

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 434 Session of 2023

INTRODUCED BY L. WILLIAMS, FONTANA, KEARNEY, HUGHES,
TARTAGLIONE, CAPPELLETTI, DILLON, SANTARSIERO, COSTA, MUTH,
KANE AND STREET, MARCH 9, 2023

REFERRED TO LABOR AND INDUSTRY, MARCH 9, 2023

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
25 Compensation.--Compensation shall be payable to any employe who

1 is or becomes unemployed, and who--

2 * * *

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

5 * * *

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

12 Section 2. Section 402(b) and (d) of the act, amended
13 November 3, 2022 (P.L.2153, No.156), are amended to read:

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

16 * * *

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

1 collective bargaining under generally prevailing conditions, and
2 that in determining whether or not an employe has left his work
3 voluntarily without cause of a necessitous and compelling
4 nature, the department shall give consideration to the same
5 factors, insofar as they are applicable, provided, with respect
6 to the determination of suitable work under section four (t) [:
7 And provided further, That the provisions of this subsection
8 shall not apply in the event of a stoppage of work which exists
9 because of a labor dispute within the meaning of subsection
10 (d)]. Provided further, That no otherwise eligible claimant
11 shall be denied benefits for any week in which his unemployment
12 is due to exercising the option of accepting a layoff, from an
13 available position pursuant to a labor-management contract
14 agreement, or pursuant to an established employer plan, program
15 or policy: Provided further, That a claimant shall not be
16 disqualified for voluntarily leaving work, which is not suitable
17 employment to enter training approved under section 236(a)(1) of
18 the Trade Act of 1974: Provided further, That a claimant shall
19 not be disqualified for voluntarily leaving work if the claimant
20 left such work to accompany a spouse who is on active duty with
21 the United States Armed Forces and is required to relocate due
22 to permanent change of station orders, activation orders or unit
23 deployment orders and such relocation would make it impractical
24 or unreasonably difficult, as determined by the department, for
25 the claimant to continue employment with the claimant's
26 employer. For purposes of this subsection the term "suitable
27 employment" means with respect to a claimant, work of a
28 substantially equal or higher skill level than the claimant's
29 past "adversely affected employment" (as defined in section 247
30 of the Trade Act of 1974), and wages for such work at not less

1 than eighty per centum of the worker's "average weekly wage" (as
2 defined in section 247 of the Trade Act of 1974).

3 * * *

4 [(d) In which his unemployment is due to a stoppage of work,
5 which exists because of a labor dispute (other than a lock-out)
6 at the factory, establishment or other premises at which he is
7 or was last employed: Provided, That this subsection shall not
8 apply if it is shown that (1) he is not participating in, or
9 directly interested in, the labor dispute which caused the
10 stoppage of work, and (2) he is not a member of an organization
11 which is participating in, or directly interested in, the labor
12 dispute which caused the stoppage of work, and (3) he does not
13 belong to a grade or class of workers of which, immediately
14 before the commencement of the stoppage, there were members
15 employed at the premises at which the stoppage occurs, any of
16 whom are participating in, or directly interested in, the
17 dispute.]

18 * * *

19 Section 3. This act shall take effect immediately.