

AMENDMENTS TO HOUSE BILL NO. 1852

Sponsor: REPRESENTATIVE W. KELLER

Printer's No. 3094

1 Amend Bill, page 1, line 16, by inserting after

2 "DEFINITIONS,"

3 for records of and reports by employers,

4 Amend Bill, page 1, line 18, by inserting after

5 "COMPENSATION,"

6 for certain agreements void and penalty,

7 Amend Bill, page 2, by inserting between lines 29 and 30

8 Section 1.1. Section 206 of the act, amended July 21, 1983
9 (P.L.68, No.30) and November 17, 1995 (P.L.615, No.64), is
10 amended to read:

11 Section 206. Records of and Reports by Employers.--(a) Each
12 employer (whether or not liable for the payment of contributions
13 under this act) shall keep accurate employment records
14 containing such information, as may be prescribed by the rules
15 and regulations adopted by the department. Such records shall be
16 open to inspection by the department and its agents at any
17 reasonable time, and as often as may be deemed necessary, but
18 employers need not retain such records more than four (4) years
19 after contributions relating to such records have been paid. The
20 department may require from such employers such reports as it
21 deems necessary, which shall be sworn to, if required by the
22 department.

23 (b) Information thus obtained shall not be made public or be
24 open to public inspection, other than to the members of the
25 board, the officers and employes of the department and other
26 public employes in the performance of their public duties, but
27 any employe or employer at a hearing on an appeal shall, upon
28 request, be supplied with information from such records to the
29 extent necessary for the proper presentation and consideration
30 of the appeal.

31 (c) Any officer or employe of the department or the board,
32 or any other public employe, who shall violate any of the
33 provisions of this section shall, upon conviction thereof in a
34 summary proceeding, be sentenced to pay a fine of not less than
35 [twenty dollars (\$20)] one hundred dollars (\$100) nor more than

1 [two hundred dollars (\$200)] three hundred dollars (\$300) and in
2 default of the payment of such fine and cost of prosecution
3 shall be sentenced to imprisonment for not longer than thirty
4 (30) days.

5 (d) Any employer who has been determined by the department
6 to be subject to the reporting provisions of this act and has
7 been so notified, and who neglects or refuses to file or to
8 complete in such manner as the department may prescribe either
9 the periodic report required by the department to establish the
10 amount of such contributions or the periodic report required by
11 the department showing the amount of wages paid to each employe,
12 or both, on or before the date such reports are required to be
13 filed, shall pay a penalty of ten per centum (10%) of the total
14 amount of contributions paid or payable by the employer or
15 employe as the case may be for the period: Provided, That such
16 penalty shall be not less than [twenty-five dollars (\$25)] one
17 hundred twenty-five dollars (\$125) or more than [two hundred and
18 fifty dollars (\$250)] four hundred fifty dollars (\$450). Such
19 penalty shall apply to the reports for each period with respect
20 to which such reports are required to be filed: Provided, That
21 such penalty shall not apply to reports for any period with
22 respect to which the last day for filing such reports is prior
23 to a date on which the department has notified the employer that
24 he has been determined an employer subject to the reporting
25 provisions of this act, unless the reports for such prior
26 periods are not filed within thirty (30) days after the employer
27 has been so notified. The penalties provided by this section
28 shall be in addition to all other penalties provided for in this
29 act.

30 Amend Bill, page 3, by inserting between lines 27 and 28

31 Section 3.1. Section 701 of the act is amended to read:

32 Section 701. Certain Agreements Void; Penalty.--No agreement
33 by an employe to waive, release, or commute his rights to
34 compensation, or any other rights under this act, shall be
35 valid. No agreement by an employe or by employes to pay all or
36 any portion of an employer's contributions, required under this
37 act from such employer, shall be valid. No employer shall,
38 directly or indirectly, make or require or accept any deduction
39 from the remuneration of individuals in his employ to finance
40 contributions required from him under this act, or require or
41 accept any waiver by an employe of any right hereunder. Any
42 employer or officer or agent of an employer who violates any
43 provision of this section shall be guilty of a misdemeanor, and,
44 upon conviction thereof, shall be sentenced for each offense to
45 pay a fine of not less than [one hundred dollars] five hundred
46 dollars nor more than [one thousand dollars] one thousand five
47 hundred dollars, or be imprisoned for not more than six months,
48 or both.