
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **68** Session of
2019

 INTRODUCED BY RYAN, GROVE, MACKENZIE, PICKETT, KEEFER, COX AND
T. DAVIS, JANUARY 28, 2019

 SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 25, 2020

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 ADMINISTRATION OF <--
16 ACT, PROVIDING FOR UNEMPLOYMENT COMPENSATION BENEFIT
17 NOTIFICATION BY EMPLOYERS; in contributions by employers and
18 employees, further providing for relief from charges; AND <--
19 PROVIDING FOR EMERGENCY PROVISIONS RELATED TO COVID-19.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 ~~Section 1. Section 302.1(b)(2)(i) and (3)(i) of the act of <--~~
23 ~~December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as~~
24 ~~the Unemployment Compensation Law, are amended to read:~~

25 SECTION 1. THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 <--

1 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, IS
2 AMENDED BY ADDING A SECTION TO READ:

3 SECTION 206.1. UNEMPLOYMENT COMPENSATION BENEFIT
4 NOTIFICATION BY EMPLOYERS.--EACH EMPLOYER, WHETHER OR NOT LIABLE
5 FOR THE PAYMENT OF CONTRIBUTIONS UNDER THIS ACT, SHALL PROVIDE
6 NOTIFICATION OF THE AVAILABILITY OF UNEMPLOYMENT COMPENSATION TO
7 THE EMPLOYER'S EMPLOYEES AT THE TIME OF SEPARATION FROM
8 EMPLOYMENT. THE NOTIFICATION SHALL INCLUDE, BUT NOT BE LIMITED
9 TO, THE FOLLOWING INFORMATION:

10 (1) AVAILABILITY OF UNEMPLOYMENT COMPENSATION BENEFITS TO
11 WORKERS WHO ARE UNEMPLOYED AND WHO MEET THE REQUIREMENTS OF THIS
12 ACT.

13 (2) ABILITY OF AN EMPLOYEE TO FILE AN UNEMPLOYMENT
14 COMPENSATION CLAIM IN THE FIRST WEEK THAT EMPLOYMENT STOPS OR
15 WORK HOURS ARE REDUCED.

16 (3) AVAILABILITY OF ASSISTANCE OR INFORMATION ABOUT AN
17 UNEMPLOYMENT COMPENSATION CLAIM ON THE DEPARTMENT'S PUBLICLY
18 ACCESSIBLE INTERNET WEBSITE OR BY CALLING A TOLL-FREE NUMBER
19 THAT THE EMPLOYER SHALL PROVIDE.

20 (4) THAT THE EMPLOYEE WILL NEED CERTAIN INFORMATION IN ORDER
21 TO FILE A CLAIM, INCLUDING:

22 (I) THE EMPLOYEE'S FULL LEGAL NAME;

23 (II) THE EMPLOYEE'S SOCIAL SECURITY NUMBER; AND

24 (III) IF NOT A CITIZEN OR RESIDENT OF THE UNITED STATES,
25 AUTHORIZATION TO WORK IN THE UNITED STATES.

26 SECTION 2. SECTION 302.1(B) (2) (I) AND (3) (I) OF THE ACT ARE
27 AMENDED TO READ:

28 Section 302.1. Relief from Charges.--Notwithstanding any
29 other provisions of this act assigning charges for compensation
30 paid to employes, except for section 302(a) (2), the department

1 shall relieve an employer of charges for compensation in
2 accordance with this section and section 213 of this act.

3 * * *

4 (b) Requests for relief from charges:

5 * * *

6 (2) If an employer is requesting relief from charges on the
7 basis of a separation that occurs on or before the date the
8 claimant files an application for benefits or on the basis of
9 continuing part-time work, the following shall apply:

10 (i) If the request is filed within [~~fifteen (15)~~] twenty-one
11 (21) days after the date of the earliest notice issued by the
12 department under section 501(a) of this act indicating that the
13 claimant is eligible under section 401(a) of this act and relief
14 is granted, relief shall begin with the earliest week for which
15 the claimant is eligible for benefits pursuant to the claimant's
16 application for benefits.

17 * * *

18 (3) If an employer is requesting relief from charges on the
19 basis of a separation that occurs after the claimant files an
20 application for benefits, the following shall apply:

21 (i) If the request is filed within [~~fifteen (15)~~] twenty-one
22 (21) days after the date of the earliest notice issued by the
23 department indicating that the claimant is claiming benefits
24 subsequent to the separation and relief is granted, relief shall
25 begin with the earliest week for which the claimant is eligible
26 for benefits following the last day worked.

27 * * *

28 ~~Section 2. The amendment of section 302.1(b)(2)(i) and (3) <--~~
29 ~~(i) of the act shall apply to benefit years that begin on or~~
30 ~~after the publication of the notice under section 3 of this act.~~

1 ~~Section 3. The Secretary of Labor and Industry shall~~
2 ~~transmit notice to the Legislative Reference Bureau for~~
3 ~~publication in the Pennsylvania Bulletin upon completion of~~
4 ~~implementation of the technological upgrades to the delivery~~
5 ~~system for unemployment compensation benefits.~~

6 SECTION 3. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <--

7 ARTICLE XVI

8 EMERGENCY PROVISIONS RELATED TO COVID-19

9 SECTION 1601. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 "COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
14 GOVERNOR'S PROCLAMATION OF DISASTER EMERGENCY ISSUED ON MARCH 6,
15 2020.

16 SECTION 1602. EMERGENCY ELIGIBILITY RULES.

17 (A) GENERAL RULE.--THE SECRETARY SHALL WAIVE PROVISIONS OF
18 THIS ACT TO EASE ELIGIBILITY REQUIREMENTS AND ACCESS TO
19 UNEMPLOYMENT COMPENSATION FOR CLAIMANTS WHOSE UNEMPLOYMENT IS
20 RELATED TO THE COVID-19 OUTBREAK OR THE EFFORTS OF PUBLIC HEALTH
21 OFFICIALS TO CONTAIN AND PREVENT THE SPREAD OF COVID-19. THE
22 SECRETARY SHALL ONLY WAIVE PROVISIONS OF THIS ACT IF THE WAIVER
23 IS AUTHORIZED UNDER THIS SECTION AND IS PERMITTED UNDER FEDERAL
24 LAW.

25 (B) WAITING PERIOD.--THE ONE-WEEK WAITING PERIOD REQUIRED
26 UNDER SECTION 401(E) SHALL BE WAIVED FOR ALL CLAIMANTS FOR THE
27 DURATION OF A DISASTER EMERGENCY DECLARED BY THE GOVERNOR
28 BECAUSE OF COVID-19.

29 (C) JOB SEARCH AND REGISTRATION REQUIREMENTS.--THE JOB
30 SEARCH AND REGISTRATION REQUIREMENTS UNDER SECTION 401(B) SHALL

1 BE WAIVED UNDER SECTION 401(B) (6) FOR ALL CLAIMANTS FOR THE
2 DURATION OF A DISASTER EMERGENCY DECLARED BY THE GOVERNOR
3 BECAUSE OF COVID-19.

4 (D) CONSTRUCTION.--THIS SECTION SHALL NOT BE CONSTRUED TO
5 PROVIDE UNEMPLOYMENT COMPENSATION BENEFITS FOR AN INDIVIDUAL WHO
6 DOES NOT MEET THE DEFINITION OF UNEMPLOYED AS PROVIDED UNDER
7 SECTION 4 (U) .
8 SECTION 1603. RELIEF FROM CHARGES.

9 (A) GENERAL RULE.--IF THE DEPARTMENT DETERMINES THAT A
10 CLAIMANT'S UNEMPLOYMENT IS RELATED TO THE COVID-19 OUTBREAK OR
11 THE EFFORTS OF PUBLIC HEALTH OFFICIALS TO CONTAIN AND PREVENT
12 THE SPREAD OF COVID-19, THE DEPARTMENT SHALL PROVIDE RELIEF FROM
13 BENEFIT CHARGES FOR ANY EMPLOYER WHOSE ACCOUNT WOULD OTHERWISE
14 BE CHARGED UNDER SECTION 302. THE DEPARTMENT SHALL ONLY PROVIDE
15 RELIEF UNDER THIS SECTION IF PERMITTED UNDER FEDERAL LAW.

16 (B) AUTOMATIC RELIEF FROM CHARGES.--RELIEF UNDER SUBSECTION
17 (A) SHALL BE PROVIDED AUTOMATICALLY FOR THOSE CLAIMS RELATED TO
18 THE COVID-19 OUTBREAK OR THE EFFORTS OF PUBLIC OFFICIALS TO
19 CONTAIN AND PREVENT THE SPREAD OF COVID-19. THE EMPLOYER SHALL
20 NOT BE REQUIRED TO APPLY FOR RELIEF UNDER SECTION 302.1 TO
21 OBTAIN RELIEF UNDER SUBSECTION (A) .

22 (C) DETERMINATION OF RELATIONSHIP TO COVID-19.--THE
23 FOLLOWING SHALL APPLY:

24 (1) FOR PURPOSES OF THIS SECTION, THE EMPLOYER WHO IS
25 ELIGIBLE FOR RELIEF FROM CHARGES SHALL BE ENTITLED TO RELIEF
26 FROM CHARGES FOR WEEKS OF UNEMPLOYMENT OCCURRING DURING THE
27 DURATION OF A DISASTER EMERGENCY DECLARED BY THE GOVERNOR
28 WHICH IS RELATED TO COVID-19 UNDER THIS SECTION.

29 (2) FOR A CLAIM WHERE THE DEPARTMENT HAS DETERMINED THAT
30 THE CLAIMANT'S UNEMPLOYMENT IS NOT RELATED TO THE COVID-19

1 OUTBREAK OR THE EFFORTS OF PUBLIC HEALTH OFFICIALS TO CONTAIN
2 AND PREVENT THE SPREAD OF COVID-19, RELIEF FROM CHARGES UNDER
3 THIS SECTION SHALL BE DETERMINED IN ACCORDANCE WITH SECTION
4 302.1.

5 (D) BENEFIT REPAYMENT FOR REIMBURSABLE EMPLOYERS.--FOR ANY
6 EMPLOYER WHO MAKES PAYMENTS IN LIEU OF CONTRIBUTION UNDER THIS
7 ACT, THE FOLLOWING SHALL APPLY TO PAYMENTS FOR BENEFITS FOR
8 WEEKS OF UNEMPLOYMENT OCCURRING DURING A DISASTER EMERGENCY
9 DECLARED BY THE GOVERNOR RELATED TO COVID-19:

10 (1) AN EMPLOYER WHO HAS ELECTED TO PAY THE SOLVENCY FEE
11 UNDER SECTION 213 SHALL RECEIVE AUTOMATIC RELIEF FROM CHARGES
12 IN ACCORDANCE WITH SUBSECTIONS (B) AND (C).

13 (2) AN EMPLOYER WHO HAS NOT ELECTED TO PAY THE SOLVENCY
14 FEE UNDER SECTION 213 SHALL MAKE PAYMENTS AS FOLLOWS:

15 (I) THE EMPLOYER SHALL REPAY BENEFITS WITHIN 120
16 DAYS OF THE DATE OF THE STATEMENT OF ACCOUNT NOTIFYING
17 THE EMPLOYER OF THE REPAYMENT OBLIGATION.

18 (II) THE DEPARTMENT MAY EXTEND THE 120-DAY TIME
19 PERIOD FOR REPAYMENT UP TO ANOTHER 60 DAYS UPON THE
20 REQUEST OF AN EMPLOYER WHO DEMONSTRATES FINANCIAL
21 HARDSHIP.

22 (III) THE DEPARTMENT SHALL OFFER INTEREST-FREE
23 PAYMENT PLANS TO AN EMPLOYER WHO DEMONSTRATES FINANCIAL
24 HARDSHIP.

25 (IV) NO INTEREST ON LATE PAYMENTS SHALL ACCRUE OR BE
26 CHARGED TO EMPLOYERS UNTIL JANUARY 1, 2021.

27 SECTION 1604. FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION IN
28 RESPONSE TO COVID-19.

29 (A) COMPLIANCE WITH FEDERAL REQUIREMENTS.--TO THE EXTENT
30 FEDERAL FUNDING IS AUTHORIZED FOR THE ADMINISTRATION OF THE

1 UNEMPLOYMENT COMPENSATION PROGRAM, EXTENDED UNEMPLOYMENT
2 COMPENSATION, DISASTER UNEMPLOYMENT ASSISTANCE OR ANY OTHER
3 UNEMPLOYMENT ASSISTANCE RELATED TO COVID-19 MADE AVAILABLE BY
4 THE FEDERAL GOVERNMENT, THE SECRETARY IS AUTHORIZED TO
5 ADMINISTER THE ASSISTANCE. THE SECRETARY IS AUTHORIZED TO ADOPT
6 TEMPORARY REGULATIONS TO ENSURE FEDERAL COMPLIANCE IN ORDER TO
7 RECEIVE FUNDING AND THE FOLLOWING SHALL APPLY:

8 (1) THE TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO:

9 (I) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT
10 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
11 COMMONWEALTH DOCUMENTS LAW.

12 (II) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980
13 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
14 ACT.

15 (III) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
16 KNOWN AS THE REGULATORY REVIEW ACT.

17 (2) THE TEMPORARY REGULATIONS ADOPTED BY THE SECRETARY
18 SHALL EXPIRE 120 DAYS AFTER THE EXPIRATION DATE OF THE
19 FEDERAL LAW AUTHORIZING THE FUNDING.

20 (A.1) ADDITIONAL STATUTORY REQUIREMENTS TO RECEIVE
21 FUNDING.--IF THE SECRETARY DETERMINES THAT ADDITIONAL STATUTORY
22 AMENDMENTS ARE NEEDED TO RECEIVE FEDERAL FUNDING RELATED TO
23 COVID-19 UNEMPLOYMENT ASSISTANCE BEYOND THE EXPIRATION DATE OF
24 THE TEMPORARY REGULATIONS AUTHORIZED UNDER SUBSECTION (A), THE
25 SECRETARY SHALL INCLUDE LEGISLATIVE RECOMMENDATIONS TO THE
26 GENERAL ASSEMBLY IN THE MONTHLY REPORT REQUIRED UNDER SUBSECTION
27 (D).

28 (B) SEQUENCING.--THE FOLLOWING SHALL APPLY TO FEDERAL
29 FUNDING RECEIVED FOR ADMINISTRATIVE PURPOSES:

30 (1) UPON THE AVAILABILITY OF FEDERAL FUNDING, MONEY

1 RECEIVED FROM THE FEDERAL GOVERNMENT SHALL BE UTILIZED BY THE
2 SECRETARY PRIOR TO EXPENDING ANY OTHER FUNDS MADE AVAILABLE
3 TO ADDRESS COVID-19.

4 (2) (RESERVED).

5 (C) AUTHORIZED USE.--THE SECRETARY IS PROHIBITED FROM
6 EXPENDING ANY MONEY MADE AVAILABLE FOR ADMINISTRATIVE PURPOSES
7 IN RESPONSE TO COVID-19 BEYOND WHAT IS NECESSARY TO ADMINISTER
8 UNEMPLOYMENT COMPENSATION.

9 (D) REPORT.--THE FOLLOWING SHALL APPLY:

10 (1) BEGINNING APRIL 1, 2020, AND THE FIRST DAY OF EACH
11 SUBSEQUENT MONTH, THE SECRETARY SHALL PREPARE A REPORT
12 DETAILING ANY PERMANENT STATUTORY CHANGES THAT MUST BE MADE
13 IN ORDER FOR THE COMMONWEALTH TO COMPLY WITH FEDERAL
14 REQUIREMENTS FOR FUNDING AND ALL SPENDING RELATED TO
15 UNEMPLOYMENT COMPENSATION IN RESPONSE TO COVID-19 THE
16 DEPARTMENT HAS MADE DURING THE PRECEDING MONTH, INCLUDING ANY
17 FUNDING MADE AVAILABLE THROUGH THE FEDERAL GOVERNMENT, THE
18 GOVERNOR'S DISASTER PROCLAMATION OR ANY OTHER TRANSFERS
19 AUTHORIZED UNDER THIS SECTION.

20 (2) THE REPORT UNDER PARAGRAPH (1) SHALL INCLUDE THE
21 NUMBER OF APPLICATIONS PROCESSED, THE NUMBER OF APPLICATIONS
22 APPROVED AND DENIED AND THE TOTAL AMOUNT EXPENDED.

23 (3) THE SECRETARY SHALL SUBMIT THE REPORT UNDER
24 PARAGRAPH (1) TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE
25 SPEAKER OF THE HOUSE OF REPRESENTATIVE, THE MAJORITY LEADER
26 AND MINORITY LEADER OF THE SENATE, THE MAJORITY LEADER AND
27 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE
28 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE APPROPRIATIONS
29 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
30 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES.

2 SECTION 1605. EXPIRATION.

3 THIS ARTICLE SHALL EXPIRE ON JANUARY 1, 2021.

4 SECTION 4. THE AMENDMENT OF SECTION 302.1(B)(2)(I) AND (3)
5 (I) OF THE ACT SHALL APPLY TO NOTICES ISSUED UNDER SECTION
6 302.1(B)(2)(I) AND (3)(I) ON OR AFTER THE PUBLICATION OF THE
7 NOTICE UNDER SECTION 5 OF THIS ACT.

8 SECTION 5. THE SECRETARY OF LABOR AND INDUSTRY SHALL
9 TRANSMIT NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR
10 PUBLICATION IN THE PENNSYLVANIA BULLETIN UPON COMPLETION OF
11 MODIFICATIONS TO THE DELIVERY SYSTEM FOR UNEMPLOYMENT
12 COMPENSATION BENEFITS IMPLEMENTING THE CHANGES TO THE FILING
13 PERIODS UNDER SECTION 302.1(B)(2)(I) AND (3)(I) OF THE ACT.

14 Section ~~4~~ 6. This act shall take effect as follows: <--

15 (1) The following shall take effect immediately:

16 (i) This section.

17 (ii) ~~Sections 2 and 3 of this act~~ THE REMAINDER OF <--

18 THIS ACT.

19 (2) The ~~remainder of this~~ AMENDMENT OF SECTION 302.1(B) <--

20 (2)(I) AND (3)(I) OF THE act shall take effect upon

21 publication of the notice under section ~~3~~ 5 of this act. <--