

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1770 Session of 2009

INTRODUCED BY GERGELY, BELFANTI, DIGIROLAMO, McCALL, EACHUS, MANN, BARBIN, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CASORIO, CONKLIN, D. COSTA, DALLY, DePASQUALE, DERMODY, DeWEESE, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GERBER, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HESS, HORNAMAN, JOSEPHS, W. KELLER, KORTZ, KOTIK, KULA, LENTZ, LONGIETTI, MANDERINO, McGEEHAN, MELIO, MILLER, MUNDY, MURPHY, MURT, M. O'BRIEN, OLIVER, PARKER, PASHINSKI, PAYTON, PRESTON, SANTARSIERO, SANTONI, SEIP, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STURLA, R. TAYLOR, WALKO, WHITE, YOUNGBLOOD AND YUDICHAK, JUNE 24, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 24, 2009

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 "State 'on' indicator" and "State 'off' indicator"; and
 17 further providing for total extended benefit amount.

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

20 Section 1. Sections 401-A(b) and (c) and 405-A of the act of
 21 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as

1 the Unemployment Compensation Law, amended October 22, 1981
2 (P.L.301, No.106), are amended to read:

3 Section 401-A. Definitions.--As used in this article:

4 * * *

5 (b) (1) There is a "State 'on' indicator" for this State
6 for a week if the Secretary of Labor and Industry determines in
7 accordance with the regulations of the United States Secretary
8 of Labor, that for the period consisting of such week and the
9 immediately preceding twelve weeks, the rate of insured
10 unemployment (not seasonally adjusted) under this act:

11 [(1)] (i) equaled or exceeded one hundred twenty per centum
12 of the average of such rates for the corresponding thirteen-week
13 period ending in each of the preceding two calendar years, and

14 [(2)] (ii) equaled or exceeded five per centum: Provided,
15 That with respect to benefits for weeks of unemployment
16 beginning with the passage of this amendment but no earlier than
17 April 3, 1977, the determination of whether there has been a
18 State "on" or "off" indicator beginning or ending any extended
19 benefit period shall be made under this [subsection as if (i)
20 this subsection] paragraph as if (A) this paragraph did not
21 contain subparagraph [(1)] (i) thereof, and [(ii)] (B) the per
22 centum rate indicated in this [subparagraph] paragraph were six,
23 except that, notwithstanding any such provision of this
24 [subsection] paragraph, any week for which there would otherwise
25 be a State "on" indicator shall continue to be such a week and
26 shall not be determined to be a week for which there is a State
27 "off" indicator.

28 [(c)] (2) There is a "State 'off' indicator" for this State
29 for a week if the Secretary of Labor and Industry determines in
30 accordance with the regulations of the United States Secretary

1 of Labor, that for the period consisting of such week and the
2 immediately preceding twelve weeks, the rate of insured
3 unemployment (not seasonally adjusted) under this act:

4 [(1)] (i) was less than one hundred twenty per centum of the
5 average of such rates for the corresponding thirteen-week period
6 ending in each of the preceding two calendar years, or

7 [(2)] (ii) was less than five per centum.

8 (3) Notwithstanding the provisions of this subsection, any
9 week for which there would otherwise be a State "on" indicator
10 shall continue to be such a week and shall not be determined to
11 be a week for which there is a State "off" indicator.

12 (c) (1) There is a "State 'on' indicator" for this State
13 for a week if:

14 (i) the average rate of total unemployment in this State,
15 seasonally adjusted, for the period consisting of the most
16 recent three months for which data for all states are published
17 before the close of such week equals or exceeds six and one-half
18 per centum; and

19 (ii) the average rate of total unemployment in this State,
20 seasonally adjusted, for the three-month period referred to in
21 subparagraph (i) equals or exceeds one hundred ten per centum of
22 such average rate for either, or both, of the corresponding
23 three-month periods ending in the two preceding calendar years.

24 (2) There is a State "off" indicator for this State for a
25 week if the requirements of paragraph (1)(i) or (ii) are not
26 satisfied.

27 (3) This subsection shall be applicable only with respect to
28 weeks of unemployment for which one hundred per centum Federal
29 sharing of extended benefits is available under section 2005(a)
30 of the American Recovery and Reinvestment Act of 2009 (Public

1 Law 111-5, 123 Stat.115), without regard to the extension of
2 Federal sharing for certain claims as provided under section
3 2005(c) of the American Recovery and Reinvestment Act of 2009,
4 or under a subsequently enacted provision of Federal law.

5 (4) Notwithstanding the provisions of this subsection, any
6 week for which there would otherwise be a State "on" indicator
7 shall continue to be such a week and shall not be determined to
8 be a week for which there is a State "off" indicator.

9 (5) For purposes of this subsection, determinations of the
10 rate of total unemployment for any period, and of any seasonal
11 adjustment, shall be made by the United States Secretary of
12 Labor.

13 * * *

14 Section 405-A. Total Extended Benefit Amount.--(a) [The]
15 Except as provided in subsection (a.1), the total extended
16 benefit amount payable to any eligible individual with respect
17 to his applicable benefit year shall be the least of the amounts
18 determined under clauses (1), (2) or (3) and then such amount
19 shall be reduced by subsection (b):

20 (1) fifty per centum of the total amount of regular benefits
21 (plus dependents' allowances) which were payable to him under
22 this act in his applicable benefit year;

23 (2) thirteen times his weekly benefit amount which was
24 payable to him under this act for a week of total unemployment
25 in the applicable benefit year; or

26 (3) thirty-nine times his weekly benefit amount (plus
27 dependents' allowances) which was payable to him under this act
28 for a week of total unemployment in the applicable benefit year,
29 reduced by the total amount of regular benefits which were paid
30 (or deemed paid) to him under this act with respect to the

1 benefit year.

2 (a.1) (1) Effective with respect to weeks in a high
3 unemployment period, subsection (a) shall be applied by
4 substituting:

5 (i) "eighty per centum" for "fifty per centum" in subsection
6 (a) (1);

7 (ii) "twenty" for "thirteen" in subsection (a) (2); and

8 (iii) "forty-six" for "thirty-nine" in subsection (a) (3).

9 (2) For purposes of paragraph (1), the term "high
10 unemployment period" means any period during which an extended
11 benefit period would be in effect if section 401-A(c) (1) (i) were
12 applied by substituting "eight per centum" for "six and one-half
13 per centum."

14 (b) Notwithstanding any other provisions of this article, if
15 the benefit year of any individual ends within an extended
16 benefit period, the remaining balance of extended benefits that
17 such individual would, but for this section, be entitled to
18 receive in that extended benefit period, with respect to weeks
19 of unemployment beginning after the end of the benefit year,
20 shall be reduced (but not below zero) by the product of the
21 number of weeks for which the individual received trade
22 readjustment allowances within that benefit year, multiplied by
23 the individual's weekly benefit amount for extended benefits.

24 Section 2. This act shall take effect immediately.