

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 304 Session of 2019

INTRODUCED BY BAKER, SCARNATI, MARTIN, BREWSTER, PHILLIPS-HILL, FONTANA, SCHWANK, SCAVELLO, GORDNER, KILLION, ARGALL, HUGHES, COSTA, VOGEL, K. WARD, J. WARD, HAYWOOD, BOSCOLA, AUMENT, BROWNE, TARTAGLIONE AND LEACH, FEBRUARY 19, 2019

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 19, 2019

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 compensation,  
 16 further providing for ineligibility for compensation.

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

19 Section 1. Section 402(b) of the act of December 5, 1936  
 20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
 21 Compensation Law, is amended to read:

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

24 \* \* \*

1 (b) In which his unemployment is due to voluntarily leaving  
2 work without cause of a necessitous and compelling nature,  
3 irrespective of whether or not such work is in "employment" as  
4 defined in this act: Provided, That a voluntary leaving work  
5 because of a disability if the employer is able to provide other  
6 suitable work, shall be deemed not a cause of a necessitous and  
7 compelling nature: And provided further, That no employe shall  
8 be deemed to be ineligible under this subsection where as a  
9 condition of continuing in employment such employe would be  
10 required to join or remain a member of a company union or to  
11 resign from or refrain from joining any bona fide labor  
12 organization, or to accept wages, hours or conditions of  
13 employment not desired by a majority of the employes in the  
14 establishment or the occupation, or would be denied the right of  
15 collective bargaining under generally prevailing conditions, and  
16 that in determining whether or not an employe has left his work  
17 voluntarily without cause of a necessitous and compelling  
18 nature, the department shall give consideration to the same  
19 factors, insofar as they are applicable, provided, with respect  
20 to the determination of suitable work under section four (t):  
21 And provided further, That the provisions of this subsection  
22 shall not apply in the event of a stoppage of work which exists  
23 because of a labor dispute within the meaning of subsection (d).  
24 Provided further, That no otherwise eligible claimant shall be  
25 denied benefits for any week in which his unemployment is due to  
26 exercising the option of accepting a layoff, from an available  
27 position pursuant to a labor-management contract agreement, or  
28 pursuant to an established employer plan, program or policy:  
29 Provided further, That a claimant shall not be disqualified for  
30 voluntarily leaving work, which is not suitable employment to

1 enter training approved under section 236(a) (1) of the Trade Act  
2 of 1974[.]: Provided further, That a claimant shall not be  
3 disqualified for voluntarily leaving work if the claimant left  
4 such work to accompany a spouse who is on active duty with the  
5 United States Armed Forces and is required to relocate due to  
6 permanent change of station orders, activation orders or unit  
7 deployment orders and such relocation would make it impractical  
8 or unreasonably difficult, as determined by the department, for  
9 the claimant to continue employment with the claimant's  
10 employer. For purposes of this subsection the term "suitable  
11 employment" means with respect to a claimant, work of a  
12 substantially equal or higher skill level than the claimant's  
13 past "adversely affected employment" (as defined in section 247  
14 of the Trade Act of 1974), and wages for such work at not less  
15 than eighty per centum of the worker's "average weekly wage" (as  
16 defined in section 247 of the Trade Act of 1974).

17 \* \* \*

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