

AMENDMENTS TO HOUSE BILL NO. 1446

Sponsor: REPRESENTATIVE R. MACKENZIE

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1 Amend Bill, page 1, line 16, by striking out all of said line
2 and inserting
3 providing for eligibility related to domestic violence.

4 Amend Bill, page 1, lines 19 through 25; pages 2 and 3, lines
5 1 through 30; page 4, lines 1 through 11; by striking out all of
6 said lines on said pages and inserting

7 Section 1. The act of December 5, 1936 (2nd Sp.Sess., 1937
8 P.L.2897, No.1), known as the Unemployment Compensation Law, is
9 amended by adding a section to read:

10 Section 402.7. Eligibility Related to Domestic Violence.--

11 (a) An employe shall not be deemed to be ineligible under
12 section 402(b) for voluntarily leaving employment or section
13 402(e) for failure to attend work if, due to a domestic violence
14 situation, the individual's continued employment would
15 jeopardize the safety of the individual or a member of the
16 individual's family or household.

17 (b) Verification of a domestic violence situation may be
18 provided on the initial application for benefits through any one
19 of the following which documents recent domestic violence:

20 (1) An active or recently issued protective order or other
21 order, court records, a police record, medical treatment
22 records, social services records or child protective services
23 records.

24 (2) A statement supporting the existence of recent domestic
25 violence from a qualified professional from whom the individual
26 has sought assistance, such as a counselor, shelter worker,
27 member of the clergy, attorney or health care worker, or a
28 similar statement from a friend or relative from whom the
29 individual has sought assistance.

30 (3) A self-affirmation that the individual's continued
31 employment would jeopardize the safety of the individual or a
32 member of the individual's family or household due to the
33 domestic violence situation.

34 (4) Any other type of evidence that reasonably proves
35 domestic violence.

1 (c) The documentation of domestic violence shall remain
2 confidential, and the department may not disclose the existence
3 of a domestic violence situation in any notice provided to an
4 employer regarding the claim for compensation.

5 (d) If an individual who submits a self-affirmation under
6 subsection (b)(3) is otherwise eligible under section 401, the
7 individual shall be considered eligible, and the department
8 shall expedite a determination of eligibility under section 501.
9 This subsection shall not be construed to prohibit
10 redetermination of eligibility within eighteen (18) months of
11 the application for benefits if the department receives
12 information within eighteen (18) months of the application for
13 benefits indicating that the self-affirmation submitted under
14 subsection (b)(3) included false information.

15 (e) If the department has reasonable cause to suspect that a
16 self-affirmation submitted under subsection (b)(3) included
17 false information, the department may require additional
18 documentation under subsection (b)(1), (2) or (4) to verify the
19 domestic violence situation when considering a redetermination
20 of eligibility.

21 (f) The department shall grant relief from charges under
22 section 302.1 to base year employers for benefit charges related
23 to a claim that is determined eligible in accordance with this
24 section, unless the department determines that the domestic
25 violence situation is attributable to the employment with the
26 base year employer. Relief from charges shall be provided
27 without a request from the employer.

28 (g) Subject to subsection (c), if an employer will be
29 granted relief from charges without a request under subsection
30 (f), the department shall notify the employer that relief from
31 charges shall be granted without the need for the employer to
32 submit a request. Notice under this subsection may be included
33 on the eligibility determination provided to the employer or on
34 other relevant claim documentation delivered to the employer.

35 Section 2. The Department of Labor and Industry shall
36 consult with the Office of Victim Advocate and relevant advocacy
37 groups when implementing the addition of section 402.7 of the
38 act, including updates to the application for unemployment
39 compensation, updated notices to claimants and employers and the
40 development of any forms related to documentation of a domestic
41 violence situation.

42 Section 3. This act shall take effect in six months.