

AMENDMENTS TO HOUSE BILL NO. 1537

Sponsor: SENATOR BARTOLOTTA

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1 Amend Bill, page 1, line 15, by inserting after "penalties,"
2 in administration of act, further providing for records of and
3 reports by employers;

4 Amend Bill, page 1, line 17, by striking out the period after
5 "employees" and inserting

6 ; in compensation, further providing for qualifications required
7 to secure compensation and for rate and amount of
8 compensation; in determination of compensation, appeals,
9 reviews and procedure, further providing for determination of
10 compensation appeals and for decision of referee and further
11 appeals and reviews; and, in shared-work program, further
12 providing for participating employer responsibilities.

13 Amend Bill, page 1, lines 20 through 23, by striking out all
14 of said lines and inserting

15 Section 1. Section 206(a) of the act of December 5, 1936
16 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
17 Compensation Law, is amended to read:

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

30 * * *

31 Section 2. Section 301.4(h)(1), (2) and (3) of the act are
32 amended and the subsection is amended by adding a clause to
33 read:

34 Amend Bill, page 4, by inserting between lines 8 and 9

1 Section 3. Section 401(a)(2) of the act is amended to read:
2 Section 401. Qualifications Required to Secure
3 Compensation.--Compensation shall be payable to any employee who
4 is or becomes unemployed, and who--

5 (a) Satisfies both of the following requirements:

6 * * *

7 (2) Except as provided in section 404(a)(3) and [(e)(1) and
8 (2)] (e)(2)(v), not less than thirty-seven per centum (37%) of
9 the employee's total base year wages have been paid in one or
10 more quarters, other than the highest quarter in such employee's
11 base year.

12 * * *

13 Section 4. Section 404(e)(2)(i)(B)(I) and (IV)(a) and (C) of
14 the act are amended and the section is amended by adding a
15 paragraph to read:

16 Section 404. Rate and Amount of Compensation.--Compensation
17 shall be paid to each eligible employee in accordance with the
18 following provisions of this section except that compensation
19 payable with respect to weeks ending in benefit years which
20 begin prior to the first day of January 1989 shall be paid on
21 the basis of the provisions of this section in effect at the
22 beginning of such benefit years.

23 * * *

24 (e) * * *

25 (2) (i) The Table Specified for the Determination of Rate
26 and Amount of Benefits shall be extended or contracted annually,
27 automatically by regulations promulgated by the secretary. The
28 table shall be extended or contracted in accordance with the
29 following:

30 * * *

31 (B) When it is necessary to extend the table, it shall be
32 done in accordance with the following procedure:

33 (I) The words "or more" shall be deleted from the last line
34 under Part A, and an amount twenty-four dollars (\$24) greater
35 than the first entry in that line shall be substituted therefor.
36 The words "amount required under section 401(a)(2)" shall be
37 deleted from the last line under Part C.

38 * * *

39 (IV) Part C shall be extended to the point where, under Part
40 B, the amount is equal to sixty-six and two-thirds per centum
41 (66 2/3%) of the average weekly wage.

42 (a) The amount on each line in Part C, other than the last
43 line, shall be derived from the first entry on the same line in
44 Part A, in accordance with the following formula:

45 (First entry in Part A plus twenty-four dollars (\$24)) x 100
46 divided by sixty-three (63)

47 If the amount determined by this formula is not an even
48 multiple of one dollar (\$1), it shall be rounded to the next
49 higher multiple of one dollar (\$1).

50 (b.1) The last line in Part C shall contain the words
51 "amount required under section 401(a)(2)."

1 (C) When it is necessary to contract the table, it shall be
2 done by deleting all lines following that in which the amount in
3 Part B is sixty-six and two-thirds per centum (66 2/3%) of the
4 average weekly wage and substituting the words "or more" for the
5 higher amount under Part A on that line and substituting the
6 words "amount required under section 401(a)(2)" for the amount
7 under Part C on that line.

8 * * *

9 Section 5. Section 501(c)(4) and (5) and (e) of the act are
10 amended and the section is amended by adding a subsection to
11 read:

12 Section 501. Determination of Compensation Appeals.--* * *

13 (c) * * *

14 (4) If an employer files with the department such
15 information [within] no later than fifteen days after the
16 "Determination Date" provided on the notice required under
17 section five hundred one (a) or the "Notice Date" provided on
18 the notice required under section five hundred one (b) [was
19 delivered to him personally, or was mailed to his last known
20 post office address], the department shall issue to such
21 employer (i) a notice in writing of its determination with
22 respect to each claim which is filed by the claimant for a week,
23 the first day of which is on or before the date on which such
24 information is filed, and (ii) a notice in writing of its
25 determination with respect to the first valid claim which is
26 filed by the claimant during the claimant's benefit year for a
27 week, the last day of which is subsequent to the date on which
28 such information is filed.

29 (5) If an employer files with the department such
30 information more than fifteen days after the "Determination
31 Date" provided on the notice required under section five hundred
32 one (a) or the "Notice Date" provided on the notice required
33 under section five hundred one (b) [was delivered to him
34 personally, or was mailed to his last known post office
35 address], the department shall only issue to such employer (i) a
36 notice in writing of its determination with respect to each
37 claim which is filed by the claimant for a week, the first day
38 of which is within the thirty-day period which immediately
39 precedes the date on which such information is filed, and (ii) a
40 notice in writing of its determination with respect to the first
41 valid claim which is filed by the claimant during the claimant's
42 benefit year for a week, the last day of which is subsequent to
43 the date on which such information is filed.

44 * * *

45 (e) Unless the claimant or last employer or base-year
46 employer of the claimant files an appeal with the board, from
47 the determination contained in any notice required to be
48 furnished by the department under section five hundred and one
49 (a), (c) and (d), [within] no later than fifteen calendar days
50 after the "Determination Date" provided on such notice [was
51 delivered to him personally, or was mailed to his last known

1 post office address], and applies for a hearing, such
2 determination of the department, with respect to the particular
3 facts set forth in such notice, shall be final and compensation
4 shall be paid or denied in accordance therewith.

5 (f) A notice or a determination to a claimant or employer
6 under this section shall be mailed to his last known post office
7 address or transmitted electronically, as designated by the
8 recipient.

9 Section 6. Sections 502 and 1307(a) of the act are amended
10 to read:

11 Section 502. Decision of Referee; Further Appeals and
12 Reviews.--Where an appeal from the determination or revised
13 determination, as the case may be, of the department is taken, a
14 referee shall, after affording the parties and the department
15 reasonable opportunity for a fair hearing, affirm, modify, or
16 reverse such findings of fact and the determination or revised
17 determination, as the case may be, of the department as to him
18 shall appear just and proper. The parties and their attorneys or
19 other representatives of record and the department shall be duly
20 notified of the time and place of a referee's hearing and of the
21 referee's decision, and the reasons therefor, which shall be
22 deemed the final decision of the board, unless an appeal is
23 filed therefrom, [within] no later than fifteen days after the
24 [date of] "Decision Date" provided on such decision or the board
25 acts on its own motion, to review the decision of the referee.
26 The testimony at any hearing before a referee shall be taken by
27 a recording device and be preserved for a period of ninety days
28 following expiration of the period for filing an appeal from the
29 final decision rendered in the case. An unabridged transcript
30 and audio recording of the testimony shall be made available, at
31 cost if not used for unemployment compensation purposes or a
32 subsequent appeal, to the parties and their attorneys or other
33 representatives upon written request to the referee. A decision
34 to a party under this section shall be mailed to his last known
35 post office address or transmitted electronically, as designated
36 by the party.

37 Section 1307. Participating employer responsibilities.

38 (a) Filing claims.--The department shall establish a
39 schedule [of consecutive two-week periods] consistent with the
40 rules and regulations of the department within the effective
41 period of the shared-work plan. [The department may, as
42 necessary, include one-week periods in the schedule and revise
43 the schedule.] At the end of each scheduled period, the
44 participating employer shall file claims for compensation for
45 the week or weeks within the period on behalf of the
46 participating employees. The claims shall be filed no later than
47 the last day of the week immediately following the period,
48 unless an extension of time is granted by the department for
49 good cause. The claims shall be filed in the manner prescribed
50 by the department and shall contain all information required by
51 the department to determine the eligibility of the participating

1 employees for compensation.

2 * * *

3 Section 7. The Secretary of Labor and Industry shall
4 transmit notice to the Legislative Reference Bureau for
5 publication in the Pennsylvania Bulletin within 30 days of
6 completion of implementation of the technological upgrades to
7 the delivery system for unemployment compensation benefits.

8 Section 8. The addition of sections 501, 502 and 1307 of the
9 act shall apply to benefit years that begin on or after the
10 publication of the notice required under section 7.

11 Amend Bill, page 4, line 9, by striking out "2" and inserting

12 9

13 Amend Bill, page 4, line 9, by striking out "immediately."

14 and inserting

15 as follows:

16 (1) The amendment of section 301.4 of the act, sections
17 7 and 8 of this act and this section shall take effect
18 immediately.

19 (2) The amendment of sections 501, 502 and 1307 of the
20 act shall take effect upon publication of the notice under
21 section 7 of this act.

22 (3) The remainder of this act shall take effect January
23 1, 2020, or immediately, whichever is later.