

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, ZIMMERMAN, MERCURI, JONES, FARRY,
COX AND ROWE, AUGUST 31, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 6, 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.

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

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

23 Section 401. Qualifications Required to Secure

24 Compensation.--Compensation shall be payable to any employe who

1 is or becomes unemployed, and who--

2 * * *

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

7 * * *

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

11 The following apply:

12 (A) A claimant shall make a good-faith effort to obtain
13 employment in suitable work. A claimant who has applied for a
14 position may not take any action to unreasonably discourage the
15 claimant's own hire in suitable work, including any of the
16 following:

17 (I) Refusing to attend or failing to participate, WITHOUT <--
18 GOOD CAUSE, in a job interview or other applicant selection
19 activity offered by the employer without good cause. <--

20 (II) Refusing employment or a referral for employment,
21 without good cause, prior to an interview or a discussion of the
22 details of a job with the employer.

23 (B) Within 90 days of the effective date of this
24 subparagraph, the department shall create forms or update
25 existing forms to enable employers to report claimants who
26 discourage their own hire, as provided in this subclause. The
27 forms shall include notice of the provisions of section 802.

28 (C) A claimant who unreasonably discourages the claimant's
29 own hire in suitable work shall be considered to have refused an
30 offer of work for purposes of section 402(a).

1 * * *

2 Section 2. This act shall take effect immediately.