

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1375 Session of 2012

INTRODUCED BY GORDNER, PILEGGI, ERICKSON, BRUBAKER AND BLAKE,  
JANUARY 13, 2012

REFERRED TO LABOR AND INDUSTRY, JANUARY 13, 2012

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," further providing for  
16 definitions.

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

19 Section 1. Section 401-A(a), (b) and (c) of the act of  
20 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as  
21 the Unemployment Compensation Law, amended October 22, 1981  
22 (P.L.301, No.106) and June 17, 2011 (P.L.16, No.6), are amended  
23 and the section is amended by adding a subsection to read:

24 Section 401-A. Definitions.--As used in this article:

25 (a) "Extended benefit period" means a period which

1 (1) Begins with the third week after the week for which  
2 there is a State "on" indicator.

3 (2) Ends with either of the following weeks, whichever  
4 occurs later:

5 (A) the third week after the first week for which there is a  
6 State "off" indicator; or

7 (B) the thirteenth consecutive week of such period:

8 Provided, That no extended benefit period may begin by reason  
9 of

10 (i) a State "on" indicator before the fourteenth week  
11 following the end of a prior extended benefit period which was  
12 in effect with respect to this State, or

13 (ii) a State "on" indicator under subsection (c)(1) later  
14 than the twelfth week before the last week to which subsection  
15 (c.1)(3) applies.

16 (b) (1) There is a "State 'on' indicator" for this State  
17 for a week if the Secretary of Labor and Industry determines in  
18 accordance with the regulations of the United States Secretary  
19 of Labor, that for the period consisting of such week and the  
20 immediately preceding twelve weeks, the rate of insured  
21 unemployment (not seasonally adjusted) under this act:

22 (i) (A) equaled or exceeded one hundred twenty per centum  
23 of the average of such rates for the corresponding thirteen-week  
24 period ending in each of the preceding two calendar years, or

25 (B) with respect to [compensation for] weeks [of  
26 unemployment beginning after December 17, 2010, and ending on or  
27 before December 31, 2011] specified in subsection (c.1)(1),  
28 equaled or exceeded one hundred twenty per centum (120%) of the  
29 average of such rates for the corresponding thirteen-week period  
30 ending in each of the preceding three calendar years, and

1 (ii) equaled or exceeded five per centum: Provided, That  
2 with respect to benefits for weeks of unemployment beginning  
3 with the passage of this amendment but no earlier than April 3,  
4 1977, the determination of whether there has been a State "on"  
5 or "off" indicator beginning or ending any extended benefit  
6 period shall be made under this paragraph as if (A) this  
7 paragraph did not contain subparagraph (i) thereof, and (B) the  
8 per centum rate indicated in this paragraph were six, except  
9 that, notwithstanding any such provision of this paragraph, any  
10 week for which there would otherwise be a State "on" indicator  
11 shall continue to be such a week and shall not be determined to  
12 be a week for which there is a State "off" indicator.

13 (2) There is a "State 'off' indicator" for this State for a  
14 week if the Secretary of Labor and Industry determines in  
15 accordance with the regulations of the United States Secretary  
16 of Labor, that for the period consisting of such week and the  
17 immediately preceding twelve weeks, the rate of insured  
18 unemployment (not seasonally adjusted) under this act:

19 (i) was less than one hundred twenty per centum of the  
20 average of such rates for the corresponding thirteen-week period  
21 ending in each of the preceding two calendar years, if paragraph  
22 (1) (i) (A) applies or, the preceding three calendar years, if  
23 paragraph (1) (i) (B) applies, or

24 (ii) was less than five per centum.

25 (3) Notwithstanding the provisions of this subsection, any  
26 week for which there would otherwise be a State "on" indicator  
27 shall continue to be such a week and shall not be determined to  
28 be a week for which there is a State "off" indicator.

29 (c) (1) There is a "State 'on' indicator" for this State  
30 for a week specified in subsection (c.1)(2) if:

1 (i) the average rate of total unemployment in this State,  
2 seasonally adjusted, for the period consisting of the most  
3 recent three months for which data for all states are published  
4 before the close of such week equals or exceeds six and one-half  
5 per centum; and

6 (ii) (A) the average rate of total unemployment in this  
7 State, seasonally adjusted, for the three-month period referred  
8 to in subparagraph (i) equals or exceeds one hundred ten per  
9 centum of such average rate for either, or both, of the  
10 corresponding three-month periods ending in the two preceding  
11 calendar years, or

12 (B) with respect to [compensation for] weeks [of  
13 unemployment beginning after December 17, 2010, and ending on or  
14 before December 31, 2011] specified in subsection (c.1)(1), the  
15 average rate of total unemployment in this State, seasonally  
16 adjusted, for the three-month period referred to in subparagraph  
17 (i) equals or exceeds one hundred ten per centum (110%) of such  
18 average rate for any, or all, of the corresponding three-month  
19 periods ending in the three preceding calendar years.

20 (2) There is a State "off" indicator for this State for a  
21 week if the requirements of paragraph (1)(i) or (ii) are not  
22 satisfied.

23 [(3) This subsection shall be applicable only with respect  
24 to weeks of unemployment for which one hundred per centum  
25 Federal sharing of extended benefits is available under section  
26 2005(a) of the American Recovery and Reinvestment Act of 2009  
27 (Public Law 111-5, 123 Stat. 115), without regard to the  
28 extension of Federal sharing for certain claims as provided  
29 under section 2005(c) of the American Recovery and Reinvestment  
30 Act of 2009, or under a subsequently enacted provision of

1 Federal law.]

2 (4) Notwithstanding the provisions of this subsection, any  
3 week for which there would otherwise be a State "on" indicator  
4 shall continue to be such a week and shall not be determined to  
5 be a week for which there is a State "off" indicator.

6 (5) For purposes of this subsection, determinations of the  
7 rate of total unemployment for any period, and of any seasonal  
8 adjustment, shall be made by the United States Secretary of  
9 Labor.

10 (c.1) (1) Subsections (b) (1) (i) (B) and (c) (1) (ii) (B) apply  
11 to weeks that meet both of the following criteria:

12 (i) The week is a week for which the provisions of those  
13 subsections are authorized by Federal law.

14 (ii) The week ends not later than April 30, 2012, and not  
15 less than twenty-eight (28) days before the last day of the last  
16 week to which paragraph (3) applies.

17 (2) Except as provided in paragraph (1), subsection (c) (1)  
18 applies to weeks that meet both of the following criteria:

19 (i) The week ends not more than twenty-one (21) days before  
20 the last day of the first week to which paragraph (3) applies.

21 (ii) The week ends not later than April 30, 2012, and not  
22 less than twenty-eight (28) days before the last day of the last  
23 week to which paragraph (3) applies.

24 (3) This paragraph applies to weeks of unemployment for  
25 which one hundred per centum (100%) Federal sharing of extended  
26 benefits is available under section 2005(a) of the American  
27 Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123  
28 Stat. 115), without regard to the extension of Federal sharing  
29 for certain claims as provided under section 2005(c) of the  
30 American Recovery and Reinvestment Act of 2009, or under a

1 subsequently enacted provision of Federal law.

2 \* \* \*

3 Section 2. The amendment or addition of section 401-A(a),  
4 (b), (c) and (c.1) shall apply retroactively to December 31,  
5 2011.

6 Section 3. This act shall take effect immediately.