

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1280 Session of
1981

INTRODUCED BY RICHARDSON, EVANS, J. D. WILLIAMS, DEAL, EMERSON,
WIGGINS AND BARBER, APRIL 22, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 22, 1981

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," providing for the
16 voluntary leaving of work due to physical or verbal abuse in
17 certain cases.

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

20 Section 1. Subsection (b) of section 402, act of December 5,
21 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
22 "Unemployment Compensation Law," amended July 10, 1980 (NO.108),
23 is amended to read:

24 Section 402. Ineligibility for Compensation.--An employe
25 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 irrespective of whether or not such work is in "employment" as
5 defined in this act: Provided, That a voluntary leaving work
6 because of a disability if the employer is able to provide other
7 suitable work, shall be deemed not a cause of a necessitous and
8 compelling nature: And provided further, That no employe shall
9 be deemed to be ineligible under this subsection where as a
10 condition of continuing in employment such employe would be
11 required to join or remain a member of a company union or to
12 resign from or refrain from joining any bona fide labor
13 organization, or to accept wages, hours or conditions of
14 employment not desired by a majority of the employes in the
15 establishment or the occupation, or would be denied the right of
16 collective bargaining under generally prevailing conditions, and
17 that in determining whether or not an employe has left his work
18 voluntarily without cause of a necessitous and compelling
19 nature, the department shall give consideration to the same
20 factors, insofar as they are applicable, provided, with respect
21 to the determination of suitable work under section four (t):
22 And provided further, That the provisions of this subsection
23 shall not apply in the event of a stoppage of work which exists
24 because of a labor dispute within the meaning of subsection (d).
25 Voluntarily leaving work due to physical or verbal abuse or
26 harassment occasioned by the race, creed, color, sex, national
27 origin or disability of the employe shall be deemed to be
28 leaving work with cause of a necessitous and compelling nature.
29 Provided further, That no otherwise eligible claimant shall be
30 denied benefits for any week in which his unemployment is due to

1 exercising the option of accepting a layoff, from an available
2 position pursuant to a labor-management contract agreement, or
3 pursuant to an established employer plan, program or policy.

4 * * *

5 Section 2. This act shall take effect in 60 days and shall
6 apply to applications for benefits filed on and after that date.