

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2338 Session of
1992

INTRODUCED BY JAROLIN, KRUSZEWSKI, STUBAN AND HASAY,
JANUARY 27, 1992

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 27, 1992

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 providing for
16 benefits based on service for educational institutions.

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

19 Section 1. Section 402.1(2), (4) and (5) of the act of
20 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
21 the Unemployment Compensation Law, amended or added December 12,
22 1979 (P.L.503, No.108) and July 21, 1983 (P.L.68, No.30), are
23 amended to read:

24 Section 402.1. Benefits Based on Service for Educational

1 Institutions.--Benefits based on service for educational
2 institutions pursuant to Article X, XI or XII shall as
3 hereinafter provided be payable in the same amount, on the same
4 terms and subject to the same conditions as outlined in section
5 404(g); except that:

6 * * *

7 (2) With respect to services performed after [October 31,
8 1983] January 1, 1992, in any other capacity for an educational
9 institution, benefits shall [not] be paid on the basis of such
10 services to any individual for any week which commences during a
11 period between two successive academic years or terms if such
12 individual performs such services in the first of such academic
13 years or terms and there is a reasonable assurance that such
14 individual will perform such services in the second of such
15 academic years or terms.

16 * * *

17 (4) With respect to weeks of unemployment beginning after
18 January 1, 1979, benefits shall be denied to an individual who
19 performed services in or near an educational institution while
20 in the employ of an educational service agency for any week
21 which commences during a period described in clauses (1)[, (2)]
22 and (3) if such individual performs any services described in
23 clause (1) [or (2)] in the first of such periods, as specified
24 in the applicable clause, and there is a contract or a
25 reasonable assurance, as applicable in the appropriate clause,
26 that such individual will perform such services in the second of
27 such periods, as applicable in the appropriate clause. For
28 purposes of this clause the term "educational service agency"
29 means a governmental agency or governmental entity which is
30 established and operated exclusively for the purposes of

1 providing such services to one or more educational institutions.
2 A political subdivision or an intermediate unit may establish
3 and operate such an educational service agency. Nothing
4 contained in this section shall be construed to modify existing
5 collective bargaining units organized under the provisions of
6 the act of July 23, 1970 (P.L.563, No.195), known as the "Public
7 Employe Relations Act," unless specifically agreed to by both
8 the employer and employe representatives.

9 [(5) With respect to an individual who performs services
10 described in clause (2) of this section and who pursuant to
11 clause (2) or (4) of this section is denied benefits for the
12 period between academic years or terms, such individual if he is
13 not offered an opportunity to perform such service in the second
14 of such academic years or terms shall be paid benefits for the
15 period which commences with the first week he was denied
16 benefits solely by the reason of clause (2) or (4) of this
17 section, provided he had filed timely claims for benefits
18 throughout the denial period and was otherwise eligible for
19 benefits.]

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