

Section 8. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 14th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 570

AN ACT

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 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," redefining State, excluding remuneration from a family enterprise as wages, and modifying certain provisions as to eligibility of individuals while in training or when permanently separated.

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

Unemployment Compensation Law.

Section 1. Subsection (r) of section 4, act of December 5, 1936 (1937, P. L. 2897), known as the "Unemployment Compensation Law," amended May 23, 1949 (P. L. 1738), is amended to read:

Subsection (r), section 4, act of December 5, 1936 (1937, P. L. 2897), amended May 23, 1949, P. L. 1738, further amended.

Section 4. Definitions.—The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

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(r) "State" includes [Alaska, Hawaii,] *Puerto Rico*, *Virgin Islands* and the District of Columbia.

\* \* \* \* \*

Section 2. Subsection (u) of section 4, amended December 17, 1959 (P. L. 1893), is amended and subsection (x) of said section is amended by adding, at the end thereof, a new paragraph to read:

Subsection (u), section 4, amended December 17, 1959, P. L. 1893, further amended and subsection (x) of said section amended by adding a new paragraph (10).

Section 4. Definitions.—The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

\* \* \* \* \*

(u) "Unemployed".—An individual shall be deemed unemployed (I) with respect to any week (i) during

which he performs no services for which remuneration is paid or payable to him and (ii) with respect to which no remuneration is paid or payable to him, or (II) with respect to any week of less than his full-time work if the remuneration paid or payable to him with respect to such week is less than his weekly benefit rate plus his partial benefit credit: Provided, That for the purposes of this subsection, [(i)] vacation pay and similar payments, [whether or not legally required to be paid and (ii)] wages in lieu of notice, separation allowances, dismissal wages and similar payments, [which are legally required to be paid,] *whether or not legally required to be paid*, shall be deemed remuneration paid or payable with respect to such period as shall be determined by rules and regulations of the department, *except that during any period following a separation from employment when such payments are made upon the employe's relinquishment of all rights and benefits from the separating employer which have accrued from service with the separating employer, any amount up to one hundred dollars (\$100) per week allocated to any week or weeks during such period shall not be deemed remuneration.*

Notwithstanding any other provisions of this act, an employe who is unemployed during a plant shutdown for vacation purposes shall not be deemed ineligible for compensation merely by reason of the fact that he or his collective bargaining agents agreed to the vacation.

No employe shall be deemed eligible for compensation during a plant shutdown for vacation who receives directly or indirectly any funds from the employer as vacation allowance.

\* \* \* \* \*

(x) "Wages" means all remuneration, (including the cash value of mediums of payment other than cash), paid by an employer to an individual with respect to his employment, except that the term "wages" shall not include:

\* \* \* \* \*

(10) *The amount of any payment made after October first, 1961, to an individual by any corporation, partnership, association or other business entity in which fifty per centum (50%), or more, of the proprietary interest is owned by such individual, his spouse, father, mother, brother, sister, or any combination of such persons, unless the tax imposed by the Federal Unemployment Tax Act is payable with respect to such payment or payments.*

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Section 3. Subsection (d) of section 401 of the act, amended December 17, 1959 (P. L. 1893), is amended to read:

Subsection (d), section 401 of the act, amended December 17, 1959, P. L. 1893, further amended.

Section 401. Qualifications Required to Secure Compensation.—Compensation shall be payable to any employe who is or becomes unemployed, and who—

\* \* \* \* \*

(d) Is able to work and available for suitable work: *Provided, That a claimant who is attending a training or retraining course approved by the department as meeting a suitable and realistic employment or reemployment objective of the employe shall be deemed to be able to work and available for suitable work if the claimant is otherwise in fact able and available:* *Provided, That a pregnant claimant not disqualified under the provisions of subsection 402 (b) (1) or 402 (f) of this act shall be conclusively presumed to be unavailable for work and ineligible for benefits under the provisions of this act with respect to the period beginning thirty days prior to anticipated birth and ending thirty days after birth of the child.*

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Section 4. This act shall take effect September 1, 1961, and subsection (u) of section 4 and subsection (d) of section 401 shall be applicable to claims for benefits filed for weeks beginning on or after September 1, 1961. Applicable dates.

APPROVED—The 14th day of September, A. D. 1961.

DAVID L. LAWRENCE

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No. 571

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Department of Forests and Waters, to lease land in Valley Forge State Park to the United States Post Office Department for the purpose of the construction and operation of a post office.

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