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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1353 Session of  
2023

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INTRODUCED BY LABS, HAMM, JAMES, JOZWIAK, KEEFER, MOUL, ROWE,  
SCIALABBA, STAATS AND ZIMMERMAN, JUNE 9, 2023

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 9, 2023

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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 ineligibility for compensation.

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

19 Section 1. Section 402(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, is amended to read:

22 Section 402. Ineligibility for Compensation.--An employe  
23 shall be ineligible for compensation for any week--

24 (a) In which his unemployment is due to failure, without  
25 good cause, either to apply for suitable work at such time and

1 in such manner as the department may prescribe, or to accept  
2 suitable work when offered to him by the employment office or by  
3 any employer, irrespective of whether or not such work is in  
4 "employment" as defined in this act: Provided, That such  
5 employer notifies the employment office of such offer within  
6 seven (7) days after the making thereof; however this subsection  
7 shall not cause a disqualification of a waiting week or benefits  
8 under the following circumstances: when work is offered by his  
9 employer and he is not required to accept the offer pursuant to  
10 the terms of the labor-management contract or agreement, or  
11 pursuant to an established employer plan, program or policy:  
12 Provided further, That a claimant shall not be disqualified for  
13 refusing suitable work when he is in training approved under  
14 section 236(a) (1) of the Trade Act of 1974[.]: Provided further,  
15 That the following apply:

16 (1) A claimant shall make a good-faith effort to obtain  
17 employment in suitable work. A claimant who has applied for a  
18 position may not take any action to unreasonably discourage the  
19 claimant's own hire in suitable work, including any of the  
20 following:

21 (i) Refusing to attend or failing to participate, without  
22 good cause, in a job interview or other applicant selection  
23 activity offered by the employer.

24 (ii) Refusing employment or a referral for employment,  
25 without good cause, prior to an interview or a discussion of the  
26 details of a job with the employer.

27 (2) Within ninety (90) days of the effective date of this  
28 paragraph, the department shall create forms or update existing  
29 forms to enable employers to report claimants who discourage  
30 their own hire, as provided in this subsection. The forms shall

1 include notice of the provisions of section 802.

2 (3) A claimant who unreasonably discourages the claimant's  
3 own hire in suitable work shall be considered to have refused an  
4 offer of work for purposes of this subsection.

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6 Section 2. This act shall take effect immediately.