

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of 2011

INTRODUCED BY KILLION, BOYD, BRADFORD, CALTAGIRONE, CARROLL, CLYMER, COHEN, DALEY, ELLIS, FABRIZIO, FARRY, GEIST, GINGRICH, GRELL, HALUSKA, HARPER, JOSEPHS, KAMPF, KAUFFMAN, KULA, LONGIETTI, MULLERY, MUNDY, MURPHY, MUSTIO, OBERLANDER, O'NEILL, READSHAW, ROSS, SAYLOR, SWANGER, TALLMAN, TRUITT, VULAKOVICH, WAGNER, WATSON, WHITE, YOUNGBLOOD AND QUINN, OCTOBER 31, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 31, 2011

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," providing for
16 eligibility of individuals participating in self-employment
17 assistance activities approved by the secretary.

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

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

23 Section 402.7. Eligibility of Individuals Participating in

Self-employment Assistance Activities Approved by the Secretary.--(a) Notwithstanding the limitation in section 402(h), individuals participating in approved self-employment activities shall be eligible for continued compensation under the terms of this section.

(b) The weekly amount of self-employment assistance allowance payable to an individual under this section is equal to the weekly benefit amount for regular benefits otherwise payable under section 404.

(c) The amount of self-employment assistance allowance an individual may receive shall be equal to the amount of regular benefits remaining for the individual in the benefit year.

(d) The following eligibility requirements apply to the payment of self-employment assistance allowance under this section:

(1) The individual is eligible to receive regular benefits.

(2) The individual is identified by the claimant profiling system as an individual likely to exhaust regular benefits.

(3) The individual has filed an application for participation in self-employment assistance activities within sixty (60) days of filing an initial application for regular benefits.

(4) At the time the application is filed, the individual has:

(A) A balance of regular benefits equal to at least sixteen (16) times the individual's weekly benefits amount.

(B) At least sixteen (16) weeks remaining in the individual's benefit year.

(5) The individual has been accepted into a program approved by the secretary that will provide self-employment assistance

1 activities.

2 (6) Is participating in self-employment assistance
3 activities.

4 (7) Is actively engaged on a full-time basis in self-
5 employment assistance activities which may include training
6 related to establishing a business and becoming self-employed.

7 (8) Has filed a weekly claim for the self-employment
8 assistance allowance and provided the information the secretary
9 prescribes, including a log of self-employment activities and a
10 report of income received as a result of the activities.

11 (e) An individual who is participating in approved self-
12 employment assistance activities shall not be subject to the
13 requirements of section 402(a) and (j).

14 (f) Self-employment assistance allowance payments shall not
15 be charged or assessed to an employer's reserve account.

16 (g) An amount of self-employment income reported under
17 subsection (e)(8) in excess of the partial benefit credit
18 determined for regular benefits shall be offset against self-
19 employment assistance allowance.

20 (h) This section shall apply to weekly claims filed on or
21 after the effective date of regulations promulgated by the
22 department to administer this section.

23 (i) As used in this section, the following words and phrases
24 shall have the meanings given to them in this subsection unless
25 the context clearly indicates otherwise:

26 "Self-employment assistance activities" means activities
27 approved by the secretary in which the individual participates
28 for the purposes of establishing a business and becoming self-
29 employed. Such activities must include, but are not limited to,
30 entrepreneurial training, business counseling and technical

1 assistance.

2 "Self-employment assistance allowance" means an allowance
3 payable, in lieu of regular benefits, from the Unemployment
4 Compensation Trust Fund, to an individual who meets the
5 requirements of this section.

6 Section 2. This act shall take effect immediately.