

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1687 Session of  
1991

INTRODUCED BY LEVDANSKY, PISTELLA, VEON, JOHNSON, ITKIN, HASAY,  
STISH, McCALL, TRELLO, ANGSTADT, KRUSZEWSKI, LAUGHLIN,  
FREEMAN, BELFANTI, CLARK, HARPER, SALOOM, MAYERNIK, BISHOP,  
BILLOW, RICHARDSON AND JAMES, JUNE 17, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 17, 1991

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 defining  
16 "employment" to include active duty or training with the  
17 National Guard or reserves.

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

20 Section 1. Section 4(1)(3) of the act of December 5, 1936  
21 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
22 Compensation Law, is amended by adding a subparagraph to read:

23 Section 4. Definitions.--The following words and phrases, as  
24 used in this act, shall have the following meanings, unless the

1 context clearly requires otherwise.

2 \* \* \*

3 (1) \* \* \*

4 (3) "Employment" shall also include--

5 \* \* \*

6 (I) Any period of active duty or training with the National  
7 Guard, Air National Guard, or a reserve component of the United  
8 States Armed Forces, whether or not the Commonwealth is  
9 reimbursed under Title XV of the Social Security Act.

10 \* \* \*

11 Section 2. Section 1002 of the act, amended July 6, 1977  
12 (P.L.41, No.22), is amended to read:

13 Section 1002. Services Excluded from "Employment."--Except  
14 for services performed in the employ of a hospital or  
15 institution of higher education not otherwise excluded in this  
16 act, for the purposes of this article the term "employment"  
17 shall not include services performed by:

18 (1) Elected officials.

19 (4) Inmates of custodial or penal institutions who receive  
20 compensation for services rendered therein.

21 (5) All department heads and members of boards and  
22 commissions, appointed by the Governor with or without the  
23 consent of one or both branches of the General Assembly.

24 (6) Members of a legislative body, or members of the  
25 judiciary, of the Commonwealth or a political subdivision.

26 (7) Individuals employed as part of any unemployment work-  
27 relief or work-training program assisted or financed in whole or  
28 in part by any Federal agency or an agency of a State or  
29 political subdivision thereof, by an individual receiving such  
30 work relief or work training.

1       [(8) Members of the State National Guard or Air National  
2 Guard.]

3       (9) Students employed as defined in section 4(1)(4)(10)(B)  
4 and (C).

5       (10) Employes serving on a temporary basis in case of fire,  
6 storm, snow, earthquake, flood or similar emergency.

7       (11) Individuals serving in positions which, under or  
8 pursuant to the laws of this Commonwealth, are designated as (i)  
9 a major nontenured policymaking or advisory position; or (ii) a  
10 policymaking position the performance of the duties of which  
11 ordinarily does not require more than eight hours per week.

12       Section 3. This act shall apply to applications for benefits  
13 filed on and after the effective date of this act.

14       Section 4. This act shall take effect in 60 days.