

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 689 Session of 2021

INTRODUCED BY BAKER, BARTOLOTTA, GORDNER, MARTIN, ARGALL,
LAUGHLIN, PHILLIPS-HILL, BOSCOLA, HUTCHINSON, YUDICHAK, YAW,
STEFANO AND MENSCH, MAY 14, 2021

REFERRED TO LABOR AND INDUSTRY, MAY 14, 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.

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

20 Section 1. Section 401(b) 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 to read:

23 Section 401. Qualifications Required to Secure
24 Compensation.--Compensation shall be payable to any employe who
25 is or becomes unemployed, and who--

1 * * *

2 (b) (1) Is making an active search for suitable employment.
3 The requirements for "active search" shall be established by the
4 department and shall include, at a minimum, all of the
5 following:

6 (i) Registration by a claimant for employment search
7 services offered by the Pennsylvania CareerLink system or its
8 successor agency within thirty (30) days after initial
9 application for benefits.

10 (ii) Posting a resume on the system's database, unless the
11 claimant is seeking work in an employment sector in which
12 resumes are not commonly used.

13 (iii) Applying for positions that offer employment and wages
14 similar to those the claimant had prior to his unemployment and
15 which are within a forty-five (45) minute commuting distance.

16 (2) The Pennsylvania CareerLink system or its successor
17 agency shall provide documentation, on a quarterly basis or more
18 frequently, as the secretary deems appropriate, to the
19 Pennsylvania Unemployment Compensation Service Center system so
20 the system can conduct the necessary cross reference checks.

21 (3) For the purposes of paragraph (1), the department may
22 determine that a claimant has made an active search for suitable
23 work if the claimant's efforts include actions comparable to
24 those traditional actions in their trade or occupation by which
25 jobs have been found by others in the community and labor market
26 in which the claimant is seeking employment.

27 (4) The requirements of this subsection do not apply to any
28 week in which the claimant is in training approved under section
29 236(a)(1) of the Trade Act of 1974 (Public Law 93-618, 19 U.S.C.
30 § 2101 et seq.) or any week in which the claimant is required to

1 participate in reemployment services under section 402(j) of
2 this act.

3 (5) The requirements of this subsection shall not apply to a
4 claimant who is laid off for lack of work and advised by the
5 employer of the date on which the claimant will return to work.

6 (6) ~~[The]~~ Subject to paragraph (7), the department may waive
7 or alter the requirements of this subsection in cases or
8 situations with respect to which the secretary finds that
9 compliance with such requirements would be oppressive or which
10 would be inconsistent with the purposes of this act.

11 (7) (i) Neither the department under paragraph (6) or other
12 provisions of this act nor the Governor under 35 Pa.C.S. § 7301
13 (relating to general authority of Governor) or other law may, as
14 a result of COVID-19, waive or alter the requirements of this
15 subsection as to any case or situation beyond June 30, 2021. Any
16 action taken by the department or Governor in contravention of
17 this paragraph shall be void and of no effect. This paragraph
18 shall apply regardless of whether the action taken by the
19 department or Governor occurred prior to, on or after the
20 effective date of this paragraph.

21 (ii) As used in this paragraph, the term "COVID-19" means
22 the novel coronavirus as identified in the Governor's
23 proclamation of disaster emergency issued on March 6, 2020,
24 published at 50 Pa.B. 1644 (March 21, 2020).

25 * * *

26 Section 2. This act shall take effect immediately.