

LAWS  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

No. 1  
AN ACT

SB 27

Amending the act of December 5, 1936 (1937,P.L.2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay <sup>1</sup>contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," modifying conditions and qualifications to secure extended benefits by establishing a new permanent Federal-State extended benefits program.

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

- Section 1. Section 404.1, act of December 5, 1936 (1937,P.L.2897), known as the "Unemployment Compensation Law," is repealed.
- Section 2. The act is amended by adding a new article to read:

**ARTICLE IV-A  
EXTENDED BENEFITS PROGRAM**

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

- (a) "Extended benefit period" means a period which*
- (1) begins with the third week after whichever of the following weeks occurs first:*
- (A) a week for which there is a national "on" indicator, or*
- (B) a week for which there is a State "on" indicator; and*
- (2) ends with either of the following weeks, whichever occurs later:*
- (A) the third week after the first week for which there is both a national "off" indicator and a State "off" indicator; or*
- (B) the thirteenth consecutive week of such period:*

*Provided, That no extended benefit period may begin by reason of a State "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this State:*

*And, provided further, That no extended benefit period may become effective in this State prior to January 31, 1971 and that, within the period beginning on such date and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this State solely by reason of a State "on" and a State "off" indicator, respectively.*

<sup>1</sup>"contributors" in original.

(b) *There is a "national 'on' indicator" for a week if the United States Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five tenths per centum.*

(c) *There is a "national 'off' indicator" for a week if the United States Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five tenths per centum.*

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

(1) *equaled or exceeded one hundred twenty per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and*

(2) *equaled or exceeded four per centum.*

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

(1) *was less than one hundred twenty per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or*

(2) *was less than four per centum.*

(f) *"Rate of insured unemployment," for purposes of clauses (d) and (e) of this section, means the percentage derived by dividing*

(1) *the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the Secretary of Labor and Industry on the basis of his reports to the United States Secretary of Labor, by*

(2) *the average monthly employment covered under this act for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.*

(g) *"Regular benefits" means benefits payable to an individual under this act or under any other State law (including benefits payable to Federal civilian employes and to ex-servicemen pursuant to 5 U.S.C., chapter 85) other than extended benefits.*

(h) *“Extended benefits” means benefits (including benefits payable to Federal civilian employes and to ex-servicemen pursuant to 5 U.S.C., chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.*

(i) *“Eligibility period” of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.*

(j) *“Exhaustee” means an individual who, with respect to any week of unemployment in his eligibility period:*

(1) *has received, prior to such week, all of the regular benefits that were available to him under this act or any other State law (including dependents’ allowances and benefits payable to Federal civilian employes and ex-servicemen under 5 U.S.C., chapter 85) in his current benefit year that includes such week: Provided, That, for the purposes of this subclause, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or*

(2) *his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and*

(3) (A) *has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the United States Secretary of Labor; and*

(B) *has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.*

(k) *“State law” means the unemployment insurance law of any state, approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.*

*Section 402-A. Effect of State Law Provisions Relating to Regular Benefits on Claims for, and the Payment of, Extended Benefits.—Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the Secretary of Labor and Industry, the provisions of this act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.*

*Section 403-A. Eligibility Requirements for Extended Benefits.—An individual shall be eligible to receive extended benefits with respect*

to any week of unemployment in his eligibility period only if the Secretary of Labor and Industry finds that with respect to such week:

- (a) he is an "exhaustee" as defined in section 401-A (j),
- (b) he has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

**Section 404-A. Weekly Extended Benefit Amount.**—The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

**Section 405-A. Total Extended Benefit Amount.**—The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

- (a) fifty per centum of the total amount of regular benefits which were payable to him under this act in his applicable benefit year;
- (b) thirteen times his weekly benefit amount which was payable to him under this act for a week of total unemployment in the applicable benefit year; or
- (c) thirty-nine times his weekly benefit amount which was payable to him under this act for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this act with respect to the benefit year.

**Section 406-A. Beginning and Termination of Extended Benefit Period.**—(a) Whenever an extended benefit period is to become effective in this State (or in all states) as a result of a State or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of a State "off" indicator or State and national "off" indicators, the Secretary of Labor and Industry shall make an appropriate public announcement.

(b) Computations required by the provisions of section 401-A (f) shall be made by the Secretary of Labor and Industry, in accordance with regulations prescribed by the United States Secretary of Labor.

**Section 407-A. Benefit Charges.**—Notwithstanding any other provisions of this act, none of the benefits paid under the provisions of this article shall be charged to the reserve account of the claimant's base year employer.

**Section 3.** This act shall take effect immediately, and the provisions of this act shall be applicable to compensable weeks beginning on or after January 31, 1971.

APPROVED—The 9th day of February, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 1.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and "T".

*Secretary of the Commonwealth.*