

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 912 Session of 2013

INTRODUCED BY STACK, TARTAGLIONE, YUDICHAK, HUGHES, SOLOBAY,  
COSTA, FONTANA, WILEY AND FARNESE, MAY 3, 2013

REFERRED TO LABOR AND INDUSTRY, MAY 3, 2013

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 qualifications required to secure compensation and for rate  
17 and amount of compensation.

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

20 Section 1. Sections 401(a) and (f) and 404(a)(3) of the act  
21 of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known  
22 as the Unemployment Compensation Law, amended June 12, 2012  
23 (P.L.577, No.60), are amended to read:

24 Section 401. Qualifications Required to Secure  
25 Compensation.--Compensation shall be payable to any employe who

1 is or becomes unemployed, and who--

2 (a) [Satisfies both of the following requirements:

3 (1)] Has, within his base year, been paid wages for  
4 employment as required by section 404(c) of this act[.

5 (2) Except as provided in section 404(a)(3),] Provided,  
6 However, That not less than [forty-nine and one-half per centum  
7 (49.5%)] twenty per centum (20%) of the employe's total base  
8 year wages have been paid in one or more quarters, other than  
9 the highest quarter in such employe's base year.

10 \* \* \*

11 (f) Has earned, subsequent to his separation from work under  
12 circumstances which are disqualifying under the provisions of  
13 subsections 402(b), 402(e), 402(e.1) and 402(h) of this act,  
14 remuneration for services in an amount equal to or in excess of  
15 six (6) times his weekly benefit rate irrespective of whether or  
16 not such services were in "employment" as defined in this act.  
17 The provisions of this subsection shall not apply to a  
18 suspension of work by an individual pursuant to a leave of  
19 absence granted by his last employer, provided such individual  
20 has made a reasonable effort to return to work with such  
21 employer upon the expiration of his leave of absence.

22 \* \* \*

23 Section 404. Rate and Amount of Compensation.--Compensation  
24 shall be paid to each eligible employe in accordance with the  
25 following provisions of this section except that compensation  
26 payable with respect to weeks ending in benefit years which  
27 begin prior to the first day of January 1989 shall be paid on  
28 the basis of the provisions of this section in effect at the  
29 beginning of such benefit years.

30 (a) \* \* \*

1       (3) If [an employe's] the base year wages of an employe  
2 whose weekly benefit rate [as] has been determined under clause  
3 (1) of paragraph (1) of this subsection, or redetermined under  
4 paragraph (2) of this subsection, as the case may be, [is less  
5 than the maximum weekly benefit rate and the employe's base year  
6 wages] are insufficient to qualify him under subsection (c) of  
7 this section but are sufficient to qualify him for any one of  
8 the next [two] three lower weekly benefit rates, his weekly  
9 benefit rate shall be redetermined at the highest of such next  
10 lower rates.

11       \* \* \*

12       Section 2. This act shall take effect in 60 days.