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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 319 Session of  
2015

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INTRODUCED BY KNOWLES, SACCONI, MILLARD, JAMES, KAUFFMAN,  
PICKETT AND MASSER, FEBRUARY 3, 2015

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 3, 2015

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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 decision of referee, further appeals and reviews and for  
17 powers of board over claims.

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

20 Section 1. Section 502 of the act of December 5, 1936 (2nd  
21 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
22 Compensation Law, amended December 9, 2002 (P.L.1336, No.158),  
23 is amended to read:

24 Section 502. Decision of Referee; Further Appeals and  
25 Reviews.--Where an appeal from the determination or revised

1 determination, as the case may be, of the department is taken, a  
2 referee shall, after affording the parties and the department  
3 reasonable opportunity for a fair hearing, affirm, modify, or  
4 reverse such findings of fact and the determination or revised  
5 determination, as the case may be, of the department as to him  
6 shall appear just and proper. The parties and their attorneys or  
7 other representatives of record and the department shall be duly  
8 notified of the time and place of a referee's hearing and of the  
9 referee's decision, and the reasons therefor, which shall be  
10 deemed the final decision of the board, unless an appeal is  
11 filed therefrom, within fifteen days after the date of such  
12 decision the board acts on its own motion, to review the  
13 decision of the referee. [A memorandum of testimony of any  
14 hearing before any referee shall be made] The testimony at any  
15 hearing before a referee shall be taken by a recording device  
16 and be preserved for a period of ninety days following  
17 expiration of the period for filing an appeal from the final  
18 decision rendered in the case. An unabridged transcript and  
19 audio recording of the testimony shall be made available, at  
20 cost if not used for unemployment compensation purposes or a  
21 subsequent appeal, to the parties and their attorneys or other  
22 representatives upon written request to the referee.

23 Section 2. Section 504 of the act, amended December 5, 1974  
24 (P.L.771, No.262), is amended to read:

25 Section 504. Powers of Board Over Claims.--The board shall  
26 have power, on its own motion, or on appeal, to remove,  
27 transfer, or review any claim pending before, or decided by, a  
28 referee, and in any such case and in cases where a further  
29 appeal is allowed by the board from the decision of a referee,  
30 may affirm, modify, or reverse the determination or revised

1 determination, as the case may be, of the department or referee  
2 on the basis of the evidence previously submitted in the case,  
3 or direct the taking of additional evidence. When any claim  
4 pending before a referee is removed or transferred to the board,  
5 the board shall afford the parties and the department reasonable  
6 opportunity for a fair hearing. The parties and the department  
7 shall be duly notified of the board's final decision and the  
8 reasons therefor. A complete record shall be kept of each case  
9 heard before the board. All testimony at any hearing before the  
10 board, whether on appeal or otherwise, shall be taken by a  
11 reporter[, or] and recording device[, but need not be  
12 transcribed unless the disputed claim is further appealed]. An  
13 unabridged transcript and audio recording of the testimony shall  
14 be made available, at cost if not used for unemployment  
15 compensation purposes or a subsequent appeal, to the parties and  
16 their attorneys or other representatives upon written request to  
17 the board.

18 Section 3. This act shall take effect in 60 days.