

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 393 Session of 2013

INTRODUCED BY KNOWLES, SAYLOR, MILLARD, KORTZ, DAVIS, KAUFFMAN,
GINGRICH AND MOUL, JANUARY 29, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 29, 2013

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 decision of referee, further appeals and reviews and for
17 powers of board over claims.

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

20 Section 1. Section 502 of the act of December 5, 1936 (2nd
21 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
22 Compensation Law, amended December 9, 2002 (P.L.1336, No.158),
23 is amended to read:

24 Section 502. Decision of Referee; Further Appeals and
25 Reviews.--Where an appeal from the determination or revised

1 determination, as the case may be, of the department is taken, a
2 referee shall, after affording the parties and the department
3 reasonable opportunity for a fair hearing, affirm, modify, or
4 reverse such findings of fact and the determination or revised
5 determination, as the case may be, of the department as to him
6 shall appear just and proper. The parties and their attorneys or
7 other representatives of record and the department shall be duly
8 notified of the time and place of a referee's hearing and of the
9 referee's decision, and the reasons therefor, which shall be
10 deemed the final decision of the board, unless an appeal is
11 filed therefrom, within fifteen days after the date of such
12 decision the board acts on its own motion, to review the
13 decision of the referee. [A memorandum of testimony of any
14 hearing before any referee shall be made] The testimony at any
15 hearing before a referee shall be taken by a reporter and a
16 recording device and be preserved for a period of ninety days
17 following expiration of the period for filing an appeal from the
18 final decision rendered in the case. An unabridged transcript
19 and audio recording of the testimony shall be made available, at
20 cost, to the parties and their attorneys or other
21 representatives upon written request to the referee.

22 Section 2. Section 504 of the act, amended December 5, 1974
23 (P.L.771, No.262), is amended to read:

24 Section 504. Powers of Board Over Claims.--The board shall
25 have power, on its own motion, or on appeal, to remove,
26 transfer, or review any claim pending before, or decided by, a
27 referee, and in any such case and in cases where a further
28 appeal is allowed by the board from the decision of a referee,
29 may affirm, modify, or reverse the determination or revised
30 determination, as the case may be, of the department or referee

1 on the basis of the evidence previously submitted in the case,
2 or direct the taking of additional evidence. When any claim
3 pending before a referee is removed or transferred to the board,
4 the board shall afford the parties and the department reasonable
5 opportunity for a fair hearing. The parties and the department
6 shall be duly notified of the board's final decision and the
7 reasons therefor. A complete record shall be kept of each case
8 heard before the board. All testimony at any hearing before the
9 board, whether on appeal or otherwise, shall be taken by a
10 reporter[, or] and recording device[, but need not be
11 transcribed unless the disputed claim is further appealed]. An
12 unabridged transcript and audio recording of the testimony shall
13 be made available, at cost, to the parties and their attorneys
14 or other representatives upon written request to the board.

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