

AMENDMENTS TO HOUSE BILL NO. 129

Sponsor: REPRESENTATIVE COX

Printer's No. 472

1 Amend Bill, page 1, line 17, by inserting after "procedure"
2 and for place of hearing

3 Amend Bill, page 1, lines 20 through 22, by striking out all
4 of said lines and inserting

5 Section 1. Sections 505 and 505.1 of the act of December 5,
6 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
7 Unemployment Compensation Law, are amended to read:

8 Amend Bill, page 2, by inserting between lines 7 and 8

9 (1) The board shall review and revise its rules to modernize
10 the methods by which hearings are conducted. Revised rules
11 shall:

12 (i) Provide for a transition from in-person and telephone
13 hearings to hearings conducted primarily via videoconference no
14 later than the effective date of the regulations promulgated in
15 accordance with paragraph (2)(v).

16 (ii) Allow parties and witnesses to participate by telephone
17 or other electronic means when videoconferencing is not
18 available.

19 (iii) Provide for the contents of the hearing notice,
20 including information on how to access the hearing and how to
21 request an in-person hearing for good cause.

22 (iv) Provide for the procedures for parties to submit
23 evidence and for the distribution of evidence during hearing
24 preparation, including methods to electronically submit and
25 distribute evidence.

26 (v) Require parties and witnesses to access a hearing
27 according to instructions provided by the board or a referee,
28 without the need for the board or referee to initiate contact.

29 (vi) Provide for identity confirmation for parties and
30 witnesses, including the sworn affirmation of identity, subject
31 to 18 Pa.C.S. § 4903 (relating to false swearing), for
32 individuals participating by videoconference, telephone or other
33 electronic means.

34 (vii) Allow notices of hearings to be provided
35 electronically to parties and communications related to the

1 scheduling of and access to hearings to be made by telephone,
2 email or other electronic means, if the party has agreed to
3 receive notices and other communications by these means, and
4 require notices of decisions and other documents that are
5 required to be sent by mail to also be sent by email or other
6 electronic means whenever possible.

7 (viii) Allow a party or witness in an in-person hearing to
8 participate in the hearing by videoconference, telephone or
9 other electronic means, unless good cause under paragraph (4)
10 necessitates that the party or witness appear in-person.

11 (2) The board shall implement revised rules as follows:

12 (i) The board shall solicit public comments on the creation
13 of temporary rules for hearings. The public comment period shall
14 be at least fifteen days and not more than thirty days. Within
15 thirty days of the effective date of this paragraph, the board
16 shall submit notice of the public comment period to the
17 Legislative Reference Bureau for publication in the Pennsylvania
18 Bulletin.

19 (ii) Within six months of the effective date of this
20 paragraph, the board shall submit notice of temporary rules,
21 created in accordance with paragraph (1) to the Legislative
22 Reference Bureau for publication in the Pennsylvania Bulletin.

23 (iii) Temporary rules shall take effect no later than thirty
24 days after the publication of notice under subparagraph (ii).

25 (iv) The board shall propose regulations to revise rules
26 under paragraph (1) no later than one year after the effective
27 date of this paragraph.

28 (v) The board shall promulgate regulations to revise rules
29 under paragraph (1) no later than three years after the
30 effective date of this paragraph.

31 (vi) Temporary rules shall remain in effect until the
32 effective date of regulations promulgated under subparagraph
33 (v).

34 Amend Bill, page 2, line 8, by striking out "(1)" and
35 inserting

36 (3)

37 Amend Bill, page 2, line 8, by inserting after "telephone"
38 , videoconference or other electronic means

39 Amend Bill, page 2, line 11, by striking out "(2)" and
40 inserting

41 (4)

42 Amend Bill, page 2, lines 11 through 13, by striking out "in
43 writing to" in line 11 and all of lines 12 and 13 and inserting
44 for good cause

1 Amend Bill, page 2, line 15, by striking out "(3)" and
2 inserting

3 (5)

4 Amend Bill, page 2, line 17, by striking out the comma after
5 "hearing" and inserting

6 or

7 Amend Bill, page 2, line 17, by striking out "or other
8 participant"

9 Amend Bill, page 2, line 20, by inserting after "telephone"
10 , videoconference or other electronic means

11 Amend Bill, page 2, line 21, by striking out the comma after
12 "hearing" and inserting

13 or

14 Amend Bill, page 2, line 21, by striking out "or other
15 participant"

16 Amend Bill, page 2, line 23, by inserting after "telephone"
17 , videoconference or other electronic means

18 Amend Bill, page 2, line 25, by inserting after "telephone"
19 , videoconference or other electronic means

20 Amend Bill, page 2, by inserting between lines 26 and 27

21 (iv) A party to the hearing affirms, subject to 18 Pa.C.S. §
22 4904 (relating to unsworn falsification to authorities), that
23 the party is unable to participate in the hearing via telephone,
24 videoconference or other electronic means.

25 (6) The department shall, wherever possible, make attempts
26 to assist the board in facilitating access to hearings held via
27 telephone, videoconference or other electronic means for parties
28 and witnesses who request assistance in gaining access to the
29 technology necessary to participate in a hearing.

30 (7) The following shall apply:

31 (i) Any provision of 34 Pa. Code Ch. 101 (relating to
32 general requirements) that is inconsistent with this subsection,
33 or with temporary rules or regulations promulgated under
34 paragraph (2), is abrogated.

35 (ii) Temporary rules for hearings issued under paragraph (2)
36 shall not be subject to any of the following:

1 (A) Section 612 of the act of April 9, 1929 (P.L.177,
2 No.175), known as "The Administrative Code of 1929."

3 (B) Sections 201, 202, 203, 204 and 205 of the act of July
4 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth
5 Documents Law."

6 (C) Sections 204(b) and 301(10) of the act of October 15,
7 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys
8 Act."

9 (D) The act of June 25, 1982 (P.L.633, No.181), known as the
10 "Regulatory Review Act."

11 Amend Bill, page 3, by inserting between lines 8 and 9

12 Section 505.1. Place of Hearing.--[Hearings] In-person
13 hearings on appeals shall be held within the county in which the
14 employe regularly reports for work. Such hearings may be held at
15 the county seat or at such other suitable place or places within
16 the county as the board shall designate, and when all of the
17 parties to any appeal and the board agree, such hearings may be
18 held at any suitable place.