

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1006 Session of
1981

INTRODUCED BY KUSSE, JULY 1, 1981

SENATOR KUSSE, LABOR AND INDUSTRY, AS AMENDED,
SEPTEMBER 21, 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," making changes
16 required by the Federal Government to conform to Federal law.

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

19 ~~Section 1. Subsection (f) of section 401, act of December 5, <—~~
20 ~~1936 (2nd Sp.Sess., 1937 P.L. 2897, No.1), known as the~~
21 ~~"Unemployment Compensation Law," amended September 27, 1971~~
22 ~~(P.L.460, No.108), is amended and a subsection is added to read:~~
23 ~~Section 401. Qualifications Required to Secure~~
24 ~~Compensation. Compensation shall be payable to any employe who~~

1 ~~is or becomes unemployed, and who—~~

2 ~~* * *~~

3 ~~(f) Has earned, subsequent to his separation from work~~
4 ~~whether such work is full time or part time under circumstances~~
5 ~~which are disqualifying under the provisions of subsections 402~~
6 ~~(b), 402 (c) and 402 (h) of this act, remuneration for services~~
7 ~~in an amount equal to or in excess of six (6) times his weekly~~
8 ~~benefit rate irrespective of whether or not such services were~~
9 ~~in "employment" as defined in this act. The provisions of this~~
10 ~~subsection shall not apply to a suspension of work by an~~
11 ~~individual pursuant to a leave of absence granted by his last~~
12 ~~employer, provided such individual has made a reasonable effort~~
13 ~~to return to work with such employer upon the expiration of his~~
14 ~~leave of absence.~~

15 ~~* * *~~

16 ~~(h) (1) Has performed services in employment, subsequent to~~
17 ~~his failure either to apply for or accept suitable work of a~~
18 ~~temporary or casual nature, under circumstances which are~~
19 ~~disqualifying under subsection 402(a), without regard to whether~~
20 ~~the services were in employment as defined by this act. For~~
21 ~~purposes of this paragraph work of a temporary or casual nature~~
22 ~~is defined as work expected to last less than thirty (30)~~
23 ~~calendar days.~~

24 ~~(2) Has performed services in employment expected to last~~
25 ~~more than thirty (30) calendar days, subsequent to his failure~~
26 ~~either to apply for or accept suitable work not of a temporary~~
27 ~~or casual nature, under circumstances which are disqualifying~~
28 ~~under subsection 402(a), without regard to whether the services~~
29 ~~were in employment as defined by this act. For purposes of this~~
30 ~~paragraph work not of a temporary or casual nature is defined as~~

1 ~~work expected to last at least thirty (30) calendar days.~~

2 ~~Section 2. The introductory paragraph of section 402 of the~~
3 ~~act is amended to read:~~

4 ~~Section 402. Ineligibility for Compensation. An employe~~
5 ~~shall be ineligible for compensation in any amount for any~~
6 ~~week—~~

7 * * *

8 SECTION 1. SUBSECTIONS (A) AND (B) OF SECTION 402, ACT OF <—
9 DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS
10 THE "UNEMPLOYMENT COMPENSATION LAW," AMENDED JULY 10, 1980
11 (P.L.521, NO.108), ARE AMENDED TO READ:

12 SECTION 402. INELIGIBILITY FOR COMPENSATION.--AN EMPLOYE
13 SHALL BE INELIGIBLE FOR COMPENSATION FOR ANY WEEK--

14 (A) IN WHICH HIS UNEMPLOYMENT IS DUE TO FAILURE, WITHOUT
15 GOOD CAUSE, EITHER TO APPLY FOR SUITABLE WORK AT SUCH TIME AND
16 IN SUCH MANNER AS THE DEPARTMENT MAY PRESCRIBE, OR TO ACCEPT
17 SUITABLE WORK WHEN OFFERED TO HIM BY THE EMPLOYMENT OFFICE OR BY
18 ANY EMPLOYER, IRRESPECTIVE OF WHETHER OR NOT SUCH WORK IS IN
19 "EMPLOYMENT" AS DEFINED IN THIS ACT: PROVIDED, THAT SUCH
20 EMPLOYER NOTIFIES THE EMPLOYMENT OFFICE OF SUCH OFFER WITHIN
21 SEVEN (7) DAYS AFTER THE MAKING THEREOF; HOWEVER THIS SUBSECTION
22 SHALL NOT CAUSE A DISQUALIFICATION OF A WAITING WEEK OR BENEFITS
23 UNDER THE FOLLOWING CIRCUMSTANCES: WHEN WORK IS OFFERED BY HIS
24 EMPLOYER AND HE IS NOT REQUIRED TO ACCEPT THE OFFER PURSUANT TO
25 THE TERMS OF THE LABOR-MANAGEMENT CONTRACT OR AGREEMENT, OR
26 PURSUANT TO AN ESTABLISHED EMPLOYER PLAN, PROGRAM OR POLICY:
27 PROVIDED FURTHER, THAT A CLAIMANT SHALL NOT BE DISQUALIFIED FOR
28 REFUSING SUITABLE WORK WHEN HE IS IN TRAINING APPROVED UNDER
29 SECTION 236(A)(1) OF THE TRADE ACT OF 1974.

30 * * *

1 (B) IN WHICH HIS UNEMPLOYMENT IS DUE TO VOLUNTARILY LEAVING
2 WORK WITHOUT CAUSE OF A NECESSITOUS AND COMPELLING NATURE,
3 IRRESPECTIVE OF WHETHER OR NOT SUCH WORK IS IN "EMPLOYMENT" AS
4 DEFINED IN THIS ACT: PROVIDED, THAT A VOLUNTARY LEAVING WORK
5 BECAUSE OF A DISABILITY IF THE EMPLOYER IS ABLE TO PROVIDE OTHER
6 SUITABLE WORK, SHALL BE DEEMED NOT A CAUSE OF A NECESSITOUS AND
7 COMPELLING NATURE: AND PROVIDED FURTHER, THAT NO EMPLOYEE SHALL
8 BE DEEMED TO BE INELIGIBLE UNDER THIS SUBSECTION WHERE AS A
9 CONDITION OF CONTINUING IN EMPLOYMENT SUCH EMPLOYEE WOULD BE
10 REQUIRED TO JOIN OR REMAIN A MEMBER OF A COMPANY UNION OR TO
11 RESIGN FROM OR REFRAIN FROM JOINING ANY BONA FIDE LABOR
12 ORGANIZATION, OR TO ACCEPT WAGES, HOURS OR CONDITIONS OF
13 EMPLOYMENT NOT DESIRED BY A MAJORITY OF THE EMPLOYEES IN THE
14 ESTABLISHMENT OR THE OCCUPATION, OR WOULD BE DENIED THE RIGHT OF
15 COLLECTIVE BARGAINING UNDER GENERALLY PREVAILING CONDITIONS, AND
16 THAT IN DETERMINING WHETHER OR NOT AN EMPLOYEE HAS LEFT HIS WORK
17 VOLUNTARILY WITHOUT CAUSE OF A NECESSITOUS AND COMPELLING
18 NATURE, THE DEPARTMENT SHALL GIVE CONSIDERATION TO THE SAME
19 FACTORS, INsofar AS THEY ARE APPLICABLE, PROVIDED, WITH RESPECT
20 TO THE DETERMINATION OF SUITABLE WORK UNDER SECTION FOUR (T):
21 AND PROVIDED FURTHER, THAT THE PROVISIONS OF THIS SUBSECTION
22 SHALL NOT APPLY IN THE EVENT OF A STOPPAGE OF WORK WHICH EXISTS
23 BECAUSE OF A LABOR DISPUTE WITHIN THE MEANING OF SUBSECTION (D).
24 PROVIDED FURTHER, THAT NO OTHERWISE ELIGIBLE CLAIMANT SHALL BE
25 DENIED BENEFITS FOR ANY WEEK IN WHICH HIS UNEMPLOYMENT IS DUE TO
26 EXERCISING THE OPTION OF ACCEPTING A LAYOFF, FROM AN AVAILABLE
27 POSITION PURSUANT TO A LABOR-MANAGEMENT CONTRACT AGREEMENT, OR
28 PURSUANT TO AN ESTABLISHED EMPLOYER PLAN, PROGRAM OR POLICY:
29 PROVIDED FURTHER, THAT A CLAIMANT SHALL NOT BE DISQUALIFIED FOR
30 VOLUNTARILY LEAVING WORK, WHICH IS NOT SUITABLE EMPLOYMENT TO

1 ENTER TRAINING APPROVED UNDER SECTION 236(A)(1) OF THE TRADE ACT
2 OF 1974. FOR PURPOSES OF THIS SUBSECTION THE TERM "SUITABLE
3 EMPLOYMENT" MEANS WITH RESPECT TO A CLAIMANT, WORK OF A
4 SUBSTANTIALLY EQUAL OR HIGHER SKILL LEVEL THAN THE CLAIMANT'S
5 PAST "ADVERSELY AFFECTED EMPLOYMENT" (AS DEFINED IN SECTION 247
6 OF THE TRADE ACT OF 1974), AND WAGES FOR SUCH WORK AT NOT LESS
7 THAN EIGHTY PER CENTUM OF THE WORKER'S "AVERAGE WEEKLY WAGE" (AS
8 DEFINED IN SECTION 247 OF THE TRADE ACT OF 1974).

9 * * *

10 SECTION 2. SECTION 401-A OF THE ACT, ADDED FEBRUARY 9, 1971
11 (P.L.1, NO.1) AND AMENDED JULY 6, 1977 (P.L.41, NO.22), IS
12 AMENDED TO READ:

13 SECTION 401-A. DEFINITIONS.--AS USED IN THIS ARTICLE:

14 (A) "EXTENDED BENEFIT PERIOD" MEANS A PERIOD WHICH

15 [(1) BEGINS WITH THE THIRD WEEK AFTER WHICHEVER OF THE
16 FOLLOWING WEEKS OCCURS FIRST:

17 (A) A WEEK FOR WHICH THERE IS A NATIONAL "ON" INDICATOR, OR

18 (B) A WEEK FOR WHICH THERE IS A STATE "ON" INDICATOR; AND]

19 (1) BEGINS WITH THE THIRD WEEK AFTER THE WEEK FOR WHICH
20 THERE IS A STATE "ON" INDICATOR.

21 (2) [ENDS] ENDS WITH EITHER OF THE FOLLOWING WEEKS,
22 WHICHEVER OCCURS LATER:

23 (A) THE THIRD WEEK AFTER THE FIRST WEEK FOR WHICH THERE IS
24 [BOTH A NATIONAL "OFF" INDICATOR AND] A STATE "OFF" INDICATOR;
25 OR

26 (B) THE THIRTEENTH CONSECUTIVE WEEK OF SUCH PERIOD:

27 PROVIDED, THAT NO EXTENDED BENEFIT PERIOD MAY BEGIN BY REASON
28 OF A STATE "ON" INDICATOR BEFORE THE FOURTEENTH WEEK FOLLOWING
29 THE END OF A PRIOR EXTENDED BENEFIT PERIOD WHICH WAS IN EFFECT
30 WITH RESPECT TO THIS STATE.[:

1 AND, PROVIDED FURTHER, THAT NO EXTENDED BENEFIT PERIOD MAY
2 BECOME EFFECTIVE IN THIS STATE PRIOR TO JANUARY 31, 1971 AND
3 THAT, WITHIN THE PERIOD BEGINNING ON SUCH DATE AND ENDING ON
4 DECEMBER 31, 1971, AN EXTENDED BENEFIT PERIOD MAY BECOME
5 EFFECTIVE AND BE TERMINATED IN THIS STATE SOLELY BY REASON OF A
6 STATE "ON" AND A STATE "OFF" INDICATOR, RESPECTIVELY.

7 (B) THERE IS A NATIONAL "ON" INDICATOR FOR A WEEK IF, FOR
8 THE PERIOD CONSISTING OF SUCH WEEK AND THE IMMEDIATELY PRECEDING
9 TWELVE WEEKS THE RATE OF INSURED UNEMPLOYMENT (SEASONALLY
10 ADJUSTED) FOR ALL STATES EQUALED OR EXCEEDED FOUR AND FIVE-
11 TENTHS PER CENTUM. THE RATE OF INSURED UNEMPLOYMENT FOR THE
12 PURPOSES OF THIS SUBSECTION, SHALL BE DETERMINED BY THE
13 SECRETARY OF LABOR BY REFERENCE TO THE AVERAGE MONTHLY COVERED
14 EMPLOYMENT FOR THE FIRST FOUR OF THE MOST RECENT SIX CALENDAR
15 QUARTERS ENDING BEFORE THE CLOSE OF SUCH PERIOD.

16 (C) THERE IS A NATIONAL "OFF" INDICATOR FOR A WEEK IF, THAT
17 FOR THE PERIOD CONSISTING OF SUCH WEEK AND THE IMMEDIATELY
18 PRECEDING TWELVE WEEKS, THE RATE OF INSURED UNEMPLOYMENT
19 (SEASONALLY ADJUSTED) FOR ALL STATES WAS LESS THAN FOUR AND
20 FIVE-TENTHS PER CENTUM. THE RATE OF INSURED UNEMPLOYMENT, FOR
21 THE PURPOSES OF THIS SUBSECTION, SHALL BE DETERMINED BY THE
22 SECRETARY OF LABOR BY REFERENCE TO THE AVERAGE MONTHLY COVERED
23 EMPLOYMENT FOR THE FIRST FOUR OF THE MOST RECENT SIX CALENDAR
24 QUARTERS ENDING BEFORE THE CLOSE OF SUCH PERIOD.

25 (D)] (B) THERE IS A "STATE 'ON' INDICATOR" FOR THIS STATE
26 FOR A WEEK IF THE SECRETARY OF LABOR AND INDUSTRY DETERMINES IN
27 ACCORDANCE WITH THE REGULATIONS OF THE UNITED STATES SECRETARY
28 OF LABOR, THAT FOR THE PERIOD CONSISTING OF SUCH WEEK AND THE
29 IMMEDIATELY PRECEDING TWELVE WEEKS, THE RATE OF INSURED
30 UNEMPLOYMENT (NOT SEASONALLY ADJUSTED) UNDER THIS ACT:

(1) EQUALED OR EXCEEDED ONE HUNDRED TWENTY PER CENTUM OF THE AVERAGE OF SUCH RATES FOR THE CORRESPONDING THIRTEEN-WEEK PERIOD ENDING IN EACH OF THE PRECEDING TWO CALENDAR YEARS, AND

(2) EQUALED OR EXCEEDED [FOUR] FIVE PER CENTUM: PROVIDED, THAT WITH RESPECT TO BENEFITS FOR WEEKS OF UNEMPLOYMENT BEGINNING WITH THE PASSAGE OF THIS AMENDMENT BUT NO EARLIER THAN APRIL 3, 1977, THE DETERMINATION OF WHETHER THERE HAS BEEN A STATE "ON" OR "OFF" INDICATOR BEGINNING OR ENDING ANY EXTENDED BENEFIT PERIOD SHALL BE MADE UNDER THIS SUBSECTION AS IF (I) THIS SUBSECTION DID NOT CONTAIN SUBPARAGRAPH (1) THEREOF, AND (II) THE PER CENTUM RATE INDICATED IN THIS SUBPARAGRAPH WERE [FIVE] SIX, EXCEPT THAT, NOTWITHSTANDING ANY SUCH PROVISION OF THIS SUBSECTION, ANY WEEK FOR WHICH THERE WOULD OTHERWISE BE A STATE "ON" INDICATOR SHALL CONTINUE TO BE SUCH A WEEK AND SHALL NOT BE DETERMINED TO BE A WEEK FOR WHICH THERE IS A STATE "OFF" INDICATOR.

[(E)] (C) THERE IS A "STATE 'OFF' INDICATOR" FOR THIS STATE FOR A WEEK IF THE SECRETARY OF LABOR AND INDUSTRY DETERMINES IN ACCORDANCE WITH THE REGULATIONS OF THE UNITED STATES SECRETARY OF LABOR, THAT FOR THE PERIOD CONSISTING OF SUCH WEEK AND THE IMMEDIATELY PRECEDING TWELVE WEEKS, THE RATE OF INSURED UNEMPLOYMENT (NOT SEASONALLY ADJUSTED) UNDER THIS ACT:

(1) WAS LESS THAN ONE HUNDRED TWENTY PER CENTUM OF THE AVERAGE OF SUCH RATES FOR THE CORRESPONDING THIRTEEN-WEEK PERIOD ENDING IN EACH OF THE PRECEDING TWO CALENDAR YEARS, OR

(2) WAS LESS THAN [FOUR] FIVE PER CENTUM.

[(F)] (D) "RATE OF INSURED UNEMPLOYMENT," FOR PURPOSES OF CLAUSES [(D) AND (E)] (B) AND (C) OF THIS SECTION, MEANS THE PERCENTAGE DERIVED BY DIVIDING

(1) THE AVERAGE WEEKLY NUMBER OF INDIVIDUALS FILING CLAIMS

1 FOR REGULAR BENEFITS IN THIS STATE FOR WEEKS OF UNEMPLOYMENT
2 WITH RESPECT TO THE MOST RECENT THIRTEEN CONSECUTIVE WEEK
3 PERIOD, AS DETERMINED BY THE SECRETARY OF LABOR AND INDUSTRY ON
4 THE BASIS OF HIS REPORTS TO THE UNITED STATES SECRETARY OF
5 LABOR, BY

6 (2) THE AVERAGE MONTHLY EMPLOYMENT COVERED UNDER THIS ACT
7 FOR THE FIRST FOUR OF THE MOST RECENT SIX COMPLETED CALENDAR
8 QUARTERS ENDING BEFORE THE END OF SUCH THIRTEEN-WEEK PERIOD.

9 [(G)] (E) "REGULAR BENEFITS" MEANS BENEFITS PAYABLE TO AN
10 INDIVIDUAL UNDER THIS ACT OR UNDER ANY OTHER STATE LAW
11 (INCLUDING BENEFITS PAYABLE TO FEDERAL CIVILIAN EMPLOYES AND TO
12 EX-SERVICEMEN PURSUANT TO 5 U.S.C., CHAPTER 85) OTHER THAN
13 EXTENDED BENEFITS.

14 [(H)] (F) "EXTENDED BENEFITS" MEANS BENEFITS (INCLUDING
15 BENEFITS PAYABLE TO FEDERAL CIVILIAN EMPLOYES AND TO EX-
16 SERVICEMEN PURSUANT TO 5 U.S.C., CHAPTER 85) PAYABLE TO AN
17 INDIVIDUAL UNDER THE PROVISIONS OF THIS SECTION FOR WEEKS OF
18 UNEMPLOYMENT IN HIS ELIGIBILITY PERIOD.

19 [(I)] (G) "ELIGIBILITY PERIOD" OF AN INDIVIDUAL MEANS THE
20 PERIOD CONSISTING OF THE WEEKS IN HIS BENEFIT YEAR WHICH BEGIN
21 IN AN EXTENDED BENEFIT PERIOD AND, IF HIS BENEFIT YEAR ENDS
22 WITHIN SUCH EXTENDED BENEFIT PERIOD, ANY WEEKS THEREAFTER WHICH
23 BEGIN IN SUCH PERIOD.

24 [(J)] (H) "EXHAUSTEE" MEANS AN INDIVIDUAL WHO, WITH RESPECT
25 TO ANY WEEK OF UNEMPLOYMENT IN HIS ELIGIBILITY PERIOD:

26 (1) HAS RECEIVED, PRIOR TO SUCH WEEK, ALL OF THE REGULAR
27 BENEFITS THAT WERE AVAILABLE TO HIM UNDER THIS ACT OR ANY OTHER
28 STATE LAW (INCLUDING DEPENDENTS' ALLOWANCES AND BENEFITS PAYABLE
29 TO FEDERAL CIVILIAN EMPLOYES AND EX-SERVICEMEN UNDER 5 U.S.C.,
30 CHAPTER 85) IN HIS CURRENT BENEFIT YEAR THAT INCLUDES SUCH WEEK:

1 PROVIDED, THAT, FOR THE PURPOSES OF THIS SUBCLAUSE, AN
2 INDIVIDUAL SHALL BE DEEMED TO HAVE RECEIVED ALL OF THE REGULAR
3 BENEFITS THAT WERE AVAILABLE TO HIM ALTHOUGH, AS A RESULT OF A
4 PENDING APPEAL WITH RESPECT TO WAGES THAT WERE NOT CONSIDERED IN
5 THE ORIGINAL MONETARY DETERMINATION IN HIS BENEFIT YEAR, HE MAY
6 SUBSEQUENTLY BE DETERMINED TO BE ENTITLED TO ADDED REGULAR
7 BENEFITS; OR

8 (2) HIS BENEFIT YEAR HAVING EXPIRED PRIOR TO SUCH WEEK, HAS
9 NO, OR INSUFFICIENT, WAGES ON THE BASIS OF WHICH HE COULD
10 ESTABLISH A NEW BENEFIT YEAR THAT WOULD INCLUDE SUCH WEEK; AND

11 (3) (A) HAS NO RIGHT TO UNEMPLOYMENT BENEFITS OR
12 ALLOWANCES, AS THE CASE MAY BE, UNDER THE RAILROAD UNEMPLOYMENT
13 INSURANCE ACT, THE TRADE EXPANSION ACT OF 1962, THE AUTOMOTIVE
14 PRODUCTS TRADE ACT OF 1965 AND SUCH OTHER FEDERAL LAWS AS ARE
15 SPECIFIED IN REGULATIONS ISSUED BY THE UNITED STATES SECRETARY
16 OF LABOR; AND

17 (B) HAS NOT RECEIVED AND IS NOT SEEKING UNEMPLOYMENT
18 BENEFITS UNDER THE UNEMPLOYMENT COMPENSATION LAW OF THE VIRGIN
19 ISLANDS OR OF CANADA; BUT IF HE IS SEEKING SUCH BENEFITS AND THE
20 APPROPRIATE AGENCY FINALLY DETERMINES THAT HE IS NOT ENTITLED TO
21 BENEFITS UNDER SUCH LAW HE IS CONSIDERED AN EXHAUSTEE.

22 (I) "SHAREABLE REGULAR BENEFITS" MEANS REGULAR BENEFITS
23 PAYABLE FOR COMPENSABLE WEEKS IN AN INDIVIDUAL'S ELIGIBILITY
24 PERIOD WHICH EXCEED TWENTY-SIX TIMES THE INDIVIDUAL'S WEEKLY
25 BENEFIT RATE (INCLUDING ALLOWANCES FOR DEPENDENTS) IN REGULAR
26 BENEFITS PAID DURING THE INDIVIDUAL'S BENEFIT YEAR.

27 [(K)] (J) "STATE LAW" MEANS THE UNEMPLOYMENT INSURANCE LAW
28 OF ANY STATE, APPROVED BY THE UNITED STATES SECRETARY OF LABOR
29 UNDER SECTION 3304 OF THE INTERNAL REVENUE CODE OF 1954.

30 Section 3. Sections 402-A and 403-A of the act, added

1 February 9, 1971 (P.L.1, No.1), are amended to read:

2 Section 402-A. Effect of State Law Provisions Relating to
3 Regular Benefits on Claims for, and the Payment of, Extended
4 Benefits.--Except when the result would be inconsistent with the
5 other provisions of this section, as provided in the regulations
6 of the Secretary of Labor and Industry, the provisions of this
7 act which apply to claims for, or the payment of, regular
8 benefits shall apply to claims for, and the payment of, extended
9 benefits except that payment of extended benefits shall not be
10 made to any individual for any week if:

11 (1) Extended benefits would, but for this section, have been
12 payable for such week pursuant to an interstate claim filed in
13 any state under the interstate benefit payment plan.

14 (2) An extended benefit period is not in effect for such
15 week in such state.

16 (3) The denial of extended benefits shall not apply with
17 respect to the first two weeks (whether full or partial payment)
18 for which extended benefits is payable (determined without
19 regard to this section) pursuant to an interstate claim filed
20 under the interstate benefit payment plan to the individual from
21 the extended compensation account established for the benefit
22 year.

23 Section 403-A. Eligibility Requirements for Extended
24 Benefits AND SHAREABLE REGULAR BENEFITS.--(a) An individual <—
25 shall be eligible to receive SHAREABLE REGULAR BENEFITS OR <—
26 extended benefits with respect to any week of unemployment in
27 his eligibility period only if the Secretary of Labor and
28 Industry finds that with respect to such week:

29 [(a)] (1) he is an "exhaustee" as defined in section 401-
30 A(j)[,] ;

1 [(b)] (2) he has satisfied the requirements of this act for
2 the receipt of regular benefits that are applicable to
3 individuals claiming SHAREABLE REGULAR BENEFITS AND extended <—
4 benefits, including not being subject to a disqualification for
5 the receipt of benefits.

6 (b) Notwithstanding any other provisions of section 402-A an
7 individual shall be ineligible for the payment of SHAREABLE <—
8 REGULAR BENEFITS OR extended benefits for any week of
9 unemployment in his eligibility period if ~~the secretary finds~~ <—
10 that during such period:

11 (1) he failed to accept any offer of suitable work (as
12 defined under subsection (d)) or failed to apply for any
13 suitable work to which he was referred by the employment office;
14 or

15 (2) he failed to actively engage in seeking work as
16 prescribed under subsection (f).

17 (c) Any individual who has been found ineligible for THE <—
18 PAYMENT OF SHAREABLE REGULAR BENEFITS OR extended benefits by
19 reason of the provisions in subsection (b) shall also be denied
20 benefits beginning with the first day of the week following the
21 week in which such failure occurred and until he has been
22 employed (without regard to employment as defined by this act)
23 in each of four (4) subsequent weeks (whether or not
24 consecutive) and has earned remuneration equal to not less than
25 four (4) times his extended weekly benefit amount.

26 (d)(1) For the purposes of this section, the term "suitable
27 work" means, with respect to any individual, the requirements
28 contained in clauses (i) and (ii) below:

29 (i) Any work which is within such individual's capabilities:
30 Provided, however, That the gross average weekly remuneration

1 payable for the work must exceed the sum of the following:

2 (A) The individual's extended weekly benefit amount as
3 determined under section 404-A (relating to the extended benefit
4 program).

5 (B) The amount, if any, of supplemental unemployment
6 benefits (as defined in section 501(c)(17)(D) of the Internal
7 Revenue Code of 1954, payable to such individual for such week.

8 (ii) Pays wages not less than the higher of:

9 (A) the minimum wage provided by section 6(a)(1) of the Fair
10 Labor Standards Act of 1938, without regard to any exemption; or

11 (B) the applicable State or local minimum wage.

12 (2) No individual shall however be denied SHAREABLE REGULAR <—
13 BENEFITS OR extended benefits for failure to accept an offer of
14 or apply for any job which meets the definition of suitability
15 as described above if:

16 (i) the position was not offered to such individual in
17 writing or was not listed with the employment service;

18 (ii) such failure could not result in a denial of benefits
19 under the definition of suitable work for regular benefit
20 claimants in section 4(t) to the extent that the criteria of
21 suitability in that section are not inconsistent with the
22 provisions of this subsection; or

23 (iii) the individual furnishes satisfactory evidence to the
24 department that his or her prospects for obtaining work in his
25 or her customary occupation within a reasonably short period are
26 good. If such evidence is deemed satisfactory for this purpose,
27 the determination of whether any work is suitable with respect
28 to such individual shall be made in accordance with the
29 definition of suitable work for regular benefit claimants in
30 section 4(t) without regard to the definition specified by this

1 subsection.

2 (e) Notwithstanding, the provisions of section 403-A to the
3 contrary, no work shall be deemed to be suitable work for an
4 individual which does not accord with the labor standard
5 provisions required by section 3304(a)(5) of the Internal
6 Revenue Code of 1954 and set forth herein under section 4(t).

7 (f) For the purposes of subsection (b)(2), an individual
8 shall be treated as actively engaged in seeking work during any
9 week if he meets both of the following:

10 (1) The individual has engaged in a systematic and sustained
11 effort to obtain work during such week.

12 (2) The individual furnishes tangible evidence that he has
13 engaged in such an effort during such week.

14 (g) The employment office shall refer any claimant entitled
15 to SHAREABLE REGULAR BENEFITS OR extended benefits under this <—
16 act to any suitable work which meets the criteria prescribed in
17 subsection (d).

18 ~~(h) Notwithstanding any other provision of this act, for the~~ <—
19 ~~purposes of this section, extended benefits means all benefits~~
20 ~~paid subsequent to the receipt of twenty six (26) times an~~
21 ~~individual's weekly benefit amount when an extended benefits~~
22 ~~period has triggered on.~~

23 ~~(i) An individual shall not be eligible to receive extended~~
24 ~~benefits with respect to any week of unemployment in his~~
25 ~~eligibility period if such individual has been disqualified for~~
26 ~~regular or extended benefits under this act because he or she~~
27 ~~voluntarily left work, was discharged for misconduct or failed~~
28 ~~to accept an offer of or apply for suitable work unless the~~
29 ~~disqualification imposed for such reasons has been terminated in~~
30 ~~accordance with specific conditions established under this act~~

~~requiring the individual to perform service for remuneration
subsequent to the date of such disqualification.~~

~~Section 4. This act shall apply to all weeks of unemployment
beginning in an extended benefit period on or after March 31,
1981; except that the amendments to section 402 A shall be
retroactive for all claim weeks beginning on or after June 1,
1981.~~

(H) AN INDIVIDUAL SHALL NOT BE ELIGIBLE TO RECEIVE SHAREABLE
REGULAR BENEFITS OR EXTENDED BENEFITS WITH RESPECT TO ANY WEEK
OF UNEMPLOYMENT IN HIS ELIGIBILITY PERIOD IF SUCH INDIVIDUAL HAS
BEEN DISQUALIFIED FOR REGULAR BENEFITS, SHAREABLE REGULAR
BENEFITS, OR EXTENDED BENEFITS UNDER THIS ACT BECAUSE HE OR SHE
VOLUNTARILY LEFT WORK, WAS DISCHARGED FOR WILLFUL MISCONDUCT OR
FAILED TO ACCEPT AN OFFER OF OR APPLY FOR SUITABLE WORK UNLESS
THE DISQUALIFICATION IMPOSED FOR SUCH REASONS HAS BEEN
TERMINATED BY THE INDIVIDUAL PERFORMING SERVICES IN AN EMPLOYER-
EMPLOYEE RELATIONSHIP (WHETHER OR NOT SERVICES WERE IN EMPLOYMENT
AS DEFINED BY THIS ACT) FOR REMUNERATION SUBSEQUENT TO THE DATE
OF SUCH DISQUALIFICATION.

(I) NOTWITHSTANDING SUBSECTION (A)(2) AN INDIVIDUAL SHALL
NOT BE ELIGIBLE FOR EXTENDED BENEFITS UNLESS, IN THE BASE YEAR
WITH RESPECT TO WHICH THE INDIVIDUAL EXHAUSTED ALL RIGHTS TO
REGULAR BENEFITS UNDER THE STATE LAW, THE INDIVIDUAL HAD WAGES
EQUAL TO AT LEAST ONE AND ONE-HALF (1 1/2) TIMES THE
INDIVIDUAL'S HIGHEST QUARTERLY WAGE.

SECTION 4. SECTION 405-A OF THE ACT, AMENDED DECEMBER 5,
1974 (P.L.771, NO.262), IS AMENDED TO READ:

SECTION 405-A. TOTAL EXTENDED BENEFIT AMOUNT.--(A) THE
TOTAL EXTENDED BENEFIT AMOUNT PAYABLE TO ANY ELIGIBLE INDIVIDUAL
WITH RESPECT TO HIS APPLICABLE BENEFIT YEAR SHALL BE THE LEAST

1 OF THE [FOLLOWING] AMOUNTS DETERMINED UNDER CLAUSES (1), (2) OR
2 (3) AND THEN SUCH AMOUNT SHALL BE REDUCED BY SUBSECTION (B):

3 [(A)] (1) FIFTY PER CENTUM OF THE TOTAL AMOUNT OF REGULAR
4 BENEFITS (PLUS DEPENDENTS' ALLOWANCES) WHICH WERE PAYABLE TO HIM
5 UNDER THIS ACT IN HIS APPLICABLE BENEFIT YEAR;

6 [(B)] (2) THIRTEEN TIMES HIS WEEKLY BENEFIT AMOUNT WHICH WAS
7 PAYABLE TO HIM UNDER THIS ACT FOR A WEEK OF TOTAL UNEMPLOYMENT
8 IN THE APPLICABLE BENEFIT YEAR; OR

9 [(C)] (3) THIRTY-NINE TIMES HIS WEEKLY BENEFIT AMOUNT (PLUS
10 DEPENDENTS' ALLOWANCES) WHICH WAS PAYABLE TO HIM UNDER THIS ACT
11 FOR A WEEK OF TOTAL UNEMPLOYMENT IN THE APPLICABLE BENEFIT YEAR,
12 REDUCED BY THE TOTAL AMOUNT OF REGULAR BENEFITS WHICH WERE PAID
13 (OR DEEMED PAID) TO HIM UNDER THIS ACT WITH RESPECT TO THE
14 BENEFIT YEAR.

15 (B) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, IF
16 THE BENEFIT YEAR OF ANY INDIVIDUAL ENDS WITHIN AN EXTENDED
17 BENEFIT PERIOD, THE REMAINING BALANCE OF EXTENDED BENEFITS THAT
18 SUCH INDIVIDUAL WOULD, BUT FOR THIS SECTION, BE ENTITLED TO
19 RECEIVE IN THAT EXTENDED BENEFIT PERIOD, WITH RESPECT TO WEEKS
20 OF UNEMPLOYMENT BEGINNING AFTER THE END OF THE BENEFIT YEAR,
21 SHALL BE REDUCED (BUT NOT BELOW ZERO) BY THE PRODUCT OF THE
22 NUMBER OF WEEKS FOR WHICH THE INDIVIDUAL RECEIVED TRADE
23 READJUSTMENT ALLOWANCES WITHIN THAT BENEFIT YEAR, MULTIPLIED BY
24 THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT FOR EXTENDED BENEFITS.

25 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
26 SECTION 703.1. CHILD SUPPORT INTERCEPT OF UNEMPLOYMENT
27 COMPENSATION.--NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS OR
28 ANY OTHER ACT:

29 (A) AN INDIVIDUAL FILING A NEW CLAIM FOR UNEMPLOYMENT
30 COMPENSATION SHALL, AT THE TIME OF FILING SUCH CLAIM, BE

1 REQUIRED TO DISCLOSE WHETHER HE OWES CHILD SUPPORT OBLIGATIONS
2 AS DEFINED IN SUBSECTION (H).

3 (B) INFORMATION THAT THE INDIVIDUAL HAS BEEN DETERMINED TO
4 BE ELIGIBLE FOR UNEMPLOYMENT COMPENSATION SHALL BE PROVIDED TO
5 STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES ENFORCING SUCH
6 OBLIGATION.

7 (C) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DEDUCT AND
8 WITHHOLD FROM ANY UNEMPLOYMENT COMPENSATION PAYABLE TO AN
9 INDIVIDUAL THAT OWES CHILD SUPPORT OBLIGATIONS AS DEFINED UNDER
10 SUBSECTION (H):

11 (1) THE AMOUNT SPECIFIED BY THE INDIVIDUAL TO BE DEDUCTED
12 AND WITHHELD UNDER THIS SUBSECTION IF NEITHER PARAGRAPH (2) NOR
13 (3) IS APPLICABLE.

14 (2) THE AMOUNT (IF ANY) DETERMINED PURSUANT TO AN AGREEMENT
15 SUBMITTED TO THE DEPARTMENT UNDER SECTION 454(20)(B)(I) OF THE
16 SOCIAL SECURITY ACT BY THE STATE OR LOCAL CHILD SUPPORT
17 ENFORCEMENT AGENCY, UNLESS PARAGRAPH (3) IS APPLICABLE; OR

18 (3) ANY AMOUNT OTHERWISE REQUIRED TO BE SO DEDUCTED AND
19 WITHHELD FROM SUCH UNEMPLOYMENT COMPENSATION PURSUANT TO LEGAL
20 PROCESS (AS DEFINED IN SECTION 462(E) OF THE SOCIAL SECURITY
21 ACT).

22 (D) ANY AMOUNT DEDUCTED AND WITHHELD UNDER SUBSECTION (C)
23 SHALL BE PAID TO THE APPROPRIATE STATE OR LOCAL CHILD SUPPORT
24 ENFORCEMENT AGENCY.

25 (E) ANY AMOUNT DEDUCTED AND WITHHELD UNDER SUBSECTION (C)
26 SHALL FOR ALL PURPOSES BE TREATED AS IF IT WERE PAID TO THE
27 INDIVIDUAL AS UNEMPLOYMENT COMPENSATION AND PAID BY SUCH
28 INDIVIDUAL TO THE STATE OR LOCAL CHILD SUPPORT ENFORCEMENT
29 AGENCY IN SATISFACTION OF THE INDIVIDUAL'S CHILD SUPPORT
30 OBLIGATIONS.

1 (F) FOR PURPOSES OF SUBSECTIONS (A) THROUGH (E), THE TERM
2 "UNEMPLOYMENT COMPENSATION" MEANS ANY COMPENSATION PAYABLE UNDER
3 THE STATE LAW (INCLUDING AMOUNTS PAYABLE PURSUANT TO AN
4 AGREEMENT UNDER ANY FEDERAL LAW PROVIDING FOR COMPENSATION,
5 ASSISTANCE, OR ALLOWANCES WITH RESPECT TO UNEMPLOYMENT).

6 (G) DEDUCTIONS WILL BE MADE PURSUANT TO THIS SECTION ONLY IF
7 APPROPRIATE ARRANGEMENTS HAVE BEEN MADE FOR REIMBURSEMENT BY THE
8 STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY FOR THE
9 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT UNDER THIS
10 SECTION WHICH ARE ATTRIBUTABLE TO CHILD SUPPORT OBLIGATIONS
11 BEING ENFORCED BY THE STATE OR LOCAL CHILD SUPPORT ENFORCEMENT
12 AGENCY.

13 (H) THE TERM "CHILD SUPPORT OBLIGATIONS" IS DEFINED FOR
14 PURPOSES OF THESE PROVISIONS AS INCLUDING ONLY OBLIGATIONS WHICH
15 ARE BEING ENFORCED PURSUANT TO A PLAN DESCRIBED IN SECTION 454
16 OF THE SOCIAL SECURITY ACT WHICH HAS BEEN APPROVED BY THE
17 SECRETARY OF HEALTH AND HUMAN SERVICES UNDER PART D OF TITLE IV
18 OF THE SOCIAL SECURITY ACT.

19 (I) THE TERM "STATE OR LOCAL CHILD SUPPORT ENFORCEMENT
20 AGENCY" AS USED IN THESE PROVISIONS MEANS ANY AGENCY OF A STATE
21 OR POLITICAL SUBDIVISION THEREOF OPERATING PURSUANT TO A PLAN
22 DESCRIBED IN SUBSECTION (H).

23 SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY AND THE
24 FOLLOWING AMENDMENTS SHALL APPLY AS FOLLOWS:

25 (1) THE AMENDMENTS MADE BY SECTION 1 OF THIS ACT SHALL
26 APPLY TO DETERMINATIONS REGARDING TRAINING UNDER THE TRADE
27 ACT OF 1974 THAT ARE MADE AFTER SEPTEMBER 30, 1981.

28 (2) THE AMENDMENTS MADE BY SECTION 2 OF THIS ACT SHALL
29 APPLY AS FOLLOWS:

30 (I) THE AMENDMENT MADE TO SECTION 401-A(A) SHALL

1 APPLY TO WEEKS BEGINNING AFTER AUGUST 13, 1981.

2 (II) THE AMENDMENTS MADE TO SECTION 401-A(B) AND (C)
3 (AS REDESIGNATED BY THIS ACT) SHALL APPLY TO WEEKS
4 BEGINNING AFTER SEPTEMBER 25, 1982.

5 (III) THE AMENDMENT MADE TO SECTION 401-A(D)(1) (AS
6 REDESIGNATED BY THIS ACT) SHALL APPLY FOR PURPOSES OF
7 DETERMINING WHETHER THERE ARE STATE "ON" OR "OFF"
8 INDICATORS FOR WEEKS BEGINNING AFTER AUGUST 13, 1981. FOR
9 PURPOSES OF MAKING DETERMINATIONS FOR SUCH WEEKS, SUCH
10 AMENDMENT SHALL BE DEEMED TO BE IN EFFECT FOR ALL WEEKS
11 WHETHER BEGINNING BEFORE, ON, OR AFTER AUGUST 13, 1981.

12 (IV) THE AMENDMENTS MADE TO SECTION 401-A(I) SHALL
13 APPLY TO WEEKS OF UNEMPLOYMENT IN AN EXTENDED BENEFIT
14 PERIOD WITH RESPECT TO WEEKS BEGINNING ON OR AFTER MARCH
15 31, 1981.

16 (3) THE AMENDMENTS MADE BY SECTION 3 OF THIS ACT SHALL
17 APPLY AS FOLLOWS:

18 (I) THE AMENDMENTS MADE TO SECTION 402-A SHALL APPLY
19 TO WEEKS BEGINNING ON OR AFTER JUNE 1, 1981.

20 (II) THE AMENDMENTS MADE TO SECTION 403-A EXCEPT
21 403-A(I) SHALL APPLY TO WEEKS OF UNEMPLOYMENT IN AN
22 EXTENDED BENEFIT PERIOD WITH RESPECT TO WEEKS BEGINNING
23 ON OR AFTER MARCH 31, 1981.

24 (III) THE AMENDMENTS MADE TO SECTION 403-A(I) SHALL
25 APPLY TO WEEKS BEGINNING AFTER SEPTEMBER 25, 1982.

26 (4) THE AMENDMENTS MADE BY SECTION 4 OF THIS ACT SHALL
27 TAKE EFFECT OCTOBER 31, 1982.

28 (5) THE AMENDMENTS MADE BY SECTION 5 OF THIS ACT SHALL
29 TAKE EFFECT OCTOBER 1, 1982.

30 (6) ANY OVERPAYMENTS WHICH OCCUR AS A RESULT OF THE

1 RETROACTIVE IMPLEMENTATION OF THE AMENDMENTS CONTAINED IN
2 THIS ACT TO SECTIONS 401-A(I), 402-A AND 403-A (EXCEPT
3 403(A)(I)) OF THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW
4 SHALL BE ESTABLISHED AS NONFAULT NONRECOUPABLE.