

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 390 Session of 2021

INTRODUCED BY ECKER, BROOKS, SCHLEGEL CULVER, GLEIM, GROVE, HAMM, HERSHEY, JAMES, JOZWIAK, MILLARD, MOUL, PASHINSKI, ROWE, RYAN, STAMBAUGH AND ZIMMERMAN, FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 3, 2021

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(1)(3)(G)(a) and (a.1) of the act of
 20 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
 21 the Unemployment Compensation Law, are 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 (1) * * *

3 (3) "Employment" shall also include--

4 * * *

5 (G) Notwithstanding any other provisions of this act,
6 service performed after December 31, 1977, by an individual in
7 agricultural labor as defined in section 4(1)(4)(1) when:

8 (a) Such service is performed for a person who--

9 (1) during any calendar quarter in either the current or the
10 preceding calendar year paid remuneration in cash of twenty
11 thousand dollars or more to individuals employed in agricultural
12 labor [(not taking into account service in agricultural labor
13 performed before January 1, 1982, by an alien referred to in
14 section 4(1)(3)(G)(a.1) or 4(1)(2)(G)(a.1))] (including labor
15 performed by an alien referred to in section 4(1)(3)(G)(a.1));
16 or

17 (2) for some portion of a day in each of twenty different
18 calendar weeks, whether or not such weeks were consecutive, in
19 either the current or the preceding calendar year, employed in
20 agricultural labor [(not taking into account service in
21 agricultural labor performed before January 1, 1982, by an alien
22 referred to in section 4(1)(3)(G)(a.1))] (including labor
23 performed by an alien referred to in section 4(1)(3)(G)(a.1))
24 ten or more individuals, regardless of whether they were
25 employed at the same moment of time.

26 (a.1) Such service is not performed in agricultural labor if
27 performed [before January 1, 1982,] by an individual who is an
28 alien admitted to the United States to perform service in
29 agricultural labor pursuant to sections 214(c) and 101(a)(15)(H)
30 of the Immigration and Nationality Act.

1 * * *

2 Section 2. This act shall apply to service performed after
3 December 31, 2021.

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