

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2557 Session of  
2020

INTRODUCED BY KAIL, SCHLEGEL CULVER, HILL-EVANS, JOZWIAK,  
NEILSON, ROTHMAN, TOOHL AND ZIMMERMAN, MAY 28, 2020

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 28, 2020

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," in emergency  
16 provisions related to COVID-19, providing for grounds for  
17 refusal of suitable work or voluntarily quitting work.

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

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

23 Section 1602.1. Grounds for refusal of suitable work or  
24 voluntarily quitting work.

25 (a) General rule.--For claimants whose unemployment is

1 related to COVID-19, only the following shall constitute good  
2 cause for refusing otherwise suitable work under section 402(a)  
3 or necessitous and compelling cause for quitting work under  
4 section 402(b):

5 (1) The employee provides the employer with  
6 documentation from a licensed health care provider that the  
7 employee:

8 (i) has a medical condition that places the employee  
9 at a substantially greater risk for serious medical  
10 complications related to COVID-19; or

11 (ii) lives with or directly cares for an individual  
12 who has a medical condition that places the individual at  
13 a substantially greater risk for serious medical  
14 complications related to COVID-19.

15 (2) The employer has failed to comply with Federal or  
16 State workplace safety standards intended to mitigate the  
17 spread of COVID-19 and the employer's failure was willful,  
18 repeated or grossly negligent. The employee shall provide  
19 documentation demonstrating the failure of the employer to  
20 comply with applicable standards, including:

21 (i) evidence that the employee or another individual  
22 informed the employer of the applicable standards and the  
23 employer failed to take reasonable steps to comply with  
24 the standards in good faith; or

25 (ii) evidence that the employer was cited for the  
26 violation by a law enforcement official or any Federal or  
27 State agency responsible for enforcing the applicable  
28 standards.

29 (3) The employer retaliated or discriminated against the  
30 employee for informing the employer of a failure to comply

1 with Federal or State workplace safety standards intended to  
2 mitigate the spread of COVID-19 or the employer retaliated or  
3 discriminated against the employee for filing a complaint  
4 with a law enforcement official or the appropriate Federal or  
5 State agency with regard to the employer's failure to comply  
6 with the applicable workplace safety standards.

7 (b) Nonapplicability.--Subsection (a)(1) shall not apply if:

8 (1) the employee's work does not require face-to-face  
9 contact within 15 feet of another individual;

10 (2) the employee is able to work remotely; or

11 (3) the employer is able to offer suitable alternative  
12 work that does not require face-to-face contact within 15  
13 feet of another individual.

14 (c) Elements.--The following shall not constitute good cause  
15 for refusing otherwise suitable work under section 402(a) or  
16 necessitous and compelling cause for quitting work under section  
17 402(b):

18 (1) The employee's general concern about the spread of  
19 COVID-19, whether reasonable or not.

20 (2) A statement by the employee, which is unaccompanied  
21 by documentation from a licensed health care provider, that  
22 the employee:

23 (i) has a medical condition that places the employee  
24 at substantially greater risk for serious medical  
25 complications related to COVID-19; or

26 (ii) the employee lives with or directly cares for  
27 an individual who has a medical condition that places the  
28 individual at substantially greater risk for serious  
29 medical complications related to COVID-19.

30 (3) The failure of the employer to comply with Federal

1 or State workplace safety standards intended to mitigate the  
2 spread of COVID-19, if the failure was not made known to the  
3 employer by the employee, a law enforcement official, a  
4 Federal or State agency responsible for enforcing the  
5 applicable standard or any other person.

6 (4) The amount or duration of any extended or additional  
7 unemployment benefits provided to assist workers affected by  
8 COVID-19.

9 (d) Reinstatement.--Nothing in this section shall require an  
10 employer to reinstate an employee who voluntarily quits or  
11 refuses work, whether or not the employee is determined to be  
12 eligible for benefits under this act, nor prohibit an employer  
13 from filling the position of an employee who quit or refused  
14 work.

15 (e) Expiration.--This section shall expire on the expiration  
16 of this article or the expiration of the proclamation of  
17 disaster emergency issued by the Governor on March 6, 2020,  
18 published at 50 Pa.B. 1644 (March 21, 2020), or any renewal of  
19 the state of disaster emergency, whichever is sooner.

20 Section 2. This act shall take effect immediately.