

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 280 Session of 2019

INTRODUCED BY JAMES, BARRAR, BENNINGHOFF, BROWN, CIRESI, T. DAVIS, DRISCOLL, FREEMAN, HILL-EVANS, IRVIN, KAUFER, KAUFFMAN, KINSEY, MACKENZIE, McNEILL, MENTZER, MILLARD, MIZGORSKI, MULLINS, NEILSON, PASHINSKI, PICKETT, READSHAW, SIMMONS, STAATS, WARREN AND RYAN, JANUARY 30, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 30, 2019

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," in determination of  
 16 compensation, appeals, reviews and procedure, further  
 17 providing for determination of compensation appeals and for  
 18 decision of referee and further appeals and reviews.

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

21 Section 1. Sections 501(e) and 502 of the act of December 5,  
 22 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
 23 Unemployment Compensation Law, are amended to read:

24 Section 501. Determination of Compensation Appeals.--\* \* \*

1 (e) Unless the claimant or last employer or base-year  
2 employer of the claimant files an appeal with the board, from  
3 the determination contained in any notice required to be  
4 furnished by the department under section five hundred and one  
5 (a), (c) and (d), within [~~fifteen~~] twenty-one calendar days  
6 after such notice was delivered to him personally, or was mailed  
7 to his last known post office address, and applies for a  
8 hearing, such determination of the department, with respect to  
9 the particular facts set forth in such notice, shall be final  
10 and compensation shall be paid or denied in accordance  
11 therewith.

12 Section 502. Decision of Referee; Further Appeals and  
13 Reviews.--Where an appeal from the determination or revised  
14 determination, as the case may be, of the department is taken, a  
15 referee shall, after affording the parties and the department  
16 reasonable opportunity for a fair hearing, affirm, modify, or  
17 reverse such findings of fact and the determination or revised  
18 determination, as the case may be, of the department as to him  
19 shall appear just and proper. The parties and their attorneys or  
20 other representatives of record and the department shall be duly  
21 notified of the time and place of a referee's hearing and of the  
22 referee's decision, and the reasons therefor, which shall be  
23 deemed the final decision of the board, unless an appeal is  
24 filed therefrom, within [~~fifteen~~] twenty-one days after the date  
25 of such decision the board acts on its own motion, to review the  
26 decision of the referee. The testimony at any hearing before a  
27 referee shall be taken by a recording device and be preserved  
28 for a period of ninety days following expiration of the period  
29 for filing an appeal from the final decision rendered in the  
30 case. An unabridged transcript and audio recording of the

1 testimony shall be made available, at cost if not used for  
2 unemployment compensation purposes or a subsequent appeal, to  
3 the parties and their attorneys or other representatives upon  
4 written request to the referee.

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