
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 994 Session of
2011

INTRODUCED BY TARTAGLIONE AND STACK, APRIL 21, 2011

REFERRED TO LABOR AND INDUSTRY, APRIL 21, 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," further providing for
16 definitions.

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

19 Section 1. Section 401-A(b) and (c) of the act of December
20 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
21 Unemployment Compensation Law, amended August 4, 2009 (P.L.114,
22 No.30), are amended to read:

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

24 * * *

25 (b) (1) There is a "State 'on' indicator" for this State

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

6 (i) (A) equaled or exceeded one hundred twenty per centum
7 of the average of such rates for the corresponding thirteen-week
8 period ending in each of the preceding two calendar years, or

9 (B) with respect to compensation for weeks of unemployment
10 beginning after December 17, 2010, and ending on or before
11 December 31, 2011, equaled or exceeded one hundred twenty per
12 centum of the average of such rates for the corresponding
13 thirteen-week period ending in each of the preceding three
14 calendar years, and

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

27 (2) There is a "State 'off' indicator" for this State for a
28 week if the Secretary of Labor and Industry determines in
29 accordance with the regulations of the United States Secretary
30 of Labor, that for the period consisting of such week and the

1 immediately preceding twelve weeks, the rate of insured
2 unemployment (not seasonally adjusted) under this act:

3 (i) was less than one hundred twenty per centum of the
4 average of such rates for the corresponding thirteen-week period
5 ending in each of the preceding two calendar years, if paragraph
6 (1)(i)(A) applies or, the preceding three calendar years, if
7 paragraph (1)(i)(B) applies, or

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

26 (B) with respect to compensation for weeks of unemployment
27 beginning after December 17, 2010, and ending on or before
28 December 31, 2011, the average rate of total unemployment in
29 this State, seasonally adjusted, for the three-month period
30 referred to in subparagraph (i) equals or exceeds one hundred

1 ten per centum of such average rate for any, or all, of the
2 corresponding three-month periods ending in the three preceding
3 calendar years.

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

7 (3) This subsection shall be applicable only with respect to
8 weeks of unemployment for which one hundred per centum Federal
9 sharing of extended benefits is available under section 2005(a)
10 of the American Recovery and Reinvestment Act of 2009 (Public
11 Law 111-5, 123 Stat. 115), without regard to the extension of
12 Federal sharing for certain claims as provided under section
13 2005(c) of the American Recovery and Reinvestment Act of 2009,
14 or under a subsequently enacted provision of Federal law.

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

19 (5) For purposes of this subsection, determinations of the
20 rate of total unemployment for any period, and of any seasonal
21 adjustment, shall be made by the United States Secretary of
22 Labor.

23 * * *

24 Section 2. The amendment of section 401-A(b) and (c) shall
25 apply retroactively to December 18, 2010.

26 Section 3. This act shall take effect immediately.