
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2128 Session of
2024

INTRODUCED BY CIRESI, GIRAL, HARKINS, McNEILL, SCHLOSSBERG,
CERRATO, JOZWIAK, CURRY, PARKER, NEILSON, HILL-EVANS, WARREN,
DALEY, DELLOSO AND HOWARD, MARCH 18, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 18, 2024

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(c)(5) and (e) and 502(a) of the act
22 of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known
23 as the Unemployment Compensation Law, are amended and the
24 sections are amended by adding subsections to read:

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

1 (c) * * *

2 (5) If an employer files with the department such
3 information more than [twenty-one] thirty days after the
4 "Determination Date" provided on the notice required under
5 section five hundred one (a) or the "Notice Date" provided on
6 the notice required under section five hundred one (b), the
7 department shall only issue to such employer (i) a notice in
8 writing of its determination with respect to each claim which is
9 filed by the claimant for a week, the first day of which is
10 within the thirty-day period which immediately precedes the date
11 on which such information is filed, and (ii) a notice in writing
12 of its determination with respect to the first valid claim which
13 is filed by the claimant during the claimant's benefit year for
14 a week, the last day of which is subsequent to the date on which
15 such information is filed.

16 * * *

17 (d.1) For any revision that results in the "Determination
18 Date" provided in the original notice given to any employer or
19 claimant being more than one year prior to the "Determination
20 Date" on the revised notice under subsection (d), the employer
21 or claimant shall have sixty calendar days to file an appeal
22 under this section.

23 (e) Unless the claimant or last employer or base-year
24 employer of the claimant files an appeal with the board, from
25 the determination contained in any notice required to be
26 furnished by the department under section five hundred and one
27 (a), (c) and (d), except as provided under subsection (d.1), no
28 later than [twenty-one] thirty calendar days after the
29 "Determination Date" provided on such notice, and applies for a
30 hearing, such determination of the department, with respect to

1 the particular facts set forth in such notice, shall be final
2 and compensation shall be paid or denied in accordance
3 therewith.

4 * * *

5 (g) If the deadline for an employer or claimant to file an
6 appeal under this section occurs on a Saturday, Sunday or a
7 legal holiday, the deadline shall be extended to the next
8 business day.

9 Section 502. Decision of Referee; Further Appeals and
10 Reviews.--(a) Where an appeal from the determination or revised
11 determination, as the case may be, of the department is taken, a
12 referee shall, after affording the parties and the department
13 reasonable opportunity for a fair hearing, affirm, modify, or
14 reverse such findings of fact and the determination or revised
15 determination, as the case may be, of the department as to him
16 shall appear just and proper. The parties and their attorneys or
17 other representatives of record and the department shall be duly
18 notified of the time and place of a referee's hearing and of the
19 referee's decision, and the reasons therefor, which shall be
20 deemed the final decision of the board, unless an appeal is
21 filed therefrom, no later than [twenty-one] thirty days after
22 the "Decision Date" provided on such decision or the board acts
23 on its own motion, to review the decision of the referee. The
24 testimony at any hearing before a referee shall be taken by a
25 recording device and be preserved for a period of ninety days
26 following expiration of the period for filing an appeal from the
27 final decision rendered in the case. An unabridged transcript
28 and audio recording of the testimony shall be made available, at
29 cost if not used for unemployment compensation purposes or a
30 subsequent appeal, to the parties and their attorneys or other

1 representatives upon written request to the referee.

2 * * *

3 (c) If the thirty-day deadline to file an appeal under
4 subsection (a) occurs on a Saturday, Sunday or a legal holiday,
5 the deadline shall be extended to the next business day.

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