

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2349 Session of  
2008

INTRODUCED BY METCALFE, BOYD, CLYMER, CREIGHTON, EVERETT, FLECK,  
GRELL, HUTCHINSON, KORTZ, MANTZ, MENSCH, PICKETT, PYLE, RAPP,  
R. STEVENSON, SWANGER AND TURZAI, MARCH 12, 2008

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 12, 2008

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 employers' reserve accounts.

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

19 Section 1. Section 302(a)(1) of the act of December 5, 1936  
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
21 Compensation Law, amended Dec. 9, 2002 P.L.1330, No.156), is  
22 amended to read:

23 Section 302. Establishment and Maintenance of Employer's  
24 Reserve Accounts.--The department shall establish and maintain

1 for each employer a separate employer's reserve account in the  
2 following manner:

3 (a) (1) Such account shall be credited with all  
4 contributions paid by such employer for periods subsequent to  
5 June thirtieth, one thousand nine hundred forty-eight. Such  
6 account shall be charged with an amount determined by  
7 multiplying the wages of compensated employes of such employer  
8 for the twelve month period ended June thirtieth, one thousand  
9 nine hundred forty-nine, by the state experience heretofore used  
10 in determining rates of contributions for the year one thousand  
11 nine hundred forty-nine. Subsequent to January 1, 1984, such  
12 account shall be charged with all compensation, including  
13 dependents' allowances, paid to each individual who received  
14 from such employer wage credits constituting the base of such  
15 compensation, in the proportion that such wage credits with such  
16 employer bears to the total wage credits received by such  
17 individual from all employers: Provided, That if the department  
18 finds that such individual was separated from his most recent  
19 work for such employer due to being discharged for willful  
20 misconduct connected with such work, [or] due to his leaving  
21 such work without good cause attributable to his employment[,]  
22 or due to his being separated from such work under conditions  
23 which would result in disqualification for benefits under the  
24 provisions of section 3 or section 402(e.1) or if the department  
25 finds that such individual has refused, without good cause, an  
26 offer of suitable work by such employer, thereafter no  
27 compensation paid to such individual with respect to any week of  
28 unemployment occurring subsequent to such separation, which is  
29 based upon wages paid by such employer with respect to  
30 employment prior to such separation, shall be charged to such

1 employer's account under the provisions of this subsection (a);  
2 provided, such employer has filed a notice with the department  
3 in accordance with its rules and regulations and within the time  
4 limits prescribed therein; and provided if the department finds  
5 that such individual's unemployment is directly caused by a  
6 major natural disaster declared by the President pursuant to  
7 section 102(1) of the Disaster Relief Act of 1970 (P.L.91-606)  
8 and such individual would have been eligible for disaster  
9 unemployment assistance as provided in section 240 of that act  
10 with respect to such unemployment but for the receipt of  
11 unemployment compensation, no compensation paid to such  
12 individual with respect to any week of unemployment occurring  
13 due to such natural disaster, to a maximum of the eight weeks  
14 immediately following the President's declaration of emergency,  
15 shall be charged to the employer's account under the provisions  
16 of this subsection.

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18 Section 2. This act shall take effect in 90 days.