

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, RYAN, WEBSTER, COX AND DONATUCCI, JANUARY 30, 2019

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 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:

1 Section 501. Determination of Compensation Appeals.--* * *

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

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

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

6 ~~Section 2. This act shall take effect in 60 days.~~ <--

7 SECTION 2. THE AMENDMENT OF SECTIONS 501(E) AND 502 OF THE <--
8 ACT SHALL APPLY TO BENEFIT YEARS THAT BEGIN ON OR AFTER THE
9 PUBLICATION OF THE NOTICE UNDER SECTION 3 OF THIS ACT.

10 SECTION 3. THE SECRETARY OF LABOR AND INDUSTRY SHALL
11 TRANSMIT NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR
12 PUBLICATION IN THE PENNSYLVANIA BULLETIN UPON COMPLETION OF
13 IMPLEMENTATION OF THE TECHNOLOGICAL UPGRADES TO THE DELIVERY
14 SYSTEM FOR UNEMPLOYMENT COMPENSATION BENEFITS.

15 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

16 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

17 (I) THIS SECTION.

18 (II) SECTIONS 2 AND 3 OF THIS ACT.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON
20 PUBLICATION OF THE NOTICE UNDER SECTION 3 OF THIS ACT.