

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 178 Session of 2021

INTRODUCED BY JAMES, CAUSER, CIRESI, HILL-EVANS, JOZWIAK, KAUFFMAN, MIZGORSKI, NEILSON, OWLETT, PISCIOTTANO, ROTHMAN, RYAN, SANCHEZ, THOMAS, WEBSTER, WHEELAND, D. WILLIAMS AND ZIMMERMAN, JANUARY 15, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 15, 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 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.--* * *

25 (e) Unless the claimant or last employer or base-year

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

11 Section 502. Decision of Referee; Further Appeals and
12 Reviews.--Where an appeal from the determination or revised
13 determination, as the case may be, of the department is taken, a
14 referee shall, after affording the parties and the department
15 reasonable opportunity for a fair hearing, affirm, modify, or
16 reverse such findings of fact and the determination or revised
17 determination, as the case may be, of the department as to him
18 shall appear just and proper. The parties and their attorneys or
19 other representatives of record and the department shall be duly
20 notified of the time and place of a referee's hearing and of the
21 referee's decision, and the reasons therefor, which shall be
22 deemed the final decision of the board, unless an appeal is
23 filed therefrom, within [fifteen] twenty-one days after the date
24 of such decision the board acts on its own motion, to review the
25 decision of the referee. The testimony at any hearing before a
26 referee shall be taken by a recording device and be preserved
27 for a period of ninety days following expiration of the period
28 for filing an appeal from the final decision rendered in the
29 case. An unabridged transcript and audio recording of the
30 testimony shall be made available, at cost if not used for

1 unemployment compensation purposes or a subsequent appeal, to
2 the parties and their attorneys or other representatives upon
3 written request to the referee.

4 Section 2. The amendment of sections 501(e) and 502 of the
5 act shall apply to determinations issued under section 501(e)
6 and decisions issued under section 502 on or after the
7 publication of the notice under section 3 of this act.

8 Section 3. The Secretary of Labor and Industry shall
9 transmit notice to the Legislative Reference Bureau for
10 publication in the Pennsylvania Bulletin upon completion of
11 modifications to the delivery system for unemployment
12 compensation benefits implementing the amendment of sections
13 501(e) and 502 of the act.

14 Section 4. This act shall take effect as follows:

15 (1) The following shall take effect immediately:

16 (i) This section.

17 (ii) Sections 2 and 3 of this act.

18 (2) The remainder of this act shall take effect upon
19 publication of the notice under section 3 of this act.