

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2346** Session of
2012

INTRODUCED BY HARRIS, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOYD, CAUSER, CHRISTIANA, COX, CREIGHTON, CUTLER, DELOZIER, DENLINGER, ELLIS, EVANKOVICH, EVERETT, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HELM, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, F. KELLER, M. K. KELLER, KRIEGER, LAWRENCE, MARSHALL, MARSICO, METCALFE, MILLARD, MILLER, MOUL, MULLERY, MURT, MUSTIO, OBERLANDER, O'NEILL, PEIFER, PERRY, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, REED, ROAE, ROSS, SAYLOR, STERN, SWANGER, TALLMAN, TRUITT AND TURZAI, MAY 2, 2012

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 8, 2012

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 ineligibility for compensation.

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

19 Section 1. Section 402 of the act of December 5, 1936 (2nd
20 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment

1 Compensation Law, is amended by adding a subsection to read:
2 Section 402. Ineligibility for Compensation.--An employe
3 shall be ineligible for compensation for any week--

4 * * *

5 (k) In which his unemployment is due to: ←

6 ~~(1) voluntarily leaving employment in order to maintain~~
7 ~~eligibility for pension benefits under a retirement plan,~~
8 ~~annuity or other similar periodic payment; or~~

9 ~~(2) an employer's terminating his employment in order to~~
10 ~~allow the employe to maintain eligibility for pension benefits~~
11 ~~under a retirement plan, annuity or other similar periodic~~
12 ~~payment.~~ EITHER OF THE FOLLOWING REASONS: ←

13 (1) VOLUNTARILY LEAVING EMPLOYMENT IN ORDER TO MAINTAIN
14 BENEFITS UNDER A RETIREMENT PLAN, ANNUITY OR OTHER SIMILAR
15 PERIODIC PAYMENT PLAN AFTER RETURNING TO WORK FOLLOWING
16 RETIREMENT; OR

17 (2) TERMINATION OF EMPLOYMENT IN ORDER TO MAINTAIN BENEFITS
18 UNDER A RETIREMENT PLAN, ANNUITY OR OTHER SIMILAR PERIODIC
19 PAYMENT PLAN AFTER RETURNING TO WORK FOLLOWING RETIREMENT.

20 Section 2. The provisions of this act shall apply to initial
21 claims filed on or after the effective date of this act.

22 Section 3. This act shall take effect in 60 days.