

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1109 Session of 2024

INTRODUCED BY BROOKS, ROBINSON, MILLER, LAUGHLIN AND BROWN, MARCH 28, 2024

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2024

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; AND, IN <--
17 PENALTY PROVISIONS, FURTHER PROVIDING FOR FALSE STATEMENTS
18 AND REPRESENTATIONS TO PREVENT OR REDUCE COMPENSATION AND
19 OTHER OFFENSES.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Section 402(a) of the act of December 5, 1936
23 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
24 Compensation Law, is amended to read:

25 Section 402. Ineligibility for Compensation.--An employe

1 shall be ineligible for compensation for any week--

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

19 (1) A claimant shall make a good faith effort to obtain  
20 employment in suitable work. A claimant who has applied for a  
21 position may not ~~take any action to~~ INTENTIONALLY TAKE ANY <--  
22 ACTION TO DELIBERATELY AND unreasonably discourage the  
23 claimant's own hire in suitable work, including any of the  
24 following:

25 (i) Refusing to attend or failing to participate, without  
26 good cause, in a job interview or other applicant selection  
27 activity offered by the employer FOR WORK THAT IS SUITABLE FOR <--  
28 THE CLAIMANT.

29 (ii) Refusing employment, or a referral for SUITABLE <--  
30 EMPLOYMENT, OR A REFERRAL FOR SUITABLE employment, without good

1 cause, prior to an interview or a discussion of the details of a  
2 job with the employer.

3 (2) Within ninety (90) days of the effective date of this  
4 clause, the department shall create forms or update existing  
5 forms to enable employers to report claimants who discourage  
6 their own hire, as provided in this subsection. The forms shall  
7 include notice of the provisions of section 802 of this act.

8 (3) A claimant who unreasonably AND INTENTIONALLY <--  
9 discourages the claimant's own hire in suitable work shall be  
10 considered to have refused an offer of SUITABLE work for <--  
11 purposes of this subsection.

12 \* \* \*

13 ~~Section 2. This act shall take effect immediately.~~ <--

14 SECTION 2. SECTION 802(A) (4) AND (5) OF THE ACT ARE AMENDED <--

15 AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

16 SECTION 802. FALSE STATEMENTS AND REPRESENTATIONS TO PREVENT  
17 OR REDUCE COMPENSATION; OTHER OFFENSES.-- (A) ANY EMPLOYER  
18 (WHETHER OR NOT LIABLE FOR THE PAYMENT OF CONTRIBUTIONS UNDER  
19 THIS ACT) OR ANY OFFICER OR AGENT OF SUCH EMPLOYER OR ANY OTHER  
20 PERSON WHO DOES ANY OF THE FOLLOWING COMMITS A SUMMARY OFFENSE  
21 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT  
22 LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND FIVE  
23 HUNDRED DOLLARS OR TO IMPRISONMENT FOR NOT LONGER THAN THIRTY  
24 DAYS, OR BOTH:

25 \* \* \*

26 (4) WILFULLY FAILS OR REFUSES TO FURNISH ANY REPORT REQUIRED  
27 BY SECTION 304 OR 315 OF THIS ACT OR ANY OTHER PROVISION OF THIS  
28 ACT OR THE RULES OR REGULATIONS OF THE DEPARTMENT; [OR]

29 (5) WILFULLY REPORTS OR ATTEMPTS TO REPORT THE WAGES OF ONE  
30 OR MORE EMPLOYEES TO THE DEPARTMENT ON AN UNEMPLOYMENT

1 COMPENSATION ACCOUNT OTHER THAN THE ACCOUNT OF THE EMPLOYER  
2 UNDER THIS ACT; [OR]

3 (5.1) WILFULLY MAKES A FALSE STATEMENT OR REPRESENTATION  
4 KNOWING IT TO BE FALSE WHEN REPORTING TO THE DEPARTMENT THAT A  
5 CLAIMANT HAS DISCOURAGED THE CLAIMANT'S OWN HIRE UNDER SECTION  
6 402(A) OF THIS ACT; OR

7 \* \* \*

8 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.