

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1083 Session of 2022

INTRODUCED BY BAKER, PHILLIPS-HILL, BARTOLOTTA, FONTANA, GORDNER, COLLETT, SANTARSIERO, SCHWANK, COSTA, J. WARD, VOGEL, KANE, ROBINSON, BROOKS AND MUTH, FEBRUARY 17, 2022

SENATOR BARTOLOTTA, LABOR AND INDUSTRY, AS AMENDED, APRIL 5, 2022

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; AND, <--
17 IN SHARED-WORK PROGRAM, FURTHER PROVIDING FOR SHARED-WORK
18 PLAN REQUIREMENTS, FOR EFFECTIVE PERIOD OF SHARED-WORK PLAN
19 AND FOR PARTICIPATING EMPLOYER RESPONSIBILITIES.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. ~~Section 402(b) of the act of December 5, 1936~~ <--
23 ~~(2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~
24 ~~Compensation Law, is amended to read:~~

25 SECTION 1. SECTIONS 402(B), 1303(B), 1305(B) AND 1307(B) OF <--

1 THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1),
2 KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, ARE AMENDED TO READ:

3 Section 402. Ineligibility for Compensation.--An employe
4 shall be ineligible for compensation for any week--

5 * * *

6 (b) In which his unemployment is due to voluntarily leaving
7 work without cause of a necessitous and compelling nature,
8 irrespective of whether or not such work is in "employment" as
9 defined in this act: Provided, That a voluntary leaving work
10 because of a disability if the employer is able to provide other
11 suitable work, shall be deemed not a cause of a necessitous and
12 compelling nature: And provided further, That no employe shall
13 be deemed to be ineligible under this subsection where as a
14 condition of continuing in employment such employe would be
15 required to join or remain a member of a company union or to
16 resign from or refrain from joining any bona fide labor
17 organization, or to accept wages, hours or conditions of
18 employment not desired by a majority of the employes in the
19 establishment or the occupation, or would be denied the right of
20 collective bargaining under generally prevailing conditions, and
21 that in determining whether or not an employe has left his work
22 voluntarily without cause of a necessitous and compelling
23 nature, the department shall give consideration to the same
24 factors, insofar as they are applicable, provided, with respect
25 to the determination of suitable work under section four (t):
26 And provided further, That the provisions of this subsection
27 shall not apply in the event of a stoppage of work which exists
28 because of a labor dispute within the meaning of subsection (d).
29 Provided further, That no otherwise eligible claimant shall be
30 denied benefits for any week in which his unemployment is due to

1 exercising the option of accepting a layoff, from an available
2 position pursuant to a labor-management contract agreement, or
3 pursuant to an established employer plan, program or policy:
4 Provided further, That a claimant shall not be disqualified for
5 voluntarily leaving work, which is not suitable employment to
6 enter training approved under section 236(a)(1) of the Trade Act
7 of 1974[.]: Provided further, That a claimant shall not be
8 disqualified for voluntarily leaving work if the claimant left
9 such work to accompany a spouse who is on active duty with the
10 United States Armed Forces and is required to relocate due to
11 permanent change of station orders, activation orders or unit
12 deployment orders and such relocation would make it impractical
13 or unreasonably difficult, as determined by the department, for
14 the claimant to continue employment with the claimant's
15 employer. For purposes of this subsection the term "suitable
16 employment" means with respect to a claimant, work of a
17 substantially equal or higher skill level than the claimant's
18 past "adversely affected employment" (as defined in section 247
19 of the Trade Act of 1974), and wages for such work at not less
20 than eighty per centum of the worker's "average weekly wage" (as
21 defined in section 247 of the Trade Act of 1974).

22 * * *

23 SECTION 1303. SHARED-WORK PLAN REQUIREMENTS.

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24 * * *

25 (B) REDUCTION PERCENTAGE.--THE REDUCTION PERCENTAGE UNDER AN
26 APPROVED SHARED-WORK PLAN SHALL MEET ALL OF THE FOLLOWING
27 REQUIREMENTS:

28 (1) THE REDUCTION PERCENTAGE SHALL BE NO LESS THAN 20%
29 AND NO MORE THAN 40%.

30 (2) THE REDUCTION PERCENTAGE SHALL BE THE SAME FOR ALL

1 PARTICIPATING EMPLOYEES.

2 [(3) THE REDUCTION PERCENTAGE SHALL NOT CHANGE DURING
3 THE PERIOD OF THE SHARED-WORK PLAN UNLESS THE PLAN IS
4 MODIFIED IN ACCORDANCE WITH SECTION 1308.]

5 SECTION 1305. EFFECTIVE PERIOD OF SHARED-WORK PLAN.

6 * * *

7 (B) START DATE.--THE EFFECTIVE PERIOD OF [THE] AN APPROVED
8 SHARED-WORK PLAN SHALL BEGIN WITH THE FIRST CALENDAR WEEK
9 FOLLOWING THE DATE ON WHICH THE [DEPARTMENT APPROVES THE PLAN.]
10 EMPLOYER SUBMITS THE PLAN TO THE DEPARTMENT OR ON THE FIRST
11 CALENDAR WEEK FOLLOWING THE DATE THE EMPLOYER PROVIDED IN THE
12 PLAN, WHICHEVER IS LATER.

13 SECTION 1307. PARTICIPATING EMPLOYER RESPONSIBILITIES.

14 * * *

15 [(B) BENEFIT CHARGES.--NOTWITHSTANDING ANY OTHER PROVISION
16 OF THIS ACT, COMPENSATION PAID TO PARTICIPATING EMPLOYEES FOR
17 WEEKS WITHIN THE EFFECTIVE PERIOD OF AN APPROVED SHARED-WORK
18 PLAN WILL BE CHARGED TO THE PARTICIPATING EMPLOYER.]

19 Section 2. This act shall take effect in 60 days.