

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1073 Session of 2023

INTRODUCED BY TAKAC, MADDEN, GIRAL, HILL-EVANS, KINSEY, NEILSON, SANCHEZ, WARREN, SHUSTERMAN, WAXMAN, SMITH-WADE-EL, MADSEN, DELLOSO, ROZZI, KINKEAD, KHAN, BOROWSKI, GUENST AND MAYES, MAY 2, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 2, 2023

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.

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

19 Section 1. Section 4(u) of the act of December 5, 1936 (2nd
 20 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
 21 Compensation Law, is amended to read:

22 Section 4. Definitions.--The following words and phrases, as
 23 used in this act, shall have the following meanings, unless the
 24 context clearly requires otherwise.

1 * * *

2 (u) "Unemployed."--An individual shall be deemed unemployed
3 (I) with respect to any week (i) during which he performs no
4 services for which remuneration is paid or payable to him and
5 (ii) with respect to which no remuneration is paid or payable to
6 him, or (II) with respect to any week of [less than his full-
7 time] work if the remuneration paid or payable to him with
8 respect to such week is less than his weekly benefit rate plus
9 his partial benefit credit[.], except that an individual shall
10 not be eligible for benefits that are determined to be the
11 liability of a current full-time employer where the claimant is
12 actively performing services for which remuneration is paid or
13 payable to him.

14 Notwithstanding any other provisions of this act, an employe
15 who is unemployed during a plant shutdown for vacation purposes
16 shall not be deemed ineligible for compensation merely by reason
17 of the fact that he or his collective bargaining agents agreed
18 to the vacation.

19 No employe shall be deemed eligible for compensation during a
20 plant shutdown for vacation who receives directly or indirectly
21 any funds from the employer as vacation allowance.

22 * * *

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