

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 129 Session of 2021

INTRODUCED BY COX, DRISCOLL, GLEIM, HILL-EVANS, JOZWIAK, MILLARD, MIZGORSKI, MOUL, RYAN, STRUZZI, THOMAS AND ZIMMERMAN, FEBRUARY 11, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 11, 2021

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 rules of procedure.

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

20 Section 1. Section 505 of the act of December 5, 1936 (2nd
 21 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
 22 Compensation Law, is amended to read:

23 Section 505. Rules of Procedure.--(a) The manner in which
 24 appeals shall be taken, the reports thereon required from the
 25 department, the claimant and employers, and the conduct of

1 hearings and appeals, shall be in accordance with rules of
2 procedure prescribed by the board whether or not such rules
3 conform to common law or statutory rules of evidence and other
4 technical rules of procedure. [Rules established by the board
5 shall permit either party to a hearing to testify via telephone,
6 without regard to distance of hearing location from either
7 party.] The following shall apply:

8 (1) Hearings shall be conducted via telephone unless the
9 referee determines that good cause exists to hold an in-person
10 hearing.

11 (2) A party may request an in-person hearing in writing to
12 the department within ten days of the date of the hearing
13 notice. The hearing notice shall include notice of the procedure
14 to request an in-person hearing.

15 (3) For the purposes of this subsection, good cause shall
16 include any of the following circumstances:

17 (i) A party to the hearing, a witness or other participant
18 has a physical, mental or intellectual disability, which would
19 impose an undue hardship on the individual if the hearing is
20 conducted via telephone.

21 (ii) A party to the hearing, a witness or other participant
22 requires an interpreter, and the department cannot reasonably
23 provide interpretation services via telephone.

24 (iii) A party to the hearing offers compelling evidence that
25 conducting the hearing via telephone would create a significant
26 advantage for an opposing party.

27 (b) When the same or substantially similar evidence is
28 relevant and material to the matter in issue in applications and
29 claims filed by more than one individual or in multiple
30 applications and claims filed by a single individual the same

1 time and place for considering each such application and claim
2 may be fixed, hearings thereon jointly conducted, a single
3 record of the proceedings made and evidence introduced with
4 respect to any application or claim considered as introduced
5 with respect to all of such applications or claims: Provided,
6 That in the judgment of the board or referee having jurisdiction
7 of the proceeding such consideration will not be prejudicial to
8 any party.

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