

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1030 Session of 2011

INTRODUCED BY GORDNER, APRIL 28, 2011

REFERRED TO LABOR AND INDUSTRY, APRIL 28, 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 relief
 16 from charges.

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

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

22 Section 302.1. Relief from Charges.--Notwithstanding any
 23 other provisions of this act assigning charges for compensation
 24 paid to employes, the department shall relieve an employer of
 25 charges for compensation in accordance with this section and

1 section 213 of this act.

2 (a) Circumstances allowing relief:

3 (1) If an individual was separated from his most recent work
4 for an employer due to being discharged for willful misconduct
5 connected with that work, or due to his leaving that work
6 without good cause attributable to his employment, or due to his
7 being separated from such work under conditions which would
8 result in disqualification for benefits under the provisions of
9 section 3 or section 402(e.1), the employer shall be relieved of
10 charges for compensation paid to the individual with respect to
11 any week of unemployment occurring subsequent to such
12 separation. Relief from charges under this paragraph terminates
13 if the employe returns to work for the employer.

14 (2) If an individual's unemployment is directly caused by a
15 major natural disaster declared by the President of the United
16 States pursuant to section 102(1) of the Disaster Relief Act of
17 1970 (Public Law 91-606, 42 U.S.C. § 4401 et seq.) and the
18 individual would have been eligible for disaster unemployment
19 assistance as provided in section 240 of the Disaster Relief Act
20 of 1970 with respect to that unemployment but for the receipt of
21 unemployment compensation, an employer shall be relieved of
22 charges for compensation paid to such individual with respect to
23 any week of unemployment occurring due to the natural disaster,
24 to a maximum of the eight weeks immediately following the
25 declaration of emergency by the President of the United States.

26 (3) If an individual subsequent to separation from his work
27 is engaged in part-time work for a base year employer, other
28 than a base year employer from whom he has separated, the part-
29 time employer shall be relieved of charges for compensation paid
30 to the individual with respect to any week of unemployment

1 occurring subsequent to the separation and while such part-time
2 work continues without material change.

3 (4) If the department finds that an individual was separated
4 from his most recent work for an employer due to a cessation of
5 business of eighteen months or less caused by a disaster, the
6 employer may be relieved of charges for compensation paid to
7 such individual with respect to any week of unemployment
8 occurring subsequent to that separation. Relief from charges
9 under this paragraph terminates if the employe returns to work
10 for the employer.

11 (b) Requests for relief from charges:

12 (1) Except as provided in subsection (c), in order to be
13 granted relief from charges for compensation an employer must
14 file a request with the department in the manner provided, and
15 containing all information required, by the department's
16 regulations.

17 (2) If an employer is requesting relief from charges on the
18 basis of a separation that occurs on or before the date the
19 claimant files an application for benefits or on the basis of
20 continuing part-time work, the following shall apply:

21 (i) If the request is filed within thirty (30) days after
22 the date of the earliest notice issued by the department under
23 section 501(a) indicating that the claimant is eligible under
24 section 401(a) and relief is granted, relief shall begin with
25 the earliest week for which the claimant is eligible for
26 benefits pursuant to the claimant's application for benefits.

27 (ii) If the request is not filed within the time period
28 provided in subparagraph (i), relief, if granted by the
29 department, shall begin with the earliest week ending fifteen
30 (15) or more days subsequent to the date the request is filed.

1 (3) If an employer is requesting relief from charges on the
2 basis of a separation that occurs after the claimant files an
3 application for benefits, the following shall apply:

4 (i) If the request is filed within thirty (30) days after
5 the date of the earliest notice issued by the department
6 indicating that the claimant is claiming benefits subsequent to
7 the separation and relief is granted, relief shall begin with
8 the earliest week for which the claimant is eligible for
9 benefits following the last day worked.

10 (ii) If the request is not filed within the time period
11 provided in subparagraph (i), relief, if granted by the
12 department, shall begin with the earliest week ending fifteen
13 (15) or more days subsequent to the date the request is filed.

14 (c) Relief from charges without a request:

15 (1) If a claimant is determined ineligible for benefits
16 under section 3 or section 402(b), (e) or (e.1) pursuant to a
17 notice of determination that has become final, the department
18 shall grant relief from charges in accordance with subsection
19 (a)(1) to the employer from whom the claimant was separated,
20 beginning with the earliest week for which the claimant is
21 eligible for benefits following the week or weeks governed by
22 the notice of determination.

23 (2) If a claimant is determined eligible for benefits under
24 section 402(b) pursuant to a notice of determination that has
25 become final, the department shall grant or deny relief from
26 charges in accordance with subsection (a)(1) to the employer
27 from whom the claimant was separated, beginning with the
28 earliest week governed by the notice of determination, in
29 accordance with the following:

30 (i) The department shall grant relief from charges if the

1 claimant left work for the employer without good cause
2 attributable to the claimant's employment.

3 (ii) The department shall deny relief from charges if the
4 claimant left work for the employer with good cause attributable
5 to the claimant's employment.

6 (3) Relief from charges granted to an employer remains in
7 effect for the purpose of benefits paid to the claimant pursuant
8 to a subsequent application for benefits if the relief has not
9 terminated in accordance with the provisions of this section.

10 (d) Employer information:

11 (1) An employer that is granted relief from charges on the
12 basis of a claimant's separation from employment shall notify
13 the department within fifteen (15) days if the claimant returns
14 to work for the employer. The employer shall include with the
15 notification the claimant's name and Social Security number, the
16 employer's name and account number and the date when
17 reemployment commenced.

18 (2) An employer that is granted relief from charges on the
19 basis of continuing part-time work shall notify the department
20 within fifteen (15) days if the employment situation of the
21 claimant changes. The employer shall include with the
22 notification the claimant's name and Social Security number and
23 the employer's name and account number.

24 (e) General provisions:

25 (1) Where the individual's eligibility for compensation has
26 been finally determined under the provisions of Article V, such
27 determination shall not be subject to attack in proceedings
28 under this section.

29 (2) The findings and determinations of the department under
30 this section shall be subject to appeal in the manner provided

1 in this act for appeals from determinations of compensation.

2 Section 2. The addition of section 302.1 of the act shall
3 apply to initial claims filed on or after January 1, 2012.

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