

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2087 Session of 2014

INTRODUCED BY R. MILLER, MUSTIO, KAUFFMAN, MUNDY, DUNBAR,
 W. KELLER, MALONEY, WATSON, TOOHIL, S. H. SMITH, KOTIK,
 GRELL, C. HARRIS, STERN, GROVE, GOODMAN, COHEN, MURT,
 KRIEGER, GINGRICH, SCHLEGEL CULVER, SAYLOR, BROOKS AND
 EVERETT, MARCH 12, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 12, 2014

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," further providing for
 16 qualifications required to secure compensation.

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

19 Section 1. Section 401(a) of the act of December 5, 1936
 20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
 21 Compensation Law, amended June 12, 2012 (P.L.577, No.60), is
 22 amended to read:

23 Section 401. Qualifications Required to Secure

1 Compensation.--Compensation shall be payable to any employe who
2 is or becomes unemployed, and who--

3 (a) Satisfies [both of] the following requirements:

4 (1) Has, within his base year, been paid wages for
5 employment as required by section 404(c) of this act.

6 (2) Except as provided in section 404(a) (3), not less than
7 forty-nine and one-half per centum (49.5%) of the employe's
8 total base year wages have been paid in one or more quarters,
9 other than the highest quarter in such employe's base year.

10 (3) For a claimant employed in the construction industry who
11 does not qualify under paragraph (2), the claimant may still
12 demonstrate eligibility by showing that not less than forty-nine
13 and one-half per centum (49.5%) of the employe's total actual
14 hours employed were worked in one or more quarters, other than
15 the highest quarter in the employe's base year. For the purpose
16 of defining the term "construction industry," the department
17 shall utilize the same standards as applied in section 301(a)
18 (3). The burden shall be on the claimant to prove hours worked
19 under this paragraph.

20 * * *

21 Section 2. The amendment of section 401(a) of the act shall
22 apply to claims filed on or after the effective date of this
23 section.

24 Section 3. This act shall take effect in 90 days.