

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2279 Session of
1990

INTRODUCED BY FARGO, JACKSON, TRELLO, PITTS, DEMPSEY,
D. F. CLARK, BUSH, GODSHALL, BIRMELIN, DISTLER, SAURMAN, COY,
McVERRY, CHADWICK, NAHILL, MERRY, LANGTRY, GLADECK, NAILOR,
HERSHEY, SEMMEL, ADOLPH, NOYE, PETRONE, ROBBINS, BURD,
S. H. SMITH, E. Z. TAYLOR, GEIST, LASHINGER, MARSICO, ALLEN,
J. H. CLARK, JOHNSON, VROON, BUNT, CLYMER AND PICCOLA,
MARCH 13, 1990

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 13, 1990

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," adding a definition;
16 and further providing for the definition of "credit week,"
17 for trigger determination, for determination of contribution
18 rate, for trigger rate redetermination, for ineligibility for
19 compensation and for rate and amount of compensation.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Section 4(g.1) of the act of December 5, 1936
23 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
24 Compensation Law, added July 10, 1980 (P.L.521, No.108), is

1 amended and the section is amended by adding a subsection to
2 read:

3 Section 4. Definitions.--The following words and phrases, as
4 used in this act, shall have the following meanings, unless the
5 context clearly requires otherwise.

6 * * *

7 (g.1) "Credit week" means any calendar week in an
8 individual's base year with respect to which he was paid in
9 employment as defined in this act, remuneration of not less than
10 [fifty dollars (\$50).] the product obtained by multiplying
11 twenty times the minimum hourly wage, as set forth in section 4
12 of the act of January 17, 1968 (P.L.11, No.5), known as "The
13 Minimum Wage Act of 1968." Only one credit week can be
14 established with respect to any one calendar week.

15 * * *

16 (z.8) "Average Working Wage" means the qualifying total base
17 year wages of an employe divided by the total number of credit
18 weeks in the base year, regardless of any limit on the number of
19 credit weeks used to qualify for or calculate benefits.

20 Section 2. Section 301.1(e) of the act, amended July 21,
21 1983 (P.L.68, No.30), is amended to read:

22 Section 301.1. Determination of Contribution Rate;
23 Experience Rating.--

24 * * *

25 (e) The State Adjustment Factor for the calendar year
26 beginning January 1, 1984, shall be one and five-tenths per
27 centum (1.5%) and thereafter shall be computed as of the
28 computation date for such year to a tenth of a per centum,
29 rounding all fractional parts of a tenth of a per centum to the
30 nearest tenth of a per centum, but in no event less than zero

1 nor in excess of one and five-tenths per centum (1.5%),
2 according to the following formula:

$$\begin{array}{r} 3 \quad \text{Bdr} - \text{Dcr} \\ 4 \quad \text{-----} \quad \times 100 = \text{State Adjustment Factor} \\ 5 \quad \text{Wt} \end{array}$$

6 in which factor "Bdr" equals the aggregate of (1) all benefits
7 paid but not charged to employers' accounts, plus, (2) all
8 benefits paid and charged to inactive and terminated employers'
9 accounts, plus, (3) all benefits paid and charged to accounts of
10 active employers for the preceding year to the extent such
11 benefits exceed the combined amount of contributions payable by
12 such employers on the basis of the Benefit Ratio Factor and the
13 Reserve Ratio Factor. Factor "Dcr" equals the aggregate of (1)
14 interest credited to the Unemployment Compensation Fund, plus,
15 (2) amounts transferred from the Special Administration Fund and
16 the Interest Fund to the Unemployment Compensation Fund, plus,
17 (3) refunds of benefits unlawfully paid, plus, (4) amounts
18 credited to the Unemployment Compensation Fund by the Federal
19 Government other than by loan, except that any amount credited
20 to this Commonwealth's account under section 903 of the Federal
21 Social Security Act which has been appropriated for expenses of
22 administration shall be excluded from the amount in the
23 Unemployment Compensation Fund in the computation of the "Dcr"
24 factor. Factor "Wt" equals all wages subject to the law up to
25 the limitation described in section 4(x)(1) paid by all
26 employers. Each item in each factor shall be computed with
27 respect to the twelve-month period ending on the computation
28 date: Provided, That should the computed State Adjustment Factor
29 for calendar year [1984] 1989, and any year thereafter exceed
30 one and five-tenths per centum (1.5%), such excess over one and

1 five-tenths per centum (1.5%) shall be added to the computed
2 State Adjustment Factor for the following year or years. Any
3 account carryover prior to 1989 shall not be included in the
4 calculations for 1989 or thereafter.

5 * * *

6 Section 3. Sections 301.7(b) and 301.8(b) of the act, added
7 October 19, 1988 (P.L.818, No.109), are amended to read:

8 Section 301.7. Trigger Determination.--* * *

9 (b) Surcharge and contribution rates shall be announced by
10 the secretary on July 1 of every year in accordance with the
11 following schedule:

12 (1) When the trigger percentage is [one hundred fifty per
13 centum (150%)] two hundred per centum (200%) or higher, the rate
14 of the surcharge assessed under section 301.5 shall be a
15 negative [one and one-half per centum (-1.5%).] twenty-one per
16 centum (-21%).

17 (2) When the trigger percentage is at least one hundred
18 eighty per centum (180%), but less than two hundred per centum
19 (200%), the rate of the surcharge assessed under section 301.5
20 shall be a negative fifteen per centum (-15%).

21 (3) When the trigger percentage is at least one hundred
22 sixty-five per centum (165%), but less than one hundred eighty
23 per centum (180%), the rate of the surcharge assessed under
24 section 301.5 shall be a negative eight per centum (-8%).

25 (4) When the trigger percentage is at least one hundred
26 fifty per centum (150%), but less than one hundred sixty-five
27 per centum (165%), the rate of the surcharge assessed under
28 section 301.5 shall be a negative four per centum (-4%).

29 [(2)] (5) When the trigger percentage is at least one
30 hundred twenty-five per centum (125%), but less than one hundred

1 fifty per centum (150%), there shall be no surcharge or
2 contribution under section 301.2, 301.4 or 301.5.

3 ~~[(3)]~~ (6) When the trigger percentage is at least one
4 hundred ten per centum (110%), but less than one hundred twenty-
5 five per centum (125%):

6 (i) the rate of the surcharge assessed under section 301.5
7 shall be four per centum (4%); and

8 (ii) the rate of contributions assessed under section 301.4
9 shall be five-hundredths of one per centum (0.05%).

10 ~~[(4)]~~ (7) When the trigger percentage is at least ninety-
11 five per centum (95%), but less than one hundred ten per centum
12 (110%):

13 (i) the rate of the surcharge assessed under section 301.5
14 shall be eight per centum (8%); and

15 (ii) the rate of contributions assessed under section 301.4
16 shall be one-tenth of one per centum (0.1%).

17 ~~[(5)]~~ (8) When the trigger percentage is at least seventy-
18 five per centum (75%), but less than ninety-five per centum
19 (95%):

20 (i) the rate of the surcharge assessed under section 301.5
21 shall be eight per centum (8%);

22 (ii) the rate of contributions assessed under section 301.4
23 shall be fifteen-hundredths of one per centum (0.15%); and

24 (iii) the rate of additional contributions assessed under
25 section 301.2 shall be twenty-five hundredths of one per centum
26 (0.25%).

27 ~~[(6)]~~ (9) When the trigger percentage is at least fifty per
28 centum (50%), but less than seventy-five per centum (75%):

29 (i) the rate of the surcharge assessed under section 301.5
30 shall be eight per centum (8%);

1 (ii) the rate of contributions assessed under section 301.4
2 shall be two-tenths of one per centum (0.2%); and

3 (iii) the rate of additional contribution assessed under
4 section 301.2 shall be five-tenths of one per centum (0.5%).

5 [(7)] (10) When the trigger percentage is less than fifty
6 per centum (50%):

7 (i) the rate of the surcharge assessed under section 301.5
8 shall be eight per centum (8%);

9 (ii) the rate of additional contribution assessed under
10 section 301.2 shall be seventy-five hundredths of one per centum
11 (0.75%); and

12 (iii) the rate of contributions assessed under section 301.4
13 shall be two-tenths of one per centum (0.2%).

14 * * *

15 Section 301.8. Trigger Rate Redeterminations.--* * *

16 (b) The rates shall be adjusted to yield the amounts
17 indicated at the following trigger percentages:

18 (1) At least [one hundred fifty per centum (150%)] two
19 hundred per centum (200%), the negative surcharge assessed under
20 section 301.5 shall result in an employer contribution reduction
21 of [eighteen million dollars (\$18,000,000).] two hundred fifty-
22 two million dollars (\$252,000,000);

23 (2) At least one hundred eighty per centum (180%), but less
24 than two hundred per centum (200%), the negative surcharge
25 assessed under section 301.5 shall result in an employer
26 contribution reduction of one hundred eighty million dollars
27 (\$180,000,000);

28 (3) At least one hundred sixty-five per centum (165%), but
29 less than one hundred eighty per centum (180%), the negative
30 surcharge assessed under section 301.5 shall result in an

1 employer contribution reduction of one hundred million dollars
2 (\$100,000,000);

3 (4) At least one hundred fifty per centum (150%), but less
4 than one hundred sixty-five per centum (165%), the negative
5 surcharge assessed under section 301.5 shall result in an
6 employer contribution reduction of fifty million dollars
7 (\$50,000,000);

8 [(2)] (5) At least one hundred ten per centum (110%) but
9 less than one hundred twenty-five per centum (125%), the
10 surcharge assessed under section 301.5 shall yield fifty million
11 dollars (\$50,000,000), and the employe tax under section 301.4
12 shall yield thirty-three million three hundred thirty-three
13 thousand three hundred thirty-three dollars (\$33,333,333).

14 [(3)] (6) At least ninety-five per centum (95%) but less
15 than one hundred ten per centum (110%), the surcharge assessed
16 under section 301.5 shall yield one hundred million dollars
17 (\$100,000,000), and the employe tax under section 301.4 shall
18 yield sixty-six million six hundred sixty-six thousand six
19 hundred sixty-six dollars (\$66,666,666).

20 [(4)] (7) At least seventy-five per centum (75%) but less
21 than ninety-five per centum (95%), the surcharge assessed under
22 section 301.5 shall yield one hundred million dollars
23 (\$100,000,000), the additional contributions under section 301.2
24 shall yield seventy-five million dollars (\$75,000,000), and the
25 employe tax under section 301.4 shall yield one hundred sixteen
26 million six hundred sixty-six thousand six hundred sixty-six
27 dollars (\$116,666,666).

28 [(5)] (8) At least fifty per centum (50%) but less than
29 seventy-five per centum (75%), the surcharge assessed under
30 section 301.5 shall yield one hundred million dollars

1 (\$100,000,000), the additional contribution under section 301.2
2 shall yield one hundred fifty million dollars (\$150,000,000),
3 and the employe tax under section 301.4 shall yield one hundred
4 sixty-six million six hundred sixty-six thousand six hundred
5 sixty-six dollars (\$166,666,666).

6 ~~[(6)]~~ (9) Less than fifty per centum (50%), the surcharge
7 assessed under section 301.5 shall yield one hundred million
8 dollars (\$100,000,000), the additional contribution under
9 section 301.2 shall yield two hundred twenty-five million
10 dollars (\$225,000,000), the employe tax under section 301.4
11 shall yield one hundred sixty-six million six hundred sixty-six
12 thousand six hundred sixty-six dollars (\$166,666,666), and the
13 benefit reduction under section 404(e)(4) shall yield fifty-two
14 million dollars (\$52,000,000).

15 * * *

16 Section 4. Section 402(d) of the act, amended May 23, 1949
17 (P.L.1738, No.530), is amended to read:

18 Section 402. Ineligibility for Compensation.--An employe
19 shall be ineligible for compensation for any week--

20 * * *

21 (d) In which his unemployment is due to a stoppage of work,
22 which exists because of a labor dispute (other than a lock-out)
23 at the factory, establishment or other premises at which he is
24 or was last employed[: Provided, That this].

25 (1) This subsection shall not apply if it is shown that
26 [(1)]:

27 (i) he is not participating in, or directly interested in,
28 the labor dispute which caused the stoppage of work[, and (2)];

29 (ii) he is not a member of an organization which is
30 participating in, or directly interested in, the labor dispute

1 which caused the stoppage of work[, and (3)]; and

2 (iii) he does not belong to a grade or class of workers of
3 which, immediately before the commencement of the stoppage,
4 there were members employed at the premises at which the
5 stoppage occurs, any of whom are participating in, or directly
6 interested in, the dispute.

7 (2) For the purpose of disqualification under this section,
8 the term "lock-out" shall mean a situation where the employer
9 does not permit the employes to work and where:

10 (i) the employer refuses to meet under reasonable conditions
11 with the recognized or certified collective bargaining
12 representative of the employes to discuss the issues giving rise
13 to the situation;

14 (ii) there is a final adjudication under the National Labor
15 Relations Act (61 Stat. 152, 29 U.S.C. Ch. 7 Subch. II) that
16 during the period the employer has refused to bargain in good
17 faith with the recognized or certified collective bargaining
18 representative of the employes over issues giving rise to the
19 situation; or

20 (iii) the situation violates the provisions of an existing
21 collective bargaining agreement.

22 For the purpose of disqualification under this section, the term
23 "lock-out" shall not include any other circumstances.

24 * * *

25 Section 5. Section 404(a), (c) and (e)(1), (2) and (3) of
26 the act, amended or added March 24, 1964 (Sp. Sess., P.L.53,
27 No.1), January 17, 1968 (P.L.21, No.6), October 12, 1973
28 (P.L.292, No.87), July 10, 1980 (P.L.521, No.108), July 21, 1983
29 (P.L.68, No.30) and October 19, 1988 (P.L.818, No.109), are
30 amended to read:

1 Section 404. Rate and Amount of Compensation.--Compensation
2 shall be paid to each eligible employee in accordance with the
3 following provisions of this section except that compensation
4 payable with respect to weeks ending in benefit years which
5 begin prior to the first day of January 1989 shall be paid on
6 the basis of the provisions of this section in effect at the
7 beginning of such benefit years.

8 (a) [(1)] The employee's weekly benefit rate shall be
9 computed as [(1) the amount appearing in Part B of the Table
10 Specified for the Determination of Rate and Amount of Benefits
11 on the line on which in Part A there appears his "highest
12 quarterly wage," or (2)] fifty per centum (50%) of his [full-
13 time weekly wage, whichever is greater.

14 (2) If the base year wages of an employee whose weekly
15 benefit rate has been determined under clause (2) of paragraph
16 (1) of this subsection are insufficient to qualify him under
17 subsection (c) of this section, his weekly benefit rate shall be
18 redetermined under clause (1) of paragraph (1) of this
19 subsection.

20 (3) If the base year wages of an employee whose weekly
21 benefit rate has been determined under clause (1) of paragraph
22 (1) of this subsection, or redetermined under paragraph (2) of
23 this subsection, as the case may be, are insufficient to qualify
24 him under subsection (c) of this section but are sufficient to
25 qualify him for any one of the next three lower weekly benefit
26 rates, his weekly benefit rate shall be redetermined at the
27 highest of such next lower rates.] average working wage. If the
28 employee's weekly benefit rate is not a multiple of one dollar
29 (\$1), it shall be rounded to the next lower multiple of one
30 dollar (\$1).

1 * * *

2 (c) [Any] The total amount of benefits to which an otherwise
3 eligible employe [who has base year wages in an amount equal to,
4 or in excess, of the amount of qualifying wages appearing in
5 Part C of the Table Specified for the Determination of Rate and
6 Amount of Benefits on the line on which in Part B there appears]
7 is entitled is his weekly benefit rate, as determined under
8 subsection (a) of this section, [shall be entitled during his
9 benefit year to the amount appearing in Part D on said line]
10 multiplied by the number of qualifying credit weeks during his
11 base year, up to a maximum of twenty-six (26) weeks: Provided he
12 had [eighteen (18)] sixteen (16) or more "credit weeks" during
13 his base year [or Part E provided he had sixteen (16) or
14 seventeen (17) "credit weeks" during his base year].
15 Notwithstanding any other provision of this act, any employe
16 with less than sixteen (16) "credit weeks" during the employe's
17 base year shall be ineligible to receive any amount of
18 compensation.

19 * * *

20 (e) [(1) Table Specified for the Determination of
21 Rate and Amount of Benefits

22 Part A

23 Highest	Part B	Part C	Part D	Part E
24 Quarterly	Rate of	Qualifying	Amount of	Compensation
25 Wage	Compensation	Wages		
26 \$ 800-812	\$35	\$1320	\$ 910	\$ 560
27 813-837	36	1360	936	576
28 838-862	37	1400	962	592
29 863-887	38	1440	988	608

1	888-912	39	1480	1014	624
2	913-937	40	1520	1040	640
3	938-962	41	1560	1066	656
4	963-987	42	1600	1092	672
5	988-1012	43	1640	1118	688
6	1013-1037	44	1680	1144	704
7	1038-1062	45	1720	1170	720
8	1063-1087	46	1760	1196	736
9	1088-1112	47	1800	1222	752
10	1113-1162	48	1840	1248	768
11	1163-1187	49	1880	1274	784
12	1188-1212	50	1920	1300	800
13	1213-1237	51	1960	1326	816
14	1238-1262	52	2000	1352	832
15	1263-1287	53	2040	1378	848
16	1288-1312	54	2080	1404	864
17	1313-1337	55	2120	1430	880
18	1338-1362	56	2160	1456	896
19	1363-1387	57	2200	1482	912
20	1388-1412	58	2240	1508	928
21	1413-1437	59	2280	1534	944
22	1438-1462	60	2320	1560	960
23	1463-1487	61	2360	1586	976
24	1488-1512	62	2400	1612	992
25	1513-1537	63	2440	1638	1008
26	1538-1562	64	2480	1664	1024
27	1563-1587	65	2520	1690	1040
28	1588-1612	66	2560	1716	1056
29	1613-1637	67	2600	1742	1072
30	1638-1662	68	2640	1768	1088

1	1663-1687	69	2680	1794	1104
2	1688-1712	70	2720	1820	1120
3	1713-1737	71	2760	1846	1136
4	1738-1762	72	2800	1872	1152
5	1763-1787	73	2840	1898	1168
6	1788-1812	74	2880	1924	1184
7	1813-1837	75	2920	1950	1200
8	1838-1862	76	2960	1976	1216
9	1863-1887	77	3000	2002	1232
10	1888-1912	78	3040	2028	1248
11	1913-1937	79	3080	2054	1264
12	1938-1962	80	3120	2080	1280
13	1963-1987	81	3160	2106	1296
14	1988-2012	82	3200	2132	1312
15	2013-2037	83	3240	2158	1328
16	2038-2062	84	3280	2184	1344
17	2063-2087	85	3320	2210	1360
18	2088-2112	86	3360	2236	1376
19	2113-2137	87	3400	2262	1392
20	2138-2162	88	3440	2288	1408
21	2163-2187	89	3480	2314	1424
22	2188-2212	90	3520	2340	1440
23	2213-2237	91	3560	2366	1456
24	2238-2262	92	3600	2392	1472
25	2263-2287	93	3640	2418	1488
26	2288-2312	94	3680	2444	1504
27	2313-2337	95	3720	2470	1520
28	2338-2362	96	3760	2496	1536
29	2363-2387	97	3800	2522	1552
30	2388-2412	98	3840	2558	1568

1	2413-2437	99	3880	2574	1584
2	2438-2462	100	3920	2600	1600
3	2463-2487	101	3960	2626	1616
4	2488-2512	102	4000	2652	1632
5	2513-2537	103	4040	2678	1648
6	2538-2562	104	4080	2704	1664
7	2563-2587	105	4120	2730	1680
8	2588-2612	106	4160	2756	1696
9	2613-2637	107	4200	2782	1712
10	2638-2662	108	4240	2808	1728
11	2663-2687	109	4280	2834	1744
12	2688-2712	110	4320	2860	1760
13	2713-2737	111	4360	2886	1776
14	2738-2762	112	4400	2912	1792
15	2763-2787	113	4440	2938	1808
16	2788-2812	114	4480	2964	1824
17	2813-2837	115	4520	2990	1840
18	2838-2862	116	4560	3016	1856
19	2863-2887	117	4600	3042	1872
20	2888-2912	118	4640	3068	1888
21	2913-2937	119	4680	3094	1904
22	2938-2962	120	4720	3120	1920
23	2963-2987	121	4760	3146	1936
24	2988-3012	122	4800	3172	1952
25	3013-3037	123	4840	3198	1968
26	3038-3062	124	4880	3224	1984
27	3063-3087	125	4920	3250	2000
28	3088-3112	126	4960	3276	2016
29	3113-3137	127	5000	3302	2032
30	3138-3162	128	5040	3328	2048

1	3163-3187	129	5080	3354	2064
2	3188-3212	130	5120	3380	2080
3	3213-3237	131	5160	3406	2096
4	3238-3262	132	5200	3432	2112
5	3263-3287	133	5240	3458	2128
6	3288-3312	134	5280	3484	2144
7	3313-3337	135	5320	3510	2160
8	3338-3362	136	5360	3536	2176
9	3363-3387	137	5400	3562	2192
10	3388-3412	138	5440	3588	2208
11	3413-3437	139	5480	3614	2224
12	3438-3462	140	5520	3640	2240
13	3463-3487	141	5560	3666	2256
14	3488-3512	142	5600	3692	2272
15	3513-3537	143	5640	3718	2288
16	3538-3562	144	5680	3744	2304
17	3563-3587	145	5720	3770	2320
18	3588-3612	146	5760	3796	2336
19	3613-3637	147	5800	3822	2352
20	3638-3662	148	5840	3848	2368
21	3663-3687	149	5880	3874	2384
22	3688-3712	150	5920	3900	2400
23	3713-3737	151	5960	3926	2416
24	3738-3762	152	6000	3952	2432
25	3763-3787	153	6040	3978	2448
26	3788-3812	154	6080	4004	2464
27	3813-3837	155	6120	4030	2480
28	3838-3862	156	6160	4056	2496
29	3863-3887	157	6200	4082	2512
30	3888-3912	158	6240	4108	2528

1	3913-3937	159	6280	4134	2544
2	3938-3962	160	6320	4170	2560
3	3963-3987	161	6360	4196	2576
4	3988-4012	162	6400	4212	2592
5	4013-4037	163	6440	4238	2608
6	4038-4062	164	6480	4264	2624
7	4063-4087	165	6520	4290	2640
8	4088-4112	166	6560	4316	2656
9	4113-4137	167	6600	4342	2672
10	4138-4162	168	6640	4368	2688
11	4163-4187	169	6680	4394	2704
12	4188-4212	170	6720	4420	2720
13	4213-4237	171	6760	4446	2736
14	4238-4262	172	6800	4472	2752
15	4263-4287	173	6840	4498	2768
16	4288-4312	174	6880	4524	2784
17	4313-4337	175	6920	4550	2800
18	4338-4362	176	6960	4576	2816
19	4363-4387	177	7000	4602	2832
20	4388-4412	178	7040	4628	2848
21	4413-4437	179	7080	4654	2864
22	4438-4462	180	7120	4680	2880
23	4463-4487	181	7160	4706	2896
24	4488-4512	182	7200	4732	2912
25	4513-4537	183	7240	4758	2928
26	4538-4562	184	7280	4784	2944
27	4563-4587	185	7320	4810	2960
28	4588-4612	186	7360	4836	2976
29	4613-4637	187	7400	4862	2992
30	4638-4662	188	7440	4888	3008

1	4663-4687	189	7480	4914	3024
2	4688-4712	190	7520	4940	3040
3	4713-4737	191	7560	4966	3056
4	4738-4762	192	7600	4992	3072
5	4763-4787	193	7640	5018	3088
6	4788-4812	194	7680	5044	3104
7	4813-4837	195	7720	5070	3120
8	4838-4862	196	7760	5096	3136
9	4863-4887	197	7800	5122	3152
10	4888-4912	198	7840	5148	3168
11	4913-4937	199	7880	5174	3184
12	4938-4962	200	7920	5200	3200
13	4963-4987	201	7960	5226	3216
14	4988-5012	202	8000	5252	3232
15	5013-5037	203	8040	5278	3248
16	5038-5062	204	8080	5304	3264
17	5063 or more	205	*8120	5330	3280

18 *(this figure subject to section 401(a)).]

19 (2) The [Table Specified for the Determination of Rate and
20 Amount of Benefits shall be extended or contracted annually,
21 automatically by regulations promulgated by the secretary in
22 accordance with the following procedure: for calendar year one
23 thousand nine hundred seventy-two and for all subsequent
24 calendar years, to a point where the] maximum weekly benefit
25 rate [equals] shall equal sixty-six and two-thirds per centum of
26 the average weekly wage for the twelve-month period ending June
27 30 preceding each calendar year. If the maximum weekly benefit
28 rate is not a multiple of one dollar (\$1), it shall be
29 [increased by one dollar (\$1) and then] rounded to the next
30 lower multiple of one dollar (\$1)[: Provided, however, That

1 effective with benefit years beginning the first Sunday at least
2 thirty days after the effective date of this amendatory act, the
3 per centum stated in this paragraph for establishing the maximum
4 weekly benefit rate shall be sixty-two and two-thirds per centum
5 for the remainder of calendar year one thousand nine hundred
6 seventy-four, sixty-four and two-thirds per centum for the
7 calendar year one thousand nine hundred seventy-five, and sixty-
8 six and two-thirds per centum for the calendar year one thousand
9 nine hundred seventy-six and for all subsequent calendar years.

10 The Table Specified for the Determination of Rate and Amount
11 of Benefits as so extended or contracted shall be effective only
12 for those claimants whose benefit years begin on or after the
13 first day of January of such calendar year].

14 For the purpose of determining the maximum weekly benefit
15 rate, the Pennsylvania average weekly wage in covered employment
16 shall be computed on the basis of the total wages reported
17 (irrespective of the limit on the amount of wages subject to
18 contributions) for the twelve-month period ending June 30 and
19 this amount shall be divided by the average monthly number of
20 covered workers (determined by dividing the total covered
21 employment reported for the same fiscal year by twelve) to
22 determine the average annual wage. The average annual wage thus
23 obtained shall be divided by fifty-two and the average weekly
24 wage thus determined rounded to the nearest cent.

25 (3) In addition to the weekly benefit rate as hereinbefore
26 set out, each eligible employe shall be paid for each week that
27 he is entitled to benefits, the higher of the sum of [five
28 dollars (\$5)] eight dollars (\$8) or three per centum (3%) of his
29 weekly benefit amount for a dependent spouse or a dependent
30 child if such eligible employe has no spouse, plus [three

1 dollars (\$3)] the higher of eight dollars (\$8) or three per
2 centum (3%) of his weekly benefit amount for one other dependent
3 child, but in no event shall [such additional allowance exceed
4 eight dollars (\$8) for any one week or] the total number of such
5 allowance payments exceed the claimant's maximum weeks of
6 entitlement, determined by dividing his total amount of
7 compensation by his weekly benefit [rate] amount.

8 As used in this paragraph the term "dependent child" means
9 any child or stepchild of the eligible employee in question who,
10 at the beginning of such individual's current benefit year, was
11 wholly or chiefly supported by such employee, and under eighteen
12 years of age, or if eighteen years of age and over, because of
13 physical or mental infirmity, is unable to engage in any gainful
14 occupation.

15 As used in this paragraph the term "dependent spouse" means
16 any legally married wife or husband of the eligible employee in
17 question who, at the beginning of such individual's current
18 benefit year was living with and being wholly or chiefly
19 supported by such individual. If both a husband and wife qualify
20 for benefit rights with overlapping benefit years, only one of
21 them shall be entitled to the additional allowances provided in
22 this paragraph.

23 * * *

24 Section 6. Section 5 (section 404(e)(3)) shall apply
25 retroactively to all claim weeks ending on or after January 5,
26 1991.

27 Section 7. This act shall take effect in 60 days.