

2021D07086NES:JMT

No. _____

Legislative Reference Bureau

AN ACT

Amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in compensation, providing for COVID-19 base year adjustment for full-time seasonal workers.

INTRODUCED _____ **20** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

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 adjustment for full-time
17 seasonal workers.

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

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

23 Section 409. COVID-19 Base Year Adjustment for Full-Time
24 Seasonal Workers.--(a) Notwithstanding any other provision of
25 law, for a new claim filed for unemployment compensation between

1 December 1, 2021, and December 1, 2022, a full-time seasonal
2 worker who fails to meet benefit eligibility based on the
3 worker's current base year of qualifying wages due to a COVID-19
4 pandemic-related extension for unemployment compensation, may
5 request an alternate base year of eligibility. The request shall
6 be granted if the department determines that the claimant meets
7 the requirements of subsection (b).

8 (b) A claimant filing a request under subsection (a) shall
9 be permitted to use the year directly preceding the year that
10 the claimant was unemployed as an alternative base year if the
11 claimant:

12 (1) Fails to meet financial eligibility requirements when
13 applying for unemployment compensation benefits under this
14 article.

15 (2) Is employed full-time in a seasonal occupation.

16 (3) Became unemployed for any of the following COVID-19-
17 related reasons:

18 (i) The claimant was diagnosed with COVID-19 or experienced
19 symptoms of COVID-19 and a medical diagnosis was sought.

20 (ii) A member of the claimant's household was diagnosed with
21 COVID-19.

22 (iii) The claimant was required to care for a family member
23 or member of the claimant's household who was diagnosed with
24 COVID-19.

25 (iv) The claimant was absent from work to care for a child
26 or other member of the claimant's household due to the closure
27 of a school or care-related facility related to the proclamation
28 of disaster emergency.

29 (v) The claimant was unable to report to work:

30 (A) due to the proclamation of disaster emergency, COVID-19

1 stay-at-home order or mandatory quarantine; or

2 (B) after receiving advice from a healthcare provider to
3 self-isolate or quarantine due to exposure or suspected exposure
4 to an individual who tested positive for COVID-19.

5 (vi) The claimant was unable to start a new job due to an
6 inability to reach the workplace for a COVID-19-related reason.

7 (vii) The claimant was unable to report to work due to
8 assuming head-of-household duties as a result of a death of the
9 former head-of-household from COVID-19.

10 (viii) After being diagnosed with COVID-19, the claimant was
11 unable to perform the duties of the job resulting in loss of
12 employment.

13 (ix) Closure of the claimant's workplace due to the
14 proclamation of disaster emergency or another COVID-19-related
15 reason.

16 (x) The claimant was denied unemployment compensation
17 benefits after refusing to work at a workplace that is
18 noncompliant with Federal, State or local COVID-19 health and
19 safety measures, including wearing of facial masks, physical
20 distancing or the provision of personal protective equipment
21 consistent with public health safety guidelines.

22 (xi) The claimant had work hours reduced or was laid off for
23 reasons related to the proclamation of disaster emergency or a
24 COVID-19-related reason.

25 (c) For the purposes of this section, the following
26 definitions shall apply:

27 (1) "COVID-19" means the coronavirus disease 2019, an
28 infectious disease caused by severe acute respiratory syndrome
29 coronavirus 2 that was first identified during December 2019 in
30 Wuhan, China.

1 (2) "Proclamation of disaster emergency" means the
2 proclamation of disaster emergency issued by the Governor on
3 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
4 any renewal of the state of disaster emergency.

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