
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1446 Session of
2023

INTRODUCED BY R. MACKENZIE, CONKLIN, FREEMAN AND M. MACKENZIE,
JUNE 20, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 20, 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 ineligibility for compensation.

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

19 Section 1. Section 402(b) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended November 3, 2022 (P.L.2153, No.156),
22 is amended to read:

23 Section 402. Ineligibility for Compensation.--An employe
24 shall be ineligible for compensation for any week--

25 * * *

1 (b) In which his unemployment is due to voluntarily leaving
2 work without cause of a necessitous and compelling nature,
3 irrespective of whether or not such work is in "employment" as
4 defined in this act: Provided, That a voluntary leaving work
5 because of a disability if the employer is able to provide other
6 suitable work, shall be deemed not a cause of a necessitous and
7 compelling nature: And provided further, That no employe shall
8 be deemed to be ineligible under this section for voluntarily
9 leaving work if the individual reasonably believes that due to a
10 domestic violence situation the individual's continued
11 employment would jeopardize the safety of the individual, and in
12 that case, the domestic violence situation shall be verified by
13 reasonable and confidential documentation as determined by the
14 department in consultation with the Office of Victim Advocate,
15 to include a statement supporting the existence of recent
16 domestic violence from a qualified professional from whom the
17 individual has sought assistance, such as a counselor, shelter
18 worker, member of the clergy, attorney or health care worker or
19 any type of evidence that reasonably proves domestic violence,
20 but the department may not require an active or recently issued
21 protective or other order documenting domestic violence, or a
22 police record documenting recent domestic violence, although a
23 claimant may present that documentation as evidence: And
24 provided further, That no employe shall be deemed to be
25 ineligible under this subsection where as a condition of
26 continuing in employment such employe would be required to join
27 or remain a member of a company union or to resign from or
28 refrain from joining any bona fide labor organization, or to
29 accept wages, hours or conditions of employment not desired by a
30 majority of the employes in the establishment or the occupation,

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

1 1974), and wages for such work at not less than eighty per
2 centum of the worker's "average weekly wage" (as defined in
3 section 247 of the Trade Act of 1974).

4 * * *

5 Section 2. The Department of Labor and Industry shall
6 consult with the Office of Victim Advocate when implementing the
7 amendment of section 402(b) of this act, including updates to
8 the application for unemployment compensation and the
9 development of any forms related to documentation of a domestic
10 violence situation.

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