

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, 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

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED, JULY 27, 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

1 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
2 the Unemployment Compensation Law, amended October 22, 1981
3 (P.L.301, No.106), are amended to read:

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

5 * * *

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) This subsection shall be applicable only with respect to
29 weeks of unemployment for which one hundred per centum Federal
30 sharing of extended benefits is available under section 2005(a)

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

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

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

14 * * *

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

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

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

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

1 (or deemed paid) to him under this act with respect to the
2 benefit year.

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

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

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

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

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

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 2. THE AMENDMENT OF SECTIONS 401-A(B) AND (C) AND
26 405-A OF THE ACT SHALL APPLY RETROACTIVELY TO JULY 1, 2009. ←

27 Section ~~2~~ 3. This act shall take effect immediately. ←