

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1083 Session of 2022

INTRODUCED BY BAKER, PHILLIPS-HILL, BARTOLOTTA, FONTANA, GORDNER, COLLETT, SANTARSIERO, SCHWANK, COSTA, J. WARD, VOGEL, KANE, ROBINSON, BROOKS AND MUTH, FEBRUARY 17, 2022

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 21, 2022

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 PRELIMINARY <--
16 PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
17 CONTRIBUTIONS BY EMPLOYERS AND EMPLOYEES, FURTHER PROVIDING
18 FOR CONTRIBUTIONS BY EMPLOYERS AND EMPLOYEES, SUCCESSORS-IN-
19 INTEREST AND APPEALS; in compensation, further providing for
20 ineligibility for compensation; and, in shared-work program,
21 further providing for shared-work plan requirements, for
22 effective period of shared-work plan and for participating
23 employer responsibilities.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. Sections 402(b), 1303(b), 1305(b) and 1307(b) of <--~~
27 ~~the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1),~~

1 ~~known as the Unemployment Compensation Law, are amended to read:~~

2 SECTION 1. SECTION 4(L)(4)(10)(A) OF THE ACT OF DECEMBER 5, <--  
3 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE  
4 UNEMPLOYMENT COMPENSATION LAW, IS AMENDED TO READ:

5 SECTION 4. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES, AS  
6 USED IN THIS ACT, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS THE  
7 CONTEXT CLEARLY REQUIRES OTHERWISE.

8 \* \* \*

9 (L) \* \* \*

10 (4) THE WORD "EMPLOYMENT" SHALL NOT INCLUDE--

11 \* \* \*

12 (10) (A) SERVICE PERFORMED IN ANY CALENDAR QUARTER IN THE  
13 EMPLOY OF AN ORGANIZATION EXEMPT FROM INCOME TAX UNDER SECTION  
14 501(A) OF THE FEDERAL INTERNAL REVENUE CODE OF 1954, AS AMENDED,  
15 (OTHER THAN AN ORGANIZATION DESCRIBED IN SECTION 401(A) OF SAID  
16 CODE) OR UNDER SECTION 521 OF SAID CODE, IF THE REMUNERATION FOR  
17 SUCH SERVICE IS LESS THAN FIFTY DOLLARS; OR

18 \* \* \*

19 SECTION 2. SECTION 301 OF THE ACT IS AMENDED BY ADDING A  
20 SUBSECTION TO READ:

21 SECTION 301. CONTRIBUTIONS BY EMPLOYERS AND EMPLOYEES;  
22 SUCCESSORS-IN-INTEREST; APPEALS.--

23 \* \* \*

24 (I.1) FOR PURPOSES OF DETERMINING WHETHER OR NOT AN EMPLOYER  
25 HAS PAID CONTRIBUTIONS IN ORDER TO BE ELIGIBLE FOR CONSIDERATION  
26 FOR AN ADJUSTED RATE, AN EMPLOYER WHO HAS CEASED PAYING WAGES  
27 DUE TO TEMPORARY CESSATION OF OPERATIONS AS A RESULT OF THE  
28 DECLARATION BY THE GOVERNOR OF DISASTER EMERGENCY UNDER 35  
29 PA.C.S. § 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR)  
30 REGARDING COVID-19, AT ANY TIME AFTER THE SIXTH DAY OF MARCH,

1 TWO THOUSAND AND TWENTY, AND PRIOR TO THE FIRST DAY OF JULY, TWO  
2 THOUSAND AND TWENTY-ONE, SHALL BE DEEMED TO HAVE PAID  
3 CONTRIBUTIONS UNDER THIS ACT DURING FISCAL YEAR TWO THOUSAND AND  
4 TWENTY-ONE: PROVIDED, THAT THE EMPLOYER HAS ACTUALLY PAID  
5 CONTRIBUTIONS UNDER THIS ACT FOR ONE OR MORE QUARTERS IN EITHER  
6 THE FISCAL YEAR ENDING ON THE THIRTIETH DAY OF JUNE, TWO  
7 THOUSAND AND TWENTY-ONE, OR IN THE IMMEDIATELY PRECEDING FISCAL  
8 YEAR ENDING ON THE THIRTIETH DAY OF JUNE, TWO THOUSAND AND  
9 TWENTY.

10 \* \* \*

11 SECTION 3. SECTIONS 402(B), 1303(B), 1305(B) AND 1307(B) OF  
12 THE ACT ARE AMENDED TO READ:

13 Section 402. Ineligibility for Compensation.--An employe  
14 shall be ineligible for compensation for any week--

15 \* \* \*

16 (b) In which his unemployment is due to voluntarily leaving  
17 work without cause of a necessitous and compelling nature,  
18 irrespective of whether or not such work is in "employment" as  
19 defined in this act: Provided, That a voluntary leaving work  
20 because of a disability if the employer is able to provide other  
21 suitable work, shall be deemed not a cause of a necessitous and  
22 compelling nature: And provided further, That no employe shall  
23 be deemed to be ineligible under this subsection where as a  
24 condition of continuing in employment such employe would be  
25 required to join or remain a member of a company union or to  
26 resign from or refrain from joining any bona fide labor  
27 organization, or to accept wages, hours or conditions of  
28 employment not desired by a majority of the employes in the  
29 establishment or the occupation, or would be denied the right of  
30 collective bargaining under generally prevailing conditions, and

1 that in determining whether or not an employe has left his work  
2 voluntarily without cause of a necessitous and compelling  
3 nature, the department shall give consideration to the same  
4 factors, insofar as they are applicable, provided, with respect  
5 to the determination of suitable work under section four (t):  
6 And provided further, That the provisions of this subsection  
7 shall not apply in the event of a stoppage of work which exists  
8 because of a labor dispute within the meaning of subsection (d).  
9 Provided further, That no otherwise eligible claimant shall be  
10 denied benefits for any week in which his unemployment is due to  
11 exercising the option of accepting a layoff, from an available  
12 position pursuant to a labor-management contract agreement, or  
13 pursuant to an established employer plan, program or policy:  
14 Provided further, That a claimant shall not be disqualified for  
15 voluntarily leaving work, which is not suitable employment to  
16 enter training approved under section 236(a) (1) of the Trade Act  
17 of 1974[.]: Provided further, That a claimant shall not be  
18 disqualified for voluntarily leaving work if the claimant left  
19 such work to accompany a spouse who is on active duty with the  
20 United States Armed Forces and is required to relocate due to  
21 permanent change of station orders, activation orders or unit  
22 deployment orders and such relocation would make it impractical  
23 or unreasonably difficult, as determined by the department, for  
24 the claimant to continue employment with the claimant's  
25 employer. For purposes of this subsection the term "suitable  
26 employment" means with respect to a claimant, work of a  
27 substantially equal or higher skill level than the claimant's  
28 past "adversely affected employment" (as defined in section 247  
29 of the Trade Act of 1974), and wages for such work at not less  
30 than eighty per centum of the worker's "average weekly wage" (as

1 defined in section 247 of the Trade Act of 1974).

2 \* \* \*

3 Section 1303. Shared-work plan requirements.

4 \* \* \*

5 (b) Reduction percentage.--The reduction percentage under an  
6 approved shared-work plan shall meet all of the following  
7 requirements:

8 (1) The reduction percentage shall be no less than 20%  
9 and no more than 40%.

10 (2) The reduction percentage shall be the same for all  
11 participating employees.

12 [(3) The reduction percentage shall not change during  
13 the period of the shared-work plan unless the plan is  
14 modified in accordance with section 1308.]

15 Section 1305. Effective period of shared-work plan.

16 \* \* \*

17 (b) Start date.--The effective period of [the] an approved  
18 shared-work plan shall begin with the first calendar week  
19 following the date on which the [department approves the plan.]  
20 employer submits the plan to the department or on the first  
21 calendar week following the date the employer provided in the  
22 plan, whichever is later.

23 Section 1307. Participating employer responsibilities.

24 \* \* \*

25 [(b) Benefit charges.--Notwithstanding any other provision  
26 of this act, compensation paid to participating employees for  
27 weeks within the effective period of an approved shared-work  
28 plan will be charged to the participating employer.]

29 ~~Section 2. This act shall take effect in 60 days.~~

<--

30 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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