

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1481 Session of 2023

INTRODUCED BY STEELE, D. MILLER, MADDEN, DELLOSO, KINSEY, GALLOWAY, HARKINS, HILL-EVANS, PROBST, DONAHUE, SCHLOSSBERG, SANCHEZ, McNEILL, CEPEDA-FREYTIZ, PARKER, FIEDLER, SMITH-WADE-EL, D. WILLIAMS, KRAJEWSKI, GREEN, NEILSON, OTTEN, WARREN AND KHAN, JUNE 21, 2023

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 18, 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 compensation,
16 further providing for qualifications required to secure
17 compensation and for ineligibility for compensation.

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

20 Section 1. Section 401(e) (1) of the act of December 5, 1936
21 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
22 Compensation Law, is amended and the section is amended by
23 adding a subsection to read:

1 Section 401. Qualifications Required to Secure
2 Compensation.--Compensation shall be payable to any employe who
3 is or becomes unemployed, and who--

4 * * *

5 (e) (1) [Has] Except as provided in subsection (h), has
6 been unemployed for a waiting period of one week.

7 * * *

8 (h) ~~For~~ SUBJECT TO SECTION 402(D.1), FOR a claim for a <--
9 period of unemployment beginning after the effective date of
10 this subsection, is unemployed due to a stoppage of work caused
11 by a labor dispute: Provided, That the claimant shall not be <--
12 provided benefits for a thirty day period following a stoppage
13 of work caused by a labor dispute other than a lockout.

14 Section 2. Section 402(b) and (d) of the act, amended
15 November 3, 2022 (P.L.2153, No.156), are amended AND THE SECTION <--
16 IS AMENDED BY ADDING A SUBSECTION to read:

17 Section 402. Ineligibility for Compensation.--An employe
18 shall be ineligible for compensation for any week--

19 * * *

20 (b) In which [his] THE EMPLOYE'S unemployment is due to <--
21 voluntarily leaving work without cause of a necessitous and
22 compelling nature, irrespective of whether or not such work is
23 in "employment" as defined in this act: Provided, That a
24 voluntary leaving work because of a disability if the employer
25 is able to provide other suitable work, shall be deemed not a
26 cause of a necessitous and compelling nature: And provided
27 further, That no employe shall be deemed to be ineligible under
28 this subsection where as a condition of continuing in employment
29 such employe would be required to join or remain a member of a
30 company union or to resign from or refrain from joining any bona

1 fide labor organization, or to accept wages, hours or conditions
2 of employment not desired by a majority of the employes in the
3 establishment or the occupation, or would be denied the right of
4 collective bargaining under generally prevailing conditions, and
5 that in determining whether or not an employe has left [his] THE <--
6 EMPLOYE'S work voluntarily without cause of a necessitous and
7 compelling nature, the department shall give consideration to
8 the same factors, insofar as they are applicable, provided, with
9 respect to the determination of suitable work under section four
10 (t): †And provided further, That the provisions of this <--
11 subsection shall [not apply in the event of a stoppage of work <--
12 which exists because of a labor dispute within the meaning of
13 subsection (d).] BE SUBJECT TO SUBSECTION (D.1): Provided <--
14 further, That no otherwise eligible claimant shall be denied
15 benefits for any week in which [his] THE CLAIMANT'S unemployment <--
16 is due to exercising the option of accepting a layoff, from an
17 available position pursuant to a labor-management contract
18 agreement, or pursuant to an established employer plan, program
19 or policy: Provided further, That a claimant shall not be
20 disqualified for voluntarily leaving work, which is not suitable
21 employment to enter training approved under section 236(a)(1) of
22 the Trade Act of 1974: Provided further, That a claimant shall
23 not be disqualified for voluntarily leaving work if the claimant
24 left such work to accompany a spouse who is on active duty with
25 the United States Armed Forces and is required to relocate due
26 to permanent change of station orders, activation orders or unit
27 deployment orders and such relocation would make it impractical
28 or unreasonably difficult, as determined by the department, for
29 the claimant to continue employment with the claimant's
30 employer. For purposes of this subsection the term "suitable

1 employment" means with respect to a claimant, work of a
2 substantially equal or higher skill level than the claimant's
3 past "adversely affected employment" (as defined in section 247
4 of the Trade Act of 1974), and wages for such work at not less
5 than eighty per centum of the worker's "average weekly wage" (as
6 defined in section 247 of the Trade Act of 1974).

7 * * *

8 [(d) In which his unemployment is due to a stoppage of work,
9 which exists because of a labor dispute (other than a lock-out)
10 at the factory, establishment or other premises at which he is
11 or was last employed: Provided, That this subsection shall not
12 apply if it is shown that (1) he is not participating in, or
13 directly interested in, the labor dispute which caused the
14 stoppage of work, and (2) he is not a member of an organization
15 which is participating in, or directly interested in, the labor
16 dispute which caused the stoppage of work, and (3) he does not
17 belong to a grade or class of workers of which, immediately
18 before the commencement of the stoppage, there were members
19 employed at the premises at which the stoppage occurs, any of
20 whom are participating in, or directly interested in, the
21 dispute.]

22 (D.1) IN WHICH THE EMPLOYEE'S UNEMPLOYMENT IS DUE TO A <--
23 STOPPAGE OF WORK, WHICH EXISTS BECAUSE OF A LABOR DISPUTE, OTHER
24 THAN A LOCK-OUT, AT THE FACTORY, ESTABLISHMENT OR OTHER PREMISES
25 AT WHICH THE EMPLOYEE IS OR WAS LAST EMPLOYED. THE FOLLOWING
26 APPLY:

27 (1) INELIGIBILITY UNDER THIS SUBSECTION SHALL NOT APPLY IF
28 IT IS SHOWN THAT THE EMPLOYEE:

29 (I) IS NOT PARTICIPATING IN, OR DIRECTLY INTERESTED IN, THE
30 LABOR DISPUTE WHICH CAUSED THE STOPPAGE OF WORK;

1 (II) IS NOT A MEMBER OF AN ORGANIZATION WHICH IS
2 PARTICIPATING IN, OR DIRECTLY INTERESTED IN, THE LABOR DISPUTE
3 WHICH CAUSED THE STOPPAGE OF WORK; AND

4 (III) DOES NOT BELONG TO A GRADE OR CLASS OF WORKERS OF
5 WHICH, IMMEDIATELY BEFORE THE COMMENCEMENT OF THE STOPPAGE OF
6 WORK, THERE WERE MEMBERS EMPLOYED AT THE FACTORY, ESTABLISHMENT
7 OR OTHER PREMISES AT WHICH THE STOPPAGE OCCURS, ANY OF WHOM ARE
8 PARTICIPATING IN, OR DIRECTLY INTERESTED IN, THE LABOR DISPUTE
9 WHICH CAUSED THE STOPPAGE OF WORK.

10 (2) IF THE EMPLOYEE IS ELIGIBLE FOR COMPENSATION BECAUSE THE
11 CONDITIONS UNDER PARAGRAPH (1) ARE MET, THE WAITING PERIOD UNDER
12 SECTION 401(E) (1) SHALL APPLY BUT THE ADDITIONAL WAITING PERIOD
13 UNDER PARAGRAPH (4) SHALL NOT APPLY.

14 (3) IN THE CASE OF A LOCK-OUT, THE EMPLOYEE SHALL BE ELIGIBLE
15 FOR COMPENSATION, SUBJECT TO SECTION 401(E) (1).

16 (4) IF THE EMPLOYEE'S UNEMPLOYMENT IS DUE TO A STOPPAGE OF
17 WORK, WHICH EXISTS BECAUSE OF A LABOR DISPUTE, OTHER THAN A
18 LOCK-OUT, AND IF THE CONDITIONS UNDER PARAGRAPH (1) ARE NOT MET
19 SUCH THAT THE EMPLOYEE WOULD BE ELIGIBLE FOR COMPENSATION, THE
20 EMPLOYEE SHALL BE ELIGIBLE FOR COMPENSATION UNDER THIS PARAGRAPH
21 FOLLOWING THE STOPPAGE OF WORK, BEGINNING ONE WEEK AFTER THE
22 WAITING PERIOD UNDER SECTION 401(E) (1).

23 * * *

24 Section 3. This act shall take effect immediately.