
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 679 Session of
2015

INTRODUCED BY DINNIMAN, TEPLITZ, BREWSTER, WILLIAMS, YUDICHAK,
RAFFERTY, FONTANA, KITCHEN AND COSTA, MARCH 31, 2015

REFERRED TO LABOR AND INDUSTRY, MARCH 31, 2015

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(h) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, added December 17, 1959 (P.L.1893, No.693), is
22 amended to read:

23 Section 402. Ineligibility for Compensation.--An employe
24 shall be ineligible for compensation for any week--

25 * * *

1 (h) In which he is engaged in self-employment: Provided,
2 however[,]:

3 (1) That an employe who is able and available for full-time
4 work shall be deemed not engaged in self-employment by reason of
5 continued participation without substantial change during a
6 period of unemployment in any activity including farming
7 operations undertaken while customarily employed by an employer
8 in full-time work whether or not such work is in "employment" as
9 defined in this act and continued subsequent to separation from
10 such work when such activity is not engaged in as a primary
11 source of livelihood. Net earnings received by the employe with
12 respect to such activity shall be deemed remuneration paid or
13 payable with respect to such period as shall be determined by
14 rules and regulations of the department[.]; or

15 (2) That an employe who becomes self-employed after
16 qualifying for benefits under this act shall remain eligible for
17 benefits for up to a twenty-six-week period or until such time
18 as the net earnings derived from such self-employment surpasses
19 fifty per centum (50%) of the amount of benefits received under
20 this act, whichever is earlier. The employe shall meet the
21 requirements that the employe is able and available for suitable
22 work under section 401.

23 * * *

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