
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1852 Session of
2021

INTRODUCED BY O'NEAL, KAIL, RYAN, JAMES, BERNSTINE, STRUZZI,
LONGIETTI, WARNER, HILL-EVANS, ROWE AND HENNESSEY,
SEPTEMBER 9, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 9, 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 providing for COVID-19 base year.

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

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

22 Section 409. COVID-19 Base Year.--(a) Notwithstanding any
23 other provision of law, a claimant, for any new claim filed for
24 unemployment compensation between November 1, 2021, and March 1,

1 2022, may request an alternate base year of eligibility. The
2 claimant's request shall be granted if the department determines
3 that the claimant meets the requirements of subsection (b).

4 (b) The alternate base year of the claimant filing under
5 subsection (a) shall be the year directly preceding the year
6 that the claimant was unemployed if the claimant:

7 (1) is deemed financially ineligible for unemployment
8 compensation benefits;

9 (2) works in a seasonal occupation; and

10 (3) was unemployed due to any of the following COVID-19
11 related reasons:

12 (i) a diagnosis with or experience of symptoms of COVID-19
13 and a medical diagnosis was sought;

14 (ii) a member of the claimant's household being diagnosed
15 with COVID-19;

16 (iii) the need to provide care to a family member or a
17 member of the claimant's household who was diagnosed with COVID-
18 19;

19 (iv) a child or other person in the household for whom the
20 claimant is the primary caregiver was unable to attend school or
21 another facility that was closed due to COVID-19 and that school
22 or facility care was required for the claimant to work;

23 (v) inability to reach the claimant's place of employment
24 due to a quarantine or stay-at-home order due to COVID-19;

25 (vi) inability to reach the claimant's place of employment
26 under advice of a health care provider to self-isolate or
27 quarantine from positive exposure or potential positive exposure
28 to an individual who was suspected of having COVID-19;

29 (vii) inability to start a new and lack of current job or
30 inability to reach a job as a direct result of the COVID-19

1 pandemic;

2 (viii) The claimant became the major supporter for a
3 household because the head of the claimant's household has died
4 as a direct result of COVID-19;

5 (ix) inability to perform work-related duties due to a
6 COVID-19 diagnosis resulting in a loss of employment;

7 (x) closure of place of employment as a direct result of
8 COVID-19;

9 (xi) denial of continued unemployment benefits due to
10 refusal to work or accept an offer of work at a worksite that
11 was not in compliance with Federal, State or local health and
12 safety related to COVID-19, including, facial mask wearing,
13 physical distancing measures or the provision of personal
14 protective equipment consistent with public health guidelines;
15 or

16 (xii) reduction in work hours or a layoff as a direct result
17 of COVID-19.

18 (c) As used in this section, the term "COVID-19" shall mean
19 the novel coronavirus as identified in the Governor's
20 Proclamation of Disaster Emergency issued on March 6, 2020,
21 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
22 the proclamation of disaster emergency.

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