

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 918 Session of
1989

INTRODUCED BY HASAY, PICCOLA AND STUBAN, APRIL 3, 1989

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 3, 1989

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338) entitled, as
2 reenacted and amended, "An act defining the liability of an
3 employer to pay damages for injuries received by an employe
4 in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder; and
7 prescribing penalties," further providing for counsel fees.

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

10 Section 1. Section 442 of the act of June 2, 1915 (P.L.736,
11 No.338), known as The Pennsylvania Workmen's Compensation Act,
12 reenacted and amended June 21, 1939 (P.L.520, No.281) and
13 amended March 29, 1972 (P.L.159, No.61), is amended to read:

14 Section 442. [All counsel fees, agreed upon by claimant and
15 his attorneys, for services performed in matters before any
16 referee or the board, whether or not allowed as part of a
17 judgment, shall be approved by the referee or board as the case
18 may be, providing the counsel fees do not exceed twenty per
19 centum of the amount awarded. The official conducting any
20 hearing, upon cause shown, may allow a reasonable attorney fee

1 exceeding twenty per centum of the amount awarded at the
2 discretion of the hearing official.]

3 (a) All counsel fees agreed upon by claimant and his
4 attorneys for services performed in matters before any referee
5 or the board shall be approved by the referee or board, as the
6 case may be. Under no circumstance shall any counsel fee exceed
7 twenty per centum of each periodic payment to be paid to the
8 claimant as his award of compensation under this act, and no
9 counsel fees shall be collected on any payments made after the
10 expiration of two years from the date of the award.

11 (b) In cases where the efforts of [claimants'] claimant's
12 counsel produce a result favorable to the claimant but where no
13 immediate award of compensation is made such as in cases of
14 termination or suspension the hearing official shall allow or
15 award reasonable counsel fees, as agreed upon by claimant and
16 his attorneys, without regard to any per centum.

17 Section 2. This act shall apply to claim petitions filed on
18 and after the effective date of this act.

19 Section 3. This act shall take effect in 60 days.