

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2737 Session of 2018

INTRODUCED BY RABB, McCLINTON, DONATUCCI, YOUNGBLOOD, SCHWEYER AND ROEBUCK, OCTOBER 17, 2018

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 17, 2018

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 benefits based on service for  
 17 educational institutions.

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

20 Section 1. Section 402.1 of the act of December 5, 1936 (2nd  
 21 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
 22 Compensation Law, is amended by adding a clause to read:

23 Section 402.1. Benefits Based on Service for Educational  
 24 Institutions.--(a) Benefits based on service for educational  
 25 institutions pursuant to Article X, XI or XII shall as

1 hereinafter provided be payable in the same amount, on the same  
2 terms and subject to the same conditions as outlined in section  
3 404(g); except that:

4 (1) With respect to service performed after December 31,  
5 1977, in [an instructional,] a research, or principal  
6 administrative capacity for an educational institution, benefits  
7 shall not be paid based on such services for any week of  
8 unemployment commencing during the period between two successive  
9 academic years, or during a similar period between two regular  
10 terms whether or not successive or during a period of paid  
11 sabbatical leave provided for in the individual's contract, to  
12 any individual if such individual performs such services in the  
13 first of such academic years or terms and if there is a contract  
14 or a reasonable assurance that such individual will perform  
15 services in any such capacity for any educational institution in  
16 the second of such academic years or terms.

17 (2) With respect to services performed after October 31,  
18 1983, in any other capacity for an educational institution,  
19 benefits shall not be paid on the basis of such services to any  
20 individual for any week which commences during a period between  
21 two successive academic years or terms if such individual  
22 performs such services in the first of such academic years or  
23 terms and there is a reasonable assurance that such individual  
24 will perform such services in the second of such academic years  
25 or terms.

26 (3) With respect to any services described in clause (1) or  
27 (2), benefits payable on the basis of such services shall be  
28 denied to any individual for any week which commences during an  
29 established and customary vacation period or holiday recess if  
30 such individual performed such services in the period

1 immediately before such vacation period or holiday recess, and  
2 there is a reasonable assurance that such individual will  
3 perform such services in the period immediately following such  
4 vacation period or holiday recess.

5 (4) With respect to weeks of unemployment beginning after  
6 January 1, 1979, benefits shall be denied to an individual who  
7 performed services in or near an educational institution while  
8 in the employ of an educational service agency for any week  
9 which commences during a period described in clauses (1), (2)  
10 and (3) if such individual performs any services described in  
11 clause (1) or (2) in the first of such periods, as specified in  
12 the applicable clause, and there is a contract or a reasonable  
13 assurance, as applicable in the appropriate clause, that such  
14 individual will perform such services in the second of such  
15 periods, as applicable in the appropriate clause. For purposes  
16 of this clause the term "educational service agency" means a  
17 governmental agency or governmental entity which is established  
18 and operated exclusively for the purposes of providing such  
19 services to one or more educational institutions. A political  
20 subdivision or an intermediate unit may establish and operate  
21 such an educational service agency. Nothing contained in this  
22 section shall be construed to modify existing collective  
23 bargaining units organized under the provisions of the act of  
24 July 23, 1970 (P.L.563, No.195), known as the "Public Employe  
25 Relations Act," unless specifically agreed to by both the  
26 employer and employe representatives.

27 (5) With respect to an individual who performs services  
28 described in clause (2) of this section and who pursuant to  
29 clause (2) or (4) of this section is denied benefits for the  
30 period between academic years or terms, such individual if he is

1 not offered an opportunity to perform such service in the second  
2 of such academic years or terms shall be paid benefits for the  
3 period which commences with the first week he was denied  
4 benefits solely by the reason of clause (2) or (4) of this  
5 section, provided he had filed timely claims for benefits  
6 throughout the denial period and was otherwise eligible for  
7 benefits.

8 (b) This section shall not apply to an individual who  
9 provides service in an instructional capacity for an educational  
10 institution.

11 Section 2. This act shall apply to services provided after  
12 the effective date of this section.

13 Section 3. This act shall take effect in 60 days.