.

23 (II) Refusing employment or a referral for employment in <--  
24 suitable work, without good cause, prior to an interview or a  
25 discussion of the details of a job with the employer.

26 ~~(III) Failing to make a good faith effort to obtain~~ <--  
27 ~~employment, as evidenced by statements or other actions of the~~  
28 ~~claimant, that are intended to discourage the claimant's hire.~~

29 ~~(B) If a claimant refuses or fails to participate in a job~~  
30 ~~interview or applicant selection activity for good cause, the~~

~~claimant shall notify the employer of the reasons and make a  
good faith effort to reschedule the interview or other activity  
with the employer in order to be considered for the position.~~

~~(C) (B) Within 90 days of the effective date of this  
subparagraph, the department shall create forms or update  
existing forms to enable employers to report claimants who  
discourage their own hire, as provided in this subclause. THE  
FORMS SHALL INCLUDE NOTICE OF THE PROVISIONS OF SECTION 802.~~

~~(C) A CLAIMANT WHO UNREASONABLY DISCOURAGES THE CLAIMANT'S  
OWN HIRE IN SUITABLE WORK SHALL BE CONSIDERED TO HAVE REFUSED AN  
OFFER OF WORK FOR PURPOSES OF SECTION 402(A).~~

\* \* \*

~~Section 402. Ineligibility for Compensation. An employee  
shall be ineligible for compensation for any week~~

~~(a) In which his unemployment is due to failure, without  
good cause, either to apply for suitable work at such time and  
in such manner as the department may prescribe, or to accept  
suitable work when offered to him by the employment office or by  
any employer, irrespective of whether or not such work is in  
"employment" as defined in this act: Provided, That such  
employer notifies the employment office of such offer within  
seven (7) days after the making thereof; however this subsection  
shall not cause a disqualification of a waiting week or benefits  
under the following circumstances: when work is offered by his  
employer and he is not required to accept the offer pursuant to  
the terms of the labor management contract or agreement, or  
pursuant to an established employer plan, program or policy:  
Provided further, That a claimant shall not be disqualified for  
refusing suitable work when he is in training approved under  
section 236(a)(1) of the Trade Act of 1974[.]: Provided further,~~

1 ~~That a claimant who discourages the claimant's own hire, without~~  
2 ~~good cause, as provided in section 401(b)(1)(iii), shall be~~  
3 ~~disqualified under this subsection.~~

4 \* \* \*

5 Section 2. This act shall take effect immediately.