

New Employer Notice Provisions Under Pennsylvania Unemployment Compensation Law Will Outlast COVID-19

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As unemployment compensation claims rise to unprecedented levels in the wake of the coronavirus pandemic, the Pennsylvania General Assembly has amended the Unemployment Compensation Law in a manner that will outlast the current quarantine.

Act 9 of 2020, approved by Governor Wolf on March 27, 2020, adds a new section to the Pennsylvania Unemployment Compensation Law which requires employers to notify a separating employee of the availability of unemployment compensation at the time of separation from employment. The notification shall include, at minimum, the following information:

- (1) Availability of unemployment compensation benefits to workers who are unemployed and who meet the requirements of the Unemployment Compensation Law.
- (2) Ability of an employee to file an unemployment compensation claim in the first week that employment stops or work hours are reduced.
- (3) Availability of assistance or information about an unemployment compensation claim on the department's publicly accessible Internet website or by calling a toll-free number that the employer shall provide.
- (4) That the employee will need certain information in order to file a claim, including: (i) the employee's full legal name; (ii) the employee's Social Security number; and (iii) if not a citizen or resident of the United States, authorization to work in the United States.

Act 9 also updates the Unemployment Compensation Law with a new Article XVI specific to emergency provisions related to COVID-19. Article XVI, which expires in January 2021, allows the Secretary of Labor to ease eligibility requirements for unemployment claims filed by those impacted by COVID-19. In continuity with the Federal CARES Act, it also provides that where a claimant's unemployment is a direct result of COVID-19, the employer whose account would normally be charged as a result of a shall be relieved from that charge. Tucker Arensberg's Labor and Employment Group has created a generic Act 9 notification form for employers to consider providing to separating employees, notifying them of their potential eligibility for and entitlement to unemployment compensation benefits. For more information, please contact Jeremy Farrell or Katherine Janocsko