

AMENDMENTS TO HOUSE BILL NO. 178

Sponsor: SENATOR BARTOLOTTA

Printer's No. 146

1 Amend Bill, page 1, lines 15 through 18, by striking out "in
2 determination of" in line 15 and all of lines 16 through 18 and
3 inserting

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

13 Amend Bill, page 1, lines 21 through 25; page 2, lines 1
14 through 30; page 3, lines 1 through 7; by striking out all of
15 said lines on said pages and inserting

16 Section 1. Sections 206(a) and 401(a)(2) of the act of
17 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as
18 the Unemployment Compensation Law, are amended to read:

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

31 * * *

32 Section 401. Qualifications Required to Secure
33 Compensation.--Compensation shall be payable to any employe who
34 is or becomes unemployed, and who--

1 (a) Satisfies both of the following requirements:

2 * * *

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

8 * * *

9 Section 2. Section 404(e)(2)(i)(B)(I) and (IV)(a) and (C) of
10 the act are amended and subsection (e)(2)(i)(B)(IV) is amended
11 by adding a unit to read:

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

19 * * *

20 (e) * * *

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

26 * * *

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

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

34 * * *

35 (IV) Part C shall be extended to the point where, under Part
36 B, the amount is equal to sixty-six and two-thirds per centum
37 (66 2/3%) of the average weekly wage.

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

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

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

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

48 (C) When it is necessary to contract the table, it shall be
49 done by deleting all lines following that in which the amount in
50 Part B is sixty-six and two-thirds per centum (66 2/3%) of the
51 average weekly wage and substituting the words "or more" for the

1 higher amount under Part A on that line and substituting the
2 words "amount required under section 401(a)(2)" for the amount
3 under Part C on that line.

4 * * *

5 Section 3. Section 501(c)(4) and (5) and (e) of the act are
6 amended and the section is amended by adding a subsection to
7 read:

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

9 (c) * * *

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

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

41 * * *

42 (e) Unless the claimant or last employer or base-year
43 employer of the claimant files an appeal with the board, from
44 the determination contained in any notice required to be
45 furnished by the department under section five hundred and one
46 (a), (c) and (d), [within fifteen] no later than twenty-one
47 calendar days after the "Determination Date" provided on such
48 notice [was delivered to him personally, or was mailed to his
49 last known post office address], and applies for a hearing, such
50 determination of the department, with respect to the particular
51 facts set forth in such notice, shall be final and compensation

1 shall be paid or denied in accordance therewith.

2 (f) A notice or a determination to a claimant or employer
3 under this section shall be mailed to the claimant's or
4 employer's last known post office address or transmitted
5 electronically, as designated by the recipient.

6 Section 4. Sections 502 and 1307(a) of the act are amended
7 to read:

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

32 (b) A decision under subsection (a) shall be mailed to each
33 relevant party's last known post office address or transmitted
34 electronically, as designated by the party.

35 Section 1307. Participating employer responsibilities.

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

51 * * *

1 Section 5. This act shall apply as follows:

2 (1) The amendment of section 206 of the act shall apply
3 to employer records generated on or after the publication of
4 notice under section 6 of this act.

5 (2) The amendments of sections 401, 404, 501 and 1307 of
6 the act shall apply to determinations issued under sections
7 401, 404, 501 and 1307 issued on or after the publication of
8 notice under section 6 of this act.

9 (3) The amendment of section 502 of the act shall apply
10 to decisions issued under section 502 on or after the
11 publication of notice under section 6 of this act.

12 Amend Bill, page 3, line 8, by striking out "3" and inserting

13 6

14 Amend Bill, page 3, line 13, by striking out "501(e) and 502"

15 and inserting

16 206(a), 401(a)(2), 404(e)(2)(i)(B)(I) and (IV)(a) and (C),
17 501(c)(4) and (5) and (e), 502 and 1307(a)

18 Amend Bill, page 3, line 14, by striking out "4" and

19 inserting

20 7

21 Amend Bill, page 3, lines 15 through 17, by striking out "The
22 following shall take effect immediately:" in line 15 and all of
23 lines 16 and 17 and inserting

24 This section shall take effect immediately.

25 Amend Bill, page 3, line 19, by striking out "3" and

26 inserting

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