

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2562 Session of
1986

INTRODUCED BY COHEN, LIVENGOD, COWELL, KUKOVICH, VEON, WOZNIAK,
TRELLO, LESCOVITZ, COLAFELLA, KOSINSKI, STEWART, BURNS,
STEIGHNER AND SHOWERS, JUNE 5, 1986

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 5, 1986

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," eliminating the position of
21 workmen's compensation referees; and creating the position of
22 workmen's compensation administrative law judges.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Sections 2208 and 2213 of the act of April 9,
26 1929 (P.L.177, No.175), known as The Administrative Code of
27 1929, amended February 8, 1972 (P.L.49, No.13), are amended to

1 read:

2 Section 2208. Workmen's Compensation and Occupational
3 Disease.--The Department of Labor and Industry shall have the
4 power, and its duty shall be:

5 (a) To administer and enforce the laws of this Commonwealth,
6 as now existing or hereafter enacted, relating to workmen's
7 compensation and occupational disease compensation: Provided,
8 however, That the Workmen's Compensation Appeal Board shall
9 perform their duties independently of the Secretary of Labor and
10 Industry, or any other official of the department, except that
11 all clerical, stenographic and other assistance required by the
12 Workmen's Compensation Appeal Board shall be appointed by the
13 department as provided in this act;

14 (b) To receive and classify reports of all accidents and
15 injuries; to receive and examine or disapprove agreements,
16 supplemental agreements, notices, receipts, final receipts, and
17 other papers in workmen's compensation cases and order the
18 correction of any errors therein and by general rule, to
19 regulate or waive the filing, approval or disapproval of such
20 papers in the interest of fair, practical and prompt resolution
21 of the rights of the parties, as provided by law;

22 (c) To follow up in all cases in which workmen's
23 compensation is payable, and see that compensation is paid
24 promptly and in accordance with the laws of this Commonwealth;

25 (d) To advise injured workmen and others of their rights
26 under the workmen's compensation laws;

27 (e) From time to time, to divide the State into such number
28 of workmen's compensation districts as it may deem advisable for
29 the proper administration of the workmen's compensation laws;

30 (f) To receive and refer to Workmen's Compensation

1 [Referees] administrative law judges all claims for compensation
2 in contested or unpaid cases and to receive and refer to the
3 Workmen's Compensation Appeal Board all appeals from decisions
4 of [referees] administrative law judges and to mail copies of
5 decisions to all affected parties;

6 (g) To render to the Workmen's Compensation Appeal Board any
7 reasonable assistance requested by the board in the conduct of
8 its work;

9 (h) Except in cases in which the Commonwealth's liability
10 therefor is covered by insurance, to prepare and issue to the
11 Auditor General certificates or requisitions for the payment of
12 workmen's compensation to injured employees of the Commonwealth.

13 Section 2213. Workmen's Compensation [Referees]
14 Administrative Law Judges.--Each Workmen's Compensation
15 [Referee] administrative law judge shall have the power, and his
16 duty shall be, to hear and determine such claims for
17 compensation as shall be assigned to him by the Secretary of
18 Labor and Industry and by the Chief Administrative Law Judge,
19 and to perform such other duties as shall be required of him by
20 the Secretary of Labor and Industry or by the Chief
21 Administrative Law Judge, or imposed upon him by law. Each
22 decision of [a referee] an administrative law judge shall be
23 subject to appeal to the Workmen's Compensation Appeal Board as
24 provided by law.

25 Section 2. This act shall take effect 60 days after the
26 enactment of Article VII, "Administrative Law Judges," of the
27 act of June 2, 1915 (P.L.736, No.338), known as The Pennsylvania
28 Workmen's Compensation Act.