

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1819 Session of 2021

INTRODUCED BY LABS, R. BROWN, GROVE, HAMM, MENTZER, MILLARD, MOUL, POLINCHOCK, ROAE, RYAN, SCHROEDER, STAATS, STAMBAUGH, THOMAS, TOMLINSON, TOPPER AND ZIMMERMAN, AUGUST 31, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, AUGUST 31, 2021

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 qualifications required to secure
 17 compensation and for ineligibility for compensation.

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

20 Section 1. Sections 401(b)(1)(iii) and 402(a) of the act of
 21 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
 22 the Unemployment Compensation Law, are amended to read:

23 Section 401. Qualifications Required to Secure
 24 Compensation.--Compensation shall be payable to any employe who
 25 is or becomes unemployed, and who--

1 * * *

2 (b) (1) Is making an active search for suitable employment.
3 The requirements for "active search" shall be established by the
4 department and shall include, at a minimum, all of the
5 following:

6 * * *

7 (iii) Applying for positions that offer employment and wages
8 similar to those the claimant had prior to his unemployment and
9 which are within a forty-five (45) minute commuting distance.

10 The following apply:

11 (A) A claimant who has applied for a position may not take
12 any action to discourage the claimant's own hire, including any
13 of the following:

14 (I) Refusing to attend or failing to participate in a job
15 interview or other applicant selection activity offered by the
16 employer without good cause.

17 (II) Refusing employment or a referral for employment in
18 suitable work, without good cause, prior to an interview or a
19 discussion of the details of a job with the employer.

20 (III) Failing to make a good-faith effort to obtain
21 employment, as evidenced by statements or other actions of the
22 claimant, that are intended to discourage the claimant's hire.

23 (B) If a claimant refuses or fails to participate in a job
24 interview or applicant selection activity for good cause, the
25 claimant shall notify the employer of the reasons and make a
26 good faith effort to reschedule the interview or other activity
27 with the employer in order to be considered for the position.

28 (C) Within 90 days of the effective date of this
29 subparagraph, the department shall create forms or update
30 existing forms to enable employers to report claimants who

1 discourage their own hire, as provided in this subclause.

2 * * *

3 Section 402. Ineligibility for Compensation.--An employe
4 shall be ineligible for compensation for any week--

5 (a) In which his unemployment is due to failure, without
6 good cause, either to apply for suitable work at such time and
7 in such manner as the department may prescribe, or to accept
8 suitable work when offered to him by the employment office or by
9 any employer, irrespective of whether or not such work is in
10 "employment" as defined in this act: Provided, That such
11 employer notifies the employment office of such offer within
12 seven (7) days after the making thereof; however this subsection
13 shall not cause a disqualification of a waiting week or benefits
14 under the following circumstances: when work is offered by his
15 employer and he is not required to accept the offer pursuant to
16 the terms of the labor-management contract or agreement, or
17 pursuant to an established employer plan, program or policy:
18 Provided further, That a claimant shall not be disqualified for
19 refusing suitable work when he is in training approved under
20 section 236(a) (1) of the Trade Act of 1974[.]: Provided further,
21 That a claimant who discourages the claimant's own hire, without
22 good cause, as provided in section 401(b) (1) (iii), shall be
23 disqualified under this subsection.

24 * * *

25 Section 2. This act shall take effect immediately.