
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 473 Session of
2017

INTRODUCED BY REGAN, SCARNATI, WAGNER, WHITE, RESCENTHALER,
AUMENT, BARTOLOTTA, FOLMER, EICHELBERGER, RAFFERTY, MARTIN,
MENSCH, ARGALL AND DISANTO, MARCH 2, 2017

REFERRED TO LABOR AND INDUSTRY, MARCH 2, 2017

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 preliminary
16 provisions, further providing for definitions; in
17 contributions by employers and employees, further providing
18 for relief from charges; in compensation, further providing
19 for ineligibility for compensation; and providing for
20 applicability.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 4 of the act of December 5, 1936 (2nd Sp.
24 Sess., 1937 P.L.2897, No.1), known as the Unemployment
25 Compensation Law, is amended by adding definitions to read:

26 Section 4. Definitions.--The following words and phrases, as

1 used in this act, shall have the following meanings, unless the
2 context clearly requires otherwise.

3 * * *

4 (z.8) "Abuse" means one or more of the following:

5 (1) Attempting to cause or causing physical harm.

6 (2) Placing another in fear of imminent serious physical
7 harm.

8 (3) Causing another to engage involuntarily in sexual
9 relations by force, threat or duress or engaging or threatening
10 to engage in sexual activity with a dependent child.

11 (4) Engaging in mental abuse, which includes threats,
12 intimidation or acts designed to induce terror.

13 (5) Depriving another of medical care, housing, food or
14 other necessities of life.

15 (6) Restraining the liberty of another.

16 (z.9) "Domestic violence" means abuse committed against a
17 claimant by:

18 (1) a current or former spouse of the claimant;

19 (2) an individual with whom the claimant shares a child in
20 common;

21 (3) an individual who is cohabiting with or has cohabited
22 with the claimant;

23 (4) an individual who is related by blood or marriage to the
24 claimant; or

25 (5) an individual with whom the claimant has or had a dating
26 or engagement relationship.

27 Section 2. Section 302.1(a)(1) and (c)(1) of the act are
28 amended to read:

29 Section 302.1. Relief from Charges.--Notwithstanding any
30 other provisions of this act assigning charges for compensation

1 paid to employes, except for section 302(a)(2), the department
2 shall relieve an employer of charges for compensation in
3 accordance with this section and section 213 of this act.

4 (a) Circumstances allowing relief:

5 (1) If an individual was separated from his most recent work
6 for an employer due to being discharged for willful misconduct
7 connected with that work, or due to his leaving that work
8 without good cause attributable to his employment, or due to his
9 being separated from such work under conditions which would
10 result in disqualification for benefits under the provisions of
11 section 3 or 402(e.1) and (e.2) of this act, the employer shall
12 be relieved of charges for compensation paid to the individual
13 with respect to any week of unemployment occurring subsequent to
14 such separation. Relief from charges under this paragraph
15 terminates if the employe returns to work for the employer.

16 * * *

17 (c) Relief from charges without a request:

18 (1) If a claimant is determined ineligible for benefits
19 under section 3 or 402(b), (e) [or], (e.1) or (e.2) of this act
20 pursuant to a notice of determination that has become final, the
21 department shall grant relief from charges in accordance with
22 subsection (a)(1) to the employer from whom the claimant was
23 separated, beginning with the earliest week for which the
24 claimant is eligible for benefits following the week or weeks
25 governed by the notice of determination.

26 * * *

27 Section 3. Section 402(b) of the act is amended and the
28 section is amended by adding a subsection to read:

29 Section 402. Ineligibility for Compensation.--An employe
30 shall be ineligible for compensation for any week--

1 * * *

2 (b) In which his unemployment is due to voluntarily leaving
3 work without cause of a necessitous and compelling nature
4 attributable to his employment, irrespective of whether or not
5 such work is in "employment" as defined in this act: Provided,
6 That a voluntary leaving work because of a work-related
7 disability if the employer is able to provide other suitable
8 work, shall be deemed not a cause of a necessitous and
9 compelling nature[:] attributable to his employment: And
10 provided further, That no employe shall be deemed to be
11 ineligible under this subsection where the Federal Unemployment
12 Tax Act requires eligibility; And Provided further, that no
13 employe shall be deemed ineligible under this subsection if the
14 employe is a spouse of a full-time member of the United States
15 Armed Forces or a full-time member of its reserve components,
16 including the Pennsylvania National Guard, and the employe is
17 leaving employment due to the reassignment of the military
18 member to a different geographical location: And provided
19 further, That no employe shall be deemed to be ineligible under
20 this section for voluntarily leaving work if the individual
21 reasonably believes that due to a domestic violence situation
22 the individual's continued employment would jeopardize the
23 safety of the individual. The domestic violence situation shall
24 be verified by reasonable and confidential documentation as the
25 department may require, to include a statement supporting the
26 existence of recent domestic violence from a qualified
27 professional from whom the individual has sought assistance,
28 such as a counselor, shelter worker, member of the clergy,
29 attorney or health care worker and any type of evidence that
30 reasonably proves domestic violence, but the department may not

1 require an active or recently issued protective or other order
2 documenting domestic violence, or a police record documenting
3 recent domestic violence, although a claimant may present the
4 documentation as evidence: And provided further, That no employe
5 shall be deemed to be ineligible under this subsection where as
6 a condition of continuing in employment such employe would be
7 required to join or remain a member of a company union or to
8 resign from or refrain from joining any bona fide labor
9 organization, or to accept wages, hours or conditions of
10 employment not desired by a majority of the employes in the
11 establishment or the occupation, or would be denied the right of
12 collective bargaining under generally prevailing conditions, and
13 that in determining whether or not an employe has left his work
14 voluntarily without cause of a necessitous and compelling nature
15 attributable to his employment, the department shall give
16 consideration to the same factors, insofar as they are
17 applicable, provided, with respect to the determination of
18 suitable work under section four (t): And provided further, That
19 the provisions of this subsection shall not apply in the event
20 of a stoppage of work which exists because of a labor dispute
21 within the meaning of subsection (d). Provided further, That no
22 otherwise eligible claimant shall be denied benefits for any
23 week in which his unemployment is due to exercising the option
24 of accepting a layoff, from an available position pursuant to a
25 labor-management contract agreement, or pursuant to an
26 established employer plan, program or policy: Provided further,
27 That a claimant shall not be disqualified for voluntarily
28 leaving work, which is not suitable employment to enter training
29 approved under section 236(a) (1) of the Trade Act of 1974. For
30 purposes of this subsection the term "suitable employment" means

1 with respect to a claimant, work of a substantially equal or
2 higher skill level than the claimant's past "adversely affected
3 employment" (as defined in section 247 of the Trade Act of
4 1974), and wages for such work at not less than eighty per
5 centum of the worker's "average weekly wage" (as defined in
6 section 247 of the Trade Act of 1974).

7 * * *

8 (e.2) In which his unemployment is due to discharge or
9 temporary suspension from work for any of the following reasons:

10 (1) Failure to obey a reasonable workplace rule or work-
11 related government regulation or law of which the employe was
12 aware.

13 (2) The deliberate damage to property of the employer or
14 another employe or the theft of an employer's or another
15 employe's property.

16 (3) Reporting to work under the influence of alcohol or
17 illegal drugs or consuming alcohol or using illegal drugs while
18 at work.

19 (4) Threatening a coworker or supervisor with physical harm
20 or threatening to harm the interests of the employer.

21 (5) Disregard of a supervisor's reasonable directives or
22 orders or acts of negligence that indicate substantial disregard
23 for the employer's interests.

24 (6) Failure to maintain a valid license or certificate that
25 has been issued by a Federal or Commonwealth agency or political
26 subdivision and is a requirement of employment, unless the
27 failure was for reasons beyond the control of the employe.

28 (7) Failure to provide good cause for being absent from work
29 on two or more occasions or failure to report in a proper manner
30 under the employer's policy for absences from work on two or

1 more occasions.

2 * * *

3 Section 4. The amendment of section 402(b) of the act shall
4 apply to initial claims filed on or after January 1, 2018.

5 Section 5. This act shall take effect immediately.