

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2657 Session of
1998

INTRODUCED BY ORIE, GLADECK, FICHTER, LAUGHLIN, GEIST, DeWEESE,
NICKOL, OLASZ, WALKO, RUBLEY, TRELLO, HUTCHINSON, EGOLF,
STABACK, E. Z. TAYLOR, YOUNGBLOOD, WAUGH, SEYFERT,
BENNINGHOFF, McILHATTAN, STEVENSON, STEELMAN, SERAFINI,
HENNESSEY AND MAHER, JUNE 3, 1998

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 3, 1998

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," further providing for
16 employers' records and reports.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 206 of the act of December 5, 1936 (2nd
20 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended July 21, 1983 (P.L.68, No.30) and
22 November 17, 1995 (P.L.615, No.64), is amended to read:

23 Section 206. Records of and Reports by Employers.--(a) Each

1 employer (whether or not liable for the payment of contributions
2 under this act) shall keep accurate employment records
3 containing such information, as may be prescribed by the rules
4 and regulations adopted by the department. Such records shall be
5 open to inspection by the department and its agents at any
6 reasonable time, and as often as may be deemed necessary, but
7 employers need not retain such records more than four (4) years
8 after contributions relating to such records have been paid. The
9 department may require from such employers such reports as it
10 deems necessary, which shall be sworn to, if required by the
11 department.

12 (b) Information thus obtained shall not be made public or be
13 open to public inspection, other than to the members of the
14 board, the officers and employes of the department and other
15 public employes in the performance of their public duties, but
16 any employe or employer at a hearing on an appeal shall, upon
17 request, be supplied with information from such records to the
18 extent necessary for the proper presentation and consideration
19 of the appeal.

20 (c) Any officer or employe of the department or the board,
21 or any other public employe, who shall violate any of the
22 provisions of this section shall, upon conviction thereof in a
23 summary proceeding, be sentenced to pay a fine of not less than
24 twenty dollars (\$20) nor more than two hundred dollars (\$200)
25 and in default of the payment of such fine and cost of
26 prosecution shall be sentenced to imprisonment for not longer
27 than thirty (30) days.

28 (d) Any employer who has been determined by the department
29 to be subject to the reporting provisions of this act and has
30 been so notified, and who neglects or refuses to file or to

1 complete in such manner as the department may prescribe either
2 the periodic report required by the department to establish the
3 amount of such contributions or the periodic report required by
4 the department showing the amount of wages paid to each employe,
5 or both, on or before the date such reports are required to be
6 filed, shall pay a penalty of one per centum (1%) of the total
7 amount of contributions paid or payable by the employer or
8 employe, as the case may be, for the period, for an employer
9 filing its first report and ten per centum (10%) of the total
10 amount of contributions paid or payable by the employer or
11 employe, as the case may be, for the period, for an employer
12 filing a subsequent report: Provided, That [such] the penalty
13 for the first report shall be not less than five dollars (\$5)
14 nor more than twenty-five dollars (\$25) and the penalty for each
15 subsequent report shall be not less than twenty-five dollars
16 (\$25) [or] nor more than two hundred and fifty dollars (\$250).
17 Such penalty shall apply to the reports for each period with
18 respect to which such reports are required to be filed:
19 Provided, That such penalty shall not apply to reports for any
20 period with respect to which the last day for filing such
21 reports is prior to a date on which the department has notified
22 the employer that he has been determined an employer subject to
23 the reporting provisions of this act, unless the reports for
24 such prior periods are not filed within thirty (30) days after
25 the employer has been so notified. The penalties provided by
26 this section shall be in addition to all other penalties
27 provided for in this act.

28 Section 2. This act shall take effect in 60 days.