

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1481 Session of
2023

INTRODUCED BY STEELE, D. MILLER, MADDEN, DELLOSO, KINSEY,
GALLOWAY, HARKINS, HILL-EVANS, PROBST, DONAHUE, SCHLOSSBERG,
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WADE-EL, D. WILLIAMS, KRAJEWSKI, GREEN, NEILSON, OTTEN,
WARREN AND KHAN, JUNE 21, 2023

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 18, 2023

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. Section 401(e)(1) of the act of December 5, 1936~~ ◀
21 ~~(2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~
22 ~~Compensation Law, is amended and the section is amended by~~
23 ~~adding a subsection to read:~~

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

4 * * *

5 ~~(e) (1) [Has] Except as provided in subsection (h), has~~
6 ~~been unemployed for a waiting period of one week.~~

7 * * *

8 ~~(h) For a claim for a period of unemployment beginning after~~ ◀
9 ~~the effective date of this subsection, is unemployed due to a~~
10 ~~stoppage of work caused by a labor dispute: Provided, That the~~ ◀
11 ~~claimant shall not be provided benefits for a thirty day period~~
12 ~~following a stoppage of work caused by a labor dispute other~~
13 ~~than a lockout.~~ ◀

14 ~~Section 2. Section 402(b) and (d) of the act, amended~~
15 ~~November 3, 2022 (P.L.2153, No.156), are amended to read:~~ ◀

16 SECTION 1. SECTION 402(B) AND (D) OF THE ACT OF DECEMBER 5, ◀
17 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
18 UNEMPLOYMENT COMPENSATION LAW, AMENDED NOVEMBER 3, 2022
19 (P.L.2153, NO.156), ARE AMENDED TO READ:

20 Section 402. Ineligibility for Compensation.--An employe
21 shall be ineligible for compensation for any week--

22 * * *

23 (b) In which his unemployment is due to voluntarily leaving ◀
24 work without cause of a necessitous and compelling nature,
25 irrespective of whether or not such work is in "employment" as
26 defined in this act: Provided, That a voluntary leaving work
27 because of a disability if the employer is able to provide other
28 suitable work, shall be deemed not a cause of a necessitous and
29 compelling nature: And provided further, That no employe shall
30 be deemed to be ineligible under this subsection where as a

1 condition of continuing in employment such employe would be
2 required to join or remain a member of a company union or to
3 resign from or refrain from joining any bona fide labor
4 organization, or to accept wages, hours or conditions of
5 employment not desired by a majority of the employes in the
6 establishment or the occupation, or would be denied the right of
7 collective bargaining under generally prevailing conditions, and
8 that in determining whether or not an employe has left his work ◀
9 voluntarily without cause of a necessitous and compelling
10 nature, the department shall give consideration to the same
11 factors, insofar as they are applicable, provided, with respect
12 to the determination of suitable work under section four (t):
13 [And provided further, That the provisions of this subsection ◀
14 shall not apply in the event of a stoppage of work which exists ◀
15 because of a labor dispute within the meaning of subsection
16 (d).] Provided further, That no otherwise eligible claimant ◀
17 shall be denied benefits for any week in which his unemployment ◀
18 is due to exercising the option of accepting a layoff, from an
19 available position pursuant to a labor-management contract
20 agreement, or pursuant to an established employer plan, program
21 or policy: Provided further, That a claimant shall not be
22 disqualified for voluntarily leaving work, which is not suitable
23 employment to enter training approved under section 236(a)(1) of
24 the Trade Act of 1974: Provided further, That a claimant shall
25 not be disqualified for voluntarily leaving work if the claimant
26 left such work to accompany a spouse who is on active duty with
27 the United States Armed Forces and is required to relocate due
28 to permanent change of station orders, activation orders or unit
29 deployment orders and such relocation would make it impractical
30 or unreasonably difficult, as determined by the department, for

1 the claimant to continue employment with the claimant's
2 employer[.]: PROVIDED FURTHER, THAT AN EMPLOYEE WHO IS
3 UNEMPLOYED, EITHER IN WHOLE OR IN PART, DUE TO A WORK STOPPAGE
4 SHALL NOT BE CONSIDERED TO HAVE VOLUNTARILY LEFT WORK FOR
5 PURPOSES OF THIS ACT. For purposes of this subsection the term
6 "suitable employment" means with respect to a claimant, work of
7 a substantially equal or higher skill level than the claimant's
8 past "adversely affected employment" (as defined in section 247
9 of the Trade Act of 1974), and wages for such work at not less
10 than eighty per centum of the worker's "average weekly wage" (as
11 defined in section 247 of the Trade Act of 1974).

12 * * *

13 [(d) In which his unemployment is due to a stoppage of work,
14 which exists because of a labor dispute (other than a lock-out)
15 at the factory, establishment or other premises at which he is
16 or was last employed: Provided, That this subsection shall not
17 apply if it is shown that (1) he is not participating in, or
18 directly interested in, the labor dispute which caused the
19 stoppage of work, and (2) he is not a member of an organization
20 which is participating in, or directly interested in, the labor
21 dispute which caused the stoppage of work, and (3) he does not
22 belong to a grade or class of workers of which, immediately
23 before the commencement of the stoppage, there were members
24 employed at the premises at which the stoppage occurs, any of
25 whom are participating in, or directly interested in, the
26 dispute.]

27 * * *

28 Section 3 2. This act shall take effect immediately.