

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 90 Session of 2021

INTRODUCED BY D. MILLER, PISCIOTTANO, KINSEY, GALLOWAY, HILL-
 EVANS, DELLOSO, McNEILL, SANCHEZ, HOHENSTEIN, LEE, KENYATTA,
 DRISCOLL, SCHLOSSBERG, NEILSON, DEASY, SCHWEYER AND
 McCLINTON, JANUARY 11, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 11, 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 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:

24 Section 401. Qualifications Required to Secure

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

3 * * *

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

6 * * *

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

13 Section 2. Section 402(b) and (d) of the act are amended to
14 read:

15 Section 402. Ineligibility for Compensation.--An employe
16 shall be ineligible for compensation for any week--

17 * * *

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

1 establishment or the occupation, or would be denied the right of
2 collective bargaining under generally prevailing conditions, and
3 that in determining whether or not an employe has left his work
4 voluntarily without cause of a necessitous and compelling
5 nature, the department shall give consideration to the same
6 factors, insofar as they are applicable, provided, with respect
7 to the determination of suitable work under section four (t) [:
8 And provided further, That the provisions of this subsection
9 shall not apply in the event of a stoppage of work which exists
10 because of a labor dispute within the meaning of subsection
11 (d)]. Provided further, That no otherwise eligible claimant
12 shall be denied benefits for any week in which his unemployment
13 is due to exercising the option of accepting a layoff, from an
14 available position pursuant to a labor-management contract
15 agreement, or pursuant to an established employer plan, program
16 or policy: Provided further, That a claimant shall not be
17 disqualified for voluntarily leaving work, which is not suitable
18 employment to enter training approved under section 236(a)(1) of
19 the Trade Act of 1974. For purposes of this subsection the term
20 "suitable employment" means with respect to a claimant, work of
21 a substantially equal or higher skill level than the claimant's
22 past "adversely affected employment" (as defined in section 247
23 of the Trade Act of 1974), and wages for such work at not less
24 than eighty per centum of the worker's "average weekly wage" (as
25 defined in section 247 of the Trade Act of 1974).

26 * * *

27 [(d) In which his unemployment is due to a stoppage of work,
28 which exists because of a labor dispute (other than a lock-out)
29 at the factory, establishment or other premises at which he is
30 or was last employed: Provided, That this subsection shall not

1 apply if it is shown that (1) he is not participating in, or
2 directly interested in, the labor dispute which caused the
3 stoppage of work, and (2) he is not a member of an organization
4 which is participating in, or directly interested in, the labor
5 dispute which caused the stoppage of work, and (3) he does not
6 belong to a grade or class of workers of which, immediately
7 before the commencement of the stoppage, there were members
8 employed at the premises at which the stoppage occurs, any of
9 whom are participating in, or directly interested in, the
10 dispute.]

11 * * *

12 Section 3. This act shall take effect immediately.