



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 129

PRINTERS NO. 1311

PRIME SPONSOR: Cox

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Administration Fund	\$0	\$0

**SUMMARY:** Amends the Unemployment Compensation (UC) Law to require that the UC Board of Review (UCBR) review and revise its rules to modernize the methods by which UC appeal hearings are held. This legislation would take effect in 60 days.

**ANALYSIS:** This legislation amends Section 505 (Rules of procedure) of the UC Law to require that the UCBR review and revise its rules to modernize the methods by which hearings are conducted.

Rules will be required to:

- Provide for a transition from in-person and telephone hearings to hearings by video conference no later than the effective date of permanent regulations (3 years after the effective date of this legislation).
- Address a variety of issues including:
  - Allowing parties and witnesses to participate by telephone and other electronic means when video conferencing is not available.
  - The contents of hearing notice and information on how to request an in-person hearing for good cause.
  - Procedures for the submission and distribution of evidence, including electronically.
  - Hearing access without the need for the Board or a referee to initiate contact.
  - Confirmation of identity of parties and witnesses - including a sworn affirmation.
  - Electronic hearing notices, electronic communications, and electronic delivery of decisions and any other documents that must be mailed.
  - Remote participation by parties and witnesses in hearings, unless good cause necessitates that they must appear in-person.

The UCBR will implement revised rules on a specific timeline provided within the legislation. No later than:

- 30 days after the effective date – UCBR must submit notice of a public comment period on temporary rules.
- Six months after the effective date – UCBR will publish notice of temporary rules in the PA bulletin.
- 30 days after the publication of temporary rules - the temporary rules will take effect.
- One year after the effective date – UCBR will propose regulations.
- Three years after the effective date – UCBR will promulgate regulations.
  - Temporary rules will remain in effect until the promulgation of regulations.

After the effective date, hearings will be conducted by video conference, telephone or other electronic means unless a referee determines that good cause exists to hold an in-person hearing. Good cause will include:

- A party, witness or other participant has a disability, which would impose an undue hardship if the hearing is held by video/telephone/electronic means.
- A party, witness or other participant requires an interpreter, and the department cannot reasonably provide interpretation via video/telephone/electronic means.
- A party offers compelling evidence that conducting the hearing by video/telephone/electronic means would create a significant advantage for the other party.
- A party or witness affirms that he is unable to participate via video/telephone/electronic means.

The Department of Labor and Industry (DLI) is required, when possible, to make attempts to assist the UCBR in facilitating access to hearings held via video/telephone/electronic means when assistance has been requested by a party or witness.

Existing regulations inconsistent with the act, the temporary rules or the new regulations are abrogated, and specific statutes related to the promulgation of regulations are waived for the temporary rules (to facilitate prompt creation of temporary rules).

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** May 3, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*