

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 885 Session of 2021

INTRODUCED BY MASTRIANO, HUTCHINSON, STEFANO AND J. WARD,
SEPTEMBER 28, 2021

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 28, 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 providing for COVID-19 vaccine.

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

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

22 Section 409. COVID-19 vaccine.--(a) An employe's refusal to
23 become vaccinated against COVID-19 shall not be considered
24 willful misconduct for the purposes of section 402(e).

25 (b) An employe's voluntary resignation from employment due

1 to the employer requiring employes to become vaccinated against
2 COVID-19 as a condition of continued employment shall be
3 considered a cause of a necessitous and compelling nature for
4 the purposes of section 402(b) if the employer has not provided
5 the employe with suitable other work that would not require
6 vaccination against COVID-19.

7 (c) The following words and phrases when used in this
8 section shall have the meanings given to them in this subsection
9 unless context clearly indicates otherwise:

10 "COVID-19." The novel coronavirus as identified in the
11 Governor's Proclamation of Disaster Emergency issued on March 6,
12 2020, published at 50 Pa.B. 1644 (March 21, 2020).

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