

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1535 Session of 2009

INTRODUCED BY MENSCH, BEAR, CLYMER, CREIGHTON, CUTLER,  
DENLINGER, ELLIS, EVERETT, GABLER, GINGRICH, HORNAMAN,  
HUTCHINSON, MILNE, OBERLANDER, QUINN, SAYLOR, STERN, SWANGER,  
TURZAI AND WATSON, JUNE 17, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 17, 2009

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937  
2 P.L.2897, No.1), entitled "An act establishing a system of  
3 unemployment compensation to be administered by the  
4 Department of Labor and Industry and its existing and newly  
5 created agencies with personnel (with certain exceptions)  
6 selected on a civil service basis; requiring employers to  
7 keep records and make reports, and certain employers to pay  
8 contributions based on payrolls to provide moneys for the  
9 payment of compensation to certain unemployed persons;  
10 providing procedure and administrative details for the  
11 determination, payment and collection of such contributions  
12 and the payment of such compensation; providing for  
13 cooperation with the Federal Government and its agencies;  
14 creating certain special funds in the custody of the State  
15 Treasurer; and prescribing penalties," further providing for  
16 definitions, for experience rating, for qualifications  
17 required to secure compensation and for rate and amount of  
18 compensation.

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

21 Section 1. Section 4(a) of the act of December 5, 1936 (2nd  
22 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
23 Compensation Law, amended July 10, 1980 (P.L.521, No.108), is  
24 amended and the section is amended by adding a definition to  
25 read:

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

4 (a) "Average working wage" means the qualifying total base  
5 year wages of an employe divided by the total number of credit  
6 weeks in the base year, regardless of any limit on the number of  
7 credit weeks used to qualify for or calculate benefits.

8 [(a)] (a.1) "Base year" means the first four of the last  
9 five completed calendar quarters immediately preceding the first  
10 day of an individual's benefit year.

11 \* \* \*

12 Section 2. Section 302(a)(1) of the act, amended December 9,  
13 2002 (P.L.1330, No.156), is amended to read:

14 Section 302. Establishment and Maintenance of Employer's  
15 Reserve Accounts.--The department shall establish and maintain  
16 for each employer a separate employer's reserve account in the  
17 following manner:

18 (a) (1) Such account shall be credited with all  
19 contributions paid by such employer for periods subsequent to  
20 June thirtieth, one thousand nine hundred forty-eight. Such  
21 account shall be charged with an amount determined by  
22 multiplying the wages of compensated employes of such employer  
23 for the twelve month period ended June thirtieth, one thousand  
24 nine hundred forty-nine, by the state experience heretofore used  
25 in determining rates of contributions for the year one thousand  
26 nine hundred forty-nine. Subsequent to January 1, 1984, such  
27 account shall be charged with all compensation, including  
28 dependents' allowances, paid to each individual who received  
29 from such employer wage credits constituting the base of such  
30 compensation, in the proportion that such wage credits with such

1 employer bears to the total wage credits received by such  
2 individual from all employers: Provided, That if the department  
3 finds that such individual was separated from his most recent  
4 work for such employer due to being discharged for willful  
5 misconduct connected with such work, [or] due to his leaving  
6 such work without good cause attributable to his employment[,]  
7 or due to his being separated from such work under conditions  
8 which would result in disqualification for benefits under the  
9 provisions of section 3 or section 402(e.1) or if the department  
10 finds that such individual has refused, without good cause, an  
11 offer of suitable work by such employer, thereafter no  
12 compensation paid to such individual with respect to any week of  
13 unemployment occurring subsequent to such separation, which is  
14 based upon wages paid by such employer with respect to  
15 employment prior to such separation, shall be charged to such  
16 employer's account under the provisions of this subsection (a);  
17 provided, such employer has filed a notice with the department  
18 in accordance with its rules and regulations and within the time  
19 limits prescribed therein; and provided if the department finds  
20 that such individual's unemployment is directly caused by a  
21 major natural disaster declared by the President pursuant to  
22 section 102(1) of the Disaster Relief Act of 1970 (P.L.91-606)  
23 and such individual would have been eligible for disaster  
24 unemployment assistance as provided in section 240 of that act  
25 with respect to such unemployment but for the receipt of  
26 unemployment compensation, no compensation paid to such  
27 individual with respect to any week of unemployment occurring  
28 due to such natural disaster, to a maximum of the eight weeks  
29 immediately following the President's declaration of emergency,  
30 shall be charged to the employer's account under the provisions

1 of this subsection.

2 \* \* \*

3 Section 3. Section 401(b) and (f) of the act, amended July  
4 9, 1976 (P.L.842, No.147) and December 9, 2002 (P.L.1330,  
5 No.156), are amended to read:

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

9 \* \* \*

10 (b) [Has registered for work at, and thereafter continued to  
11 report to an employment office in accordance with such  
12 regulations as the secretary may prescribe, except that the  
13 secretary may by regulation waive or alter either or both of the  
14 requirements of this clause as to individuals attached to  
15 regular jobs and as to such other types of cases or situations  
16 with respect to which he finds that compliance with such  
17 requirements would be oppressive or would be inconsistent with  
18 the purposes of the act: Provided, however, That no such  
19 regulation shall conflict with section four hundred and one (c)  
20 of this act;] Is making an active search for suitable  
21 employment. For the purposes of this subsection, the term  
22 "active search" shall mean registration for employment search  
23 services offered by Pennsylvania CareerLink system, posting a  
24 resume on the system's database and applying for positions  
25 listed on the system's database which offer employment and wages  
26 similar to those the claimant had prior to their unemployment  
27 and which are within a sixty (60) mile commuting distance. The  
28 secretary may establish additional criteria to define the term  
29 "active search" through promulgating regulations. The  
30 Pennsylvania CareerLink system will provide documentation, as

1 the secretary deems is appropriate, to the Pennsylvania  
2 Unemployment Compensation Service Center system so they can  
3 conduct the necessary cross reference checks.

4 \* \* \*

5 (f) Has earned, subsequent to his separation from work under  
6 circumstances which are disqualifying under the provisions of  
7 subsections 402(b), 402(e), 402(e.1) and 402(h) of this act,  
8 remuneration for services in an amount equal to or in excess of  
9 [six (6)] ten (10) times his weekly benefit rate [irrespective  
10 of whether or not such services were] in "employment" as defined  
11 in this act[.] and earned wages for "employment" as defined in  
12 this act, in ten (10) separate "weeks." The provisions of this  
13 subsection shall not apply to a suspension of work by an  
14 individual pursuant to a leave of absence granted by his last  
15 employer, provided such individual has made a reasonable effort  
16 to return to work with such employer upon the expiration of his  
17 leave of absence.

18 \* \* \*

19 Section 4. Section 402(b) and (e) of the act, amended August  
20 24, 1953 (P.L.1397, No.396) and October 22, 1981 (P.L.301,  
21 No.106), are amended to read:

22 Section 402. Ineligibility for Compensation.--An employe  
23 shall be ineligible for compensation for any week--

24 \* \* \*

25 (b) In which his unemployment is due to voluntarily leaving  
26 work without cause of a necessitous and compelling nature  
27 attributable to his employment, irrespective of whether or not  
28 such work is in "employment" as defined in this act: Provided,  
29 That a voluntary leaving work because of a work-related  
30 disability if the employer is able to provide other suitable

1 work, shall be deemed not a cause of a necessitous and  
2 compelling nature attributable to his employment: And provided  
3 further, That no employe shall be deemed to be ineligible under  
4 this subsection where as a condition of continuing in employment  
5 such employe would be required to join or remain a member of a  
6 company union or to resign from or refrain from joining any bona  
7 fide labor organization, or to accept wages, hours or conditions  
8 of employment not desired by a majority of the employes in the  
9 establishment or the occupation, or would be denied the right of  
10 collective bargaining under generally prevailing conditions, and  
11 that in determining whether or not an employe has left his work  
12 voluntarily without cause of a necessitous and compelling nature  
13 attributable to his employment, the department shall give  
14 consideration to the same factors, insofar as they are  
15 applicable, provided, with respect to the determination of  
16 suitable work under section four (t): And provided further, That  
17 the provisions of this subsection shall not apply in the event  
18 of a stoppage of work which exists because of a labor dispute  
19 within the meaning of subsection (d). Provided further, That no  
20 otherwise eligible claimant shall be denied benefits for any  
21 week in which his unemployment is due to exercising the option  
22 of accepting a layoff, from an available position pursuant to a  
23 labor-management contract agreement, or pursuant to an  
24 established employer plan, program or policy: Provided further,  
25 That a claimant shall not be disqualified for voluntarily  
26 leaving work, which is not suitable employment to enter training  
27 approved under section 236(a)(1) of the Trade Act of 1974. For  
28 purposes of this subsection the term "suitable employment" means  
29 with respect to a claimant, work of a substantially equal or  
30 higher skill level than the claimant's past "adversely affected

1 employment" (as defined in section 247 of the Trade Act of  
2 1974), and wages for such work at not less than eighty per  
3 centum of the worker's "average weekly wage" (as defined in  
4 section 247 of the Trade Act of 1974).

5 \* \* \*

6 (e) In which his unemployment is due to his discharge or  
7 temporary suspension from work for willful misconduct connected  
8 with his work, irrespective of whether or not such work is  
9 "employment" as defined in this act[; and]. For purposes of this  
10 subsection, the term "willful misconduct" shall include the  
11 violation of any reasonable workplace rule or work-related  
12 government regulation or law of which the employe was aware;  
13 more than one day's absence that is not justified or not  
14 reported in accordance with an employer's policy; the deliberate  
15 damage to property of the employer or another employe or the  
16 theft of an employer's or another employe's property; reporting  
17 to work in possession of or under the influence of drugs or  
18 alcohol; threatening a coworker or supervisor with physical harm  
19 or threatening to harm the interests of the employer; disregard  
20 of supervisor's reasonable directives or orders and acts of  
21 negligence or an act of negligence which indicates substantial  
22 disregard for employer's interests.

23 \* \* \*

24 Section 5. Section 402.5 of the act, added July 1, 1985  
25 (P.L.96, No.30), is amended to read:

26 Section 402.5. Eligibility of Certain Seasonal Workers [in  
27 fruit and vegetable food processing].--(a) Notwithstanding any  
28 other provision of this act with respect to service performed in  
29 a "seasonal operation" or "seasonal industry," as defined in  
30 this section, benefits shall not be paid to a seasonal worker,

1 based on such services, for any week of unemployment occurring  
2 outside of the normal seasonal period of operation, provided  
3 there is a contract or reasonable assurance that such seasonal  
4 worker will perform services in that seasonal industry in his  
5 next normal seasonal period. However, if, upon presenting  
6 himself for work in his next normal seasonal period, the  
7 individual is not offered an opportunity to perform such  
8 services, his claims for unemployment compensation shall be  
9 accepted retroactively to the time the individual's benefits  
10 (based on seasonal and non-seasonal wages) would have commenced  
11 but for this subsection.

12 (b) Upon written application filed with the department by an  
13 employer engaged in a "seasonal industry," as defined in this  
14 section, the secretary shall determine, and may thereafter  
15 redetermine, in accordance with the rules and regulations of the  
16 department, the normal seasonal period during which workers are  
17 ordinarily employed for the purpose of carrying on seasonal  
18 operations in the seasonal industry in which such employer is  
19 engaged. An application for such determination shall be made on  
20 forms prescribed by the department. Such application must be  
21 made at least twenty (20) days prior to the estimated beginning  
22 date of the normal seasonal period for which the determination  
23 is requested. Simultaneously with the filing of the application,  
24 the employer shall conspicuously display on the employer's  
25 premises, in a sufficient number of places, a copy of the  
26 application.

27 (c) An employer determined, in accordance with the  
28 provisions of this section, to be a "seasonal operation" or  
29 "seasonal industry," as defined in this section, shall be  
30 required to conspicuously display notices of the seasonal

determination on its premises in a sufficient number of places as will fairly advise its employees of the estimated beginning and estimated ending dates of its normal seasonal period. Such notices shall be provided by the department.

(d) Any successor of a seasonal employer shall be deemed to be a seasonal industry or a seasonal operation unless such successor shall, within one hundred twenty (120) days after the acquisition, request cancellation of such determination.

(e) Any determination issued under the provisions of this section shall be subject to review in the same manner and to the same extent as all other determinations issued under this act.

(f) Benefits payable to any otherwise eligible individual who is determined to be a seasonal worker, as defined in paragraph (5) of subsection (h) of this section, shall be calculated in accordance with the provisions of this section for any benefit year which is established on or after the beginning date of a determination of a seasonal industry or a seasonal operation by which such individual was employed during the base year applicable to such benefit year, as if such determination had been effective in such base period.

(g) In no case shall a seasonal worker be eligible to receive a total amount of compensation in a benefit year in excess of the maximum compensation payable for such benefit year, as provided in section 404 of this act.

(h) For the purposes of this section, the following definitions shall apply:

(1) "Fruit or vegetable food processing operation" means those services performed in connection with commercial canning or commercial freezing of fruits and vegetables.

(2) "Normal seasonal period" means the normal seasonal

1 period, as determined in accordance with subsection (b) of this  
2 section, during which workers are ordinarily employed for the  
3 purpose of carrying on seasonal operations in each seasonal  
4 industry, as defined in this section.

5 (3) "Seasonal industry" means an industry, establishment or  
6 process within an industry which, because of climatic conditions  
7 making it impractical or impossible to do otherwise[,];

8 (i) customarily carries on fruit or vegetable food  
9 processing operations, or both, only during a regularly  
10 recurring period of one hundred eighty (180) days of work or  
11 less in a calendar year; or

12 (ii) operates as a recreational business.

13 (4) "Seasonal operation" means engagement in:

14 (i) [an operation in which it is customary for an employer  
15 engaged in] a seasonal industry as defined in paragraphs (1) and  
16 (3)(i) of this subsection [(h) of this section, to operate all  
17 or a portion of its business during a regularly recurring period  
18 of one hundred eighty (180) days of work or less for a normal  
19 seasonal period during a calendar year]; or

20 (ii) a seasonal industry as defined in paragraph (3)(ii) of  
21 this subsection.

22 An employer may be determined to be engaged in a seasonal  
23 industry as defined in this section, with respect to a portion  
24 of its business, only if that portion, under the usual and  
25 customary practice in the industry, is identifiable as a  
26 functionally distinct operation.

27 (5) "Seasonal worker" means a worker who performs:

28 (i) commercial canning or commercial freezing services for a  
29 fruit or vegetable food processing operation for less than one  
30 hundred eighty (180) days of work[.]; or

1     (ii) services for a recreational business.

2     (6) "Recreational business" means any golf course, ski area,  
3 amusement park, campground or other recreational operation which  
4 is seasonal in nature.

5     Section 6. Section 404 introductory paragraph, (a), (c), (d)  
6 (1) and (e)(1) and (2) of the act, amended January 17, 1968  
7 (P.L.21, No.6), July 10, 1980 (P.L.521, No.108), July 21, 1983  
8 (P.L.68, No.30), October 19, 1988 (P.L.818, No.109) and December  
9 16, 2005 (P.L.437, No.80), are amended to read:

10     Section 404. Rate and Amount of Compensation.--Compensation  
11 shall be paid to each eligible employe in accordance with the  
12 following provisions of this section except that compensation  
13 payable with respect to weeks ending in benefit years which  
14 begin prior to the first day of January [1989] 2010 shall be  
15 paid on the basis of the provisions of this section in effect at  
16 the beginning of such benefit years.

17     (a) [(1)] The employe's weekly benefit rate shall be  
18 computed as [(1) the amount appearing in Part B of the Table  
19 Specified for the Determination of Rate and Amount of Benefits  
20 on the line on which in Part A there appears his "highest  
21 quarterly wage," or (2)] fifty per centum (50%) of his [full-  
22 time weekly] average working wage[, whichever is greater.] in  
23 the employe's base year: Provided the employe's base year wages  
24 are sufficient to qualify for the minimum weekly benefit of  
25 thirty-five dollars (\$35) or more. If the employe's weekly  
26 benefit rate is not a multiple of one dollar (\$1), it shall be  
27 rounded to the next lower multiple of one dollar (\$1).

28     [(2) If the base year wages of an employe whose weekly  
29 benefit rate has been determined under clause (2) of paragraph  
30 (1) of this subsection are insufficient to qualify him under

subsection (c) of this section, his weekly benefit rate shall be redetermined under clause (1) of paragraph (1) of this subsection.

(3) If the base year wages of an employe whose weekly benefit rate has been determined under clause (1) of paragraph (1) of this subsection, or redetermined under paragraph (2) of this subsection, as the case may be, are insufficient to qualify him under subsection (c) of this section but are sufficient to qualify him for any one of the next three lower weekly benefit rates, his weekly benefit rate shall be redetermined at the highest of such next lower rates.]

\* \* \*

(c) [Any] The total amount of benefits to which an otherwise eligible employe [who has base year wages in an amount equal to, or in excess, of the amount of qualifying wages appearing in Part C of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part B there appears] is entitled his weekly benefit rate, as determined under subsection (a) of this section, [shall be entitled during his benefit year to the amount appearing in Part D on said line] multiplied by the number of qualifying credit weeks during his base year, up to a maximum of twenty-six (26): Provided he had eighteen (18) or more "credit weeks" during his base year [or Part E provided he had sixteen (16) or seventeen (17) "credit weeks" during his base year]. Notwithstanding any other provision of this act, any employe with less than [sixteen (16)] eighteen (18) "credit weeks" during the employe's base year shall be ineligible to receive any amount of compensation.

(d) (1) Notwithstanding any other provisions of this section each eligible employe who is unemployed with respect to

any week ending subsequent to July 1, 1980 shall be paid, with respect to such week, compensation in an amount equal to his weekly benefit rate less the total of all of the following:

(i) [the] The remuneration, if any, paid or payable to him with respect to such week for services performed which is in excess of his partial benefit credit [and].

(ii) [vacation] Vacation pay, if any, which is in excess of his partial benefit credit, except when paid to an employee who is permanently or indefinitely separated from his employment.

(iii) Severance pay if any, which is in excess of his partial benefit credit. For purposes of this subclause, all of the following apply:

(A) Severance pay is attributed to the day, days, week or weeks immediately following the employee's separation.

(B) The number of days or weeks to which severance pay is attributed is determined by dividing the total amount of severance pay by the regular full-time daily or weekly wage of the claimant.

(C) The amount of severance pay attributed to each day or week equals the regular full-time daily or weekly wage of the claimant.

(D) When the attribution of severance pay is made on the basis of the number of days, the pay shall be attributed to the customary working days in the calendar week.

\* \* \*

(e) [(1) Table Specified for the Determination of  
Rate and Amount of Benefits

Part A

Highest	Part B	Part C	Part D	Part E
Quarterly	Rate of	Qualifying	Amount of	Compensation

1	Wage	Compensation	Wages		
2	\$ 800-812	\$35	\$1320	\$ 910	\$ 560
3	813-837	36	1360	936	576
4	838-862	37	1400	962	592
5	863-887	38	1440	988	608
6	888-912	39	1480	1014	624
7	913-937	40	1520	1040	640
8	938-962	41	1560	1066	656
9	963-987	42	1600	1092	672
10	988-1012	43	1640	1118	688
11	1013-1037	44	1680	1144	704
12	1038-1062	45	1720	1170	720
13	1063-1087	46	1760	1196	736
14	1088-1112	47	1800	1222	752
15	1113-1162	48	1840	1248	768
16	1163-1187	49	1880	1274	784
17	1188-1212	50	1920	1300	800
18	1213-1237	51	1960	1326	816
19	1238-1262	52	2000	1352	832
20	1263-1287	53	2040	1378	848
21	1288-1312	54	2080	1404	864
22	1313-1337	55	2120	1430	880
23	1338-1362	56	2160	1456	896
24	1363-1387	57	2200	1482	912
25	1388-1412	58	2240	1508	928
26	1413-1437	59	2280	1534	944
27	1438-1462	60	2320	1560	960
28	1463-1487	61	2360	1586	976
29	1488-1512	62	2400	1612	992
30	1513-1537	63	2440	1638	1008

1	1538-1562	64	2480	1664	1024
2	1563-1587	65	2520	1690	1040
3	1588-1612	66	2560	1716	1056
4	1613-1637	67	2600	1742	1072
5	1638-1662	68	2640	1768	1088
6	1663-1687	69	2680	1794	1104
7	1688-1712	70	2720	1820	1120
8	1713-1737	71	2760	1846	1136
9	1738-1762	72	2800	1872	1152
10	1763-1787	73	2840	1898	1168
11	1788-1812	74	2880	1924	1184
12	1813-1837	75	2920	1950	1200
13	1838-1862	76	2960	1976	1216
14	1863-1887	77	3000	2002	1232
15	1888-1912	78	3040	2028	1248
16	1913-1937	79	3080	2054	1264
17	1938-1962	80	3120	2080	1280
18	1963-1987	81	3160	2106	1296
19	1988-2012	82	3200	2132	1312
20	2013-2037	83	3240	2158	1328
21	2038-2062	84	3280	2184	1344
22	2063-2087	85	3320	2210	1360
23	2088-2112	86	3360	2236	1376
24	2113-2137	87	3400	2262	1392
25	2138-2162	88	3440	2288	1408
26	2163-2187	89	3480	2314	1424
27	2188-2212	90	3520	2340	1440
28	2213-2237	91	3560	2366	1456
29	2238-2262	92	3600	2392	1472
30	2263-2287	93	3640	2418	1488

1	2288-2312	94	3680	2444	1504
2	2313-2337	95	3720	2470	1520
3	2338-2362	96	3760	2496	1536
4	2363-2387	97	3800	2522	1552
5	2388-2412	98	3840	2558	1568
6	2413-2437	99	3880	2574	1584
7	2438-2462	100	3920	2600	1600
8	2463-2487	101	3960	2626	1616
9	2488-2512	102	4000	2652	1632
10	2513-2537	103	4040	2678	1648
11	2538-2562	104	4080	2704	1664
12	2563-2587	105	4120	2730	1680
13	2588-2612	106	4160	2756	1696
14	2613-2637	107	4200	2782	1712
15	2638-2662	108	4240	2808	1728
16	2663-2687	109	4280	2834	1744
17	2688-2712	110	4320	2860	1760
18	2713-2737	111	4360	2886	1776
19	2738-2762	112	4400	2912	1792
20	2763-2787	113	4440	2938	1808
21	2788-2812	114	4480	2964	1824
22	2813-2837	115	4520	2990	1840
23	2838-2862	116	4560	3016	1856
24	2863-2887	117	4600	3042	1872
25	2888-2912	118	4640	3068	1888
26	2913-2937	119	4680	3094	1904
27	2938-2962	120	4720	3120	1920
28	2963-2987	121	4760	3146	1936
29	2988-3012	122	4800	3172	1952
30	3013-3037	123	4840	3198	1968

1	3038-3062	124	4880	3224	1984
2	3063-3087	125	4920	3250	2000
3	3088-3112	126	4960	3276	2016
4	3113-3137	127	5000	3302	2032
5	3138-3162	128	5040	3328	2048
6	3163-3187	129	5080	3354	2064
7	3188-3212	130	5120	3380	2080
8	3213-3237	131	5160	3406	2096
9	3238-3262	132	5200	3432	2112
10	3263-3287	133	5240	3458	2128
11	3288-3312	134	5280	3484	2144
12	3313-3337	135	5320	3510	2160
13	3338-3362	136	5360	3536	2176
14	3363-3387	137	5400	3562	2192
15	3388-3412	138	5440	3588	2208
16	3413-3437	139	5480	3614	2224
17	3438-3462	140	5520	3640	2240
18	3463-3487	141	5560	3666	2256
19	3488-3512	142	5600	3692	2272
20	3513-3537	143	5640	3718	2288
21	3538-3562	144	5680	3744	2304
22	3563-3587	145	5720	3770	2320
23	3588-3612	146	5760	3796	2336
24	3613-3637	147	5800	3822	2352
25	3638-3662	148	5840	3848	2368
26	3663-3687	149	5880	3874	2384
27	3688-3712	150	5920	3900	2400
28	3713-3737	151	5960	3926	2416
29	3738-3762	152	6000	3952	2432
30	3763-3787	153	6040	3978	2448

1	3788-3812	154	6080	4004	2464
2	3813-3837	155	6120	4030	2480
3	3838-3862	156	6160	4056	2496
4	3863-3887	157	6200	4082	2512
5	3888-3912	158	6240	4108	2528
6	3913-3937	159	6280	4134	2544
7	3938-3962	160	6320	4170	2560
8	3963-3987	161	6360	4196	2576
9	3988-4012	162	6400	4212	2592
10	4013-4037	163	6440	4238	2608
11	4038-4062	164	6480	4264	2624
12	4063-4087	165	6520	4290	2640
13	4088-4112	166	6560	4316	2656
14	4113-4137	167	6600	4342	2672
15	4138-4162	168	6640	4368	2688
16	4163-4187	169	6680	4394	2704
17	4188-4212	170	6720	4420	2720
18	4213-4237	171	6760	4446	2736
19	4238-4262	172	6800	4472	2752
20	4263-4287	173	6840	4498	2768
21	4288-4312	174	6880	4524	2784
22	4313-4337	175	6920	4550	2800
23	4338-4362	176	6960	4576	2816
24	4363-4387	177	7000	4602	2832
25	4388-4412	178	7040	4628	2848
26	4413-4437	179	7080	4654	2864
27	4438-4462	180	7120	4680	2880
28	4463-4487	181	7160	4706	2896
29	4488-4512	182	7200	4732	2912
30	4513-4537	183	7240	4758	2928

1	4538-4562	184	7280	4784	2944
2	4563-4587	185	7320	4810	2960
3	4588-4612	186	7360	4836	2976
4	4613-4637	187	7400	4862	2992
5	4638-4662	188	7440	4888	3008
6	4663-4687	189	7480	4914	3024
7	4688-4712	190	7520	4940	3040
8	4713-4737	191	7560	4966	3056
9	4738-4762	192	7600	4992	3072
10	4763-4787	193	7640	5018	3088
11	4788-4812	194	7680	5044	3104
12	4813-4837	195	7720	5070	3120
13	4838-4862	196	7760	5096	3136
14	4863-4887	197	7800	5122	3152
15	4888-4912	198	7840	5148	3168
16	4913-4937	199	7880	5174	3184
17	4938-4962	200	7920	5200	3200
18	4963-4987	201	7960	5226	3216
19	4988-5012	202	8000	5252	3232
20	5013-5037	203	8040	5278	3248
21	5038-5062	204	8080	5304	3264
22	5063 or more	205	*8120	5330	3280

23 \*(this figure subject to section 401(a)).]

24 (2) (i) The [Table Specified for the Determination of Rate  
25 and Amount of Benefits shall be extended or contracted annually,  
26 automatically by regulations promulgated by the secretary in  
27 accordance with the following procedure: for calendar year one  
28 thousand nine hundred seventy-two and for all subsequent  
29 calendar years, to a point where the] maximum weekly benefit  
30 rate [equals] shall equal sixty-six and two-thirds per centum of

1 the average weekly wage for the [twelve-month] thirty-six-month  
2 period ending June 30 preceding each calendar year. If the  
3 maximum weekly benefit rate is not a multiple of one dollar  
4 (\$1), it shall be [increased by one dollar (\$1) and then]  
5 rounded to the next lower multiple of one dollar (\$1).[:  
6 Provided, however, That effective with benefit years beginning  
7 the first Sunday at least thirty days after the effective date  
8 of this amendatory act, the per centum stated in this paragraph  
9 for establishing the maximum weekly benefit rate shall be sixty-  
10 two and two-thirds per centum for the remainder of calendar year  
11 one thousand nine hundred seventy-four, sixty-four and two-  
12 thirds per centum for the calendar year one thousand nine  
13 hundred seventy-five, and sixty-six and two-thirds per centum  
14 for the calendar year one thousand nine hundred seventy-six and  
15 for all subsequent calendar years.

16 The Table Specified for the Determination of Rate and Amount  
17 of Benefits as so extended or contracted shall be effective only  
18 for those claimants whose benefit years begin on or after the  
19 first day of January of such calendar year.]

20 (ii) For the purpose of determining the maximum weekly  
21 benefit rate, the Pennsylvania average weekly wage in covered  
22 employment shall be computed on the basis of the total wages  
23 reported (irrespective of the limit on the amount of wages  
24 subject to contributions) for the [twelve-month] thirty-six-  
25 month period ending June 30 and this amount shall be divided by  
26 the average monthly number of covered workers (determined by  
27 dividing the total covered employment reported for the same  
28 [fiscal year by twelve] thirty-six-month period by thirty-six)  
29 to determine the average annual wage. The average annual wage  
30 thus obtained shall be divided by fifty-two and the average

1 weekly wage thus determined rounded to the nearest cent. If the  
2 maximum weekly benefit rate as determined under paragraph (i) of  
3 this subsection is less than the maximum weekly benefit rate  
4 established for calendar year 2009, the maximum weekly benefit  
5 rate will be frozen until the calendar year in which the new  
6 maximum weekly benefit rate as determined under paragraph (i) of  
7 this subsection exceeds the maximum weekly benefit rate for  
8 calendar year 2009.

9 \* \* \*

10 Section 7. Section 505 of the act, amended April 23, 1942  
11 (Sp.Sess., P.L.60, No.23), is amended to read:

12 Section 505. Rules of Procedure.--(a) The manner in which  
13 appeals shall be taken, the reports thereon required from the  
14 department, the claimant and employers, and the conduct of  
15 hearings and appeals, shall be in accordance with rules of  
16 procedure prescribed by the board whether or not such rules  
17 conform to common law or statutory rules of evidence and other  
18 technical rules of procedure.

19 (b) When the same or substantially similar evidence is  
20 relevant and material to the matter in issue in applications and  
21 claims filed by more than one individual or in multiple  
22 applications and claims filed by a single individual the same  
23 time and place for considering each such application and claim  
24 may be fixed, hearings thereon jointly conducted, a single  
25 record of the proceedings made and evidence introduced with  
26 respect to any application or claim considered as introduced  
27 with respect to all of such applications or claims: Provided,  
28 That in the judgment of the board or referee having jurisdiction  
29 of the proceeding such consideration will not be prejudicial to  
30 any party.

1     (c) (1) Where the appellant, after having been duly  
2 notified according to law as to the time and place of the  
3 hearing, fails to appear for the hearing without giving prior  
4 notification of inability to appear, the referee shall dismiss  
5 the appeal and need not receive any testimony or evidence as to  
6 the merits of the case or issue any decision with regard to the  
7 merits of the case. If the appellant believes his appeal was  
8 dismissed improperly, the appellant may file a further appeal to  
9 the board, pursuant to law.

10    (2) If the appellant in his appeal to the board fails to  
11 advance proper cause for his failure to appear timely for the  
12 referee's hearing, the board shall dismiss the appeal and need  
13 not issue any decision with regard to the merits of the case. If  
14 the appellant in his appeal to the board alleges proper cause  
15 for failure to appear in a timely manner for the referee's  
16 hearing and the board believes proper cause may exist, the board  
17 may remand the matter to a referee to act as a hearing officer  
18 for the board. The only issue to be heard at such hearing shall  
19 be the appellant's reason for his failure to appear at the  
20 initially scheduled hearing in a timely manner. The referee,  
21 acting for the board, may not receive any testimony or evidence  
22 regarding the merits of the case.

23    (3) If the board, after receiving testimony or evidence  
24 regarding the appellant's failure to appear in a timely manner  
25 for the initial referee's hearing, determines that proper cause  
26 existed for the appellant's failure to appear in a timely manner  
27 for the initial referee's hearing, the board shall at that time  
28 remand the matter to a referee once more to act as a hearing  
29 officer for the board. The referee shall conduct a de novo  
30 hearing regarding the merits of the case and shall issue a

1 decision on the merits of the case. The referee's decision may  
2 be appealed in accordance with the provisions of law.

3       Section 8. The amendment of sections 401(b) and (f), 402(b)  
4 and (e), 402.5, 404(a), (c) and (d)(1) and 505 of the act shall  
5 apply only to claims initially filed either on or after the  
6 effective date of this section.

7       Section 9. This act shall take effect January 1, 2010.