

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 qualifications required to secure compensation.

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

19 Section 1. Section 401(a) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), amended June 12, 2012
21 (P.L.577, No.60), is amended to read:

22 Section 401. Qualifications Required to Secure
23 Compensation.--Compensation shall be payable to any employe who
24 is or becomes unemployed, and who--

25 (a) Satisfies [both of] the following requirements:

1 (1) Has, within his base year, been paid wages for
2 employment as required by section 404(c) of this act.

3 (2) Except as provided in section 404(a)(3), not less than
4 forty-nine and one-half per centum (49.5%) of the employe's
5 total base year wages have been paid in one or more quarters,
6 other than the highest quarter in such employe's base year.

7 (3) For a claimant employed in the construction industry who
8 does not qualify under paragraph (2), the claimant may still
9 demonstrate eligibility by showing that not less than forty-nine
10 and one-half per centum (49.5%) of the employe's total actual
11 hours employed were worked in one or more quarters, other than
12 the highest quarter in the employe's base year. For the purpose
13 of defining the term "construction industry," the department
14 shall utilize the same standards as applied in section 301(a)
15 (3). The burden shall be on the claimant to prove hours worked
16 under this paragraph.

17 * * *

18 Section 2. The amendment of section 401(a) of the act shall
19 apply to claims filed on or after the effective date of this
20 section.

21 Section 3. This act shall take effect in 90 days.