

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1862 Session of 2013

INTRODUCED BY GERGELY, W. KELLER, GOODMAN, ENGLISH, SNYDER, KORTZ, PARKER, DAVIS, MUNDY, CARROLL, KOTIK, READSHAW, YOUNGBLOOD, BRIGGS, LUCAS, SCHLOSSBERG, MCGEEHAN, NEILSON, MUSTIO, MATZIE, GAINNEY, HAGGERTY, KIM, FRANKEL, GIBBONS, MULLERY, WHEATLEY, GALLOWAY, SCHREIBER, SAINATO, SABATINA, BURNS, PASHINSKI, BROWNLEE, M. DALEY, DERMODY, MOLCHANY, SANKEY, P. COSTA, THOMAS, LONGIETTI, HARKINS, PAINTER, COHEN, HANNA AND O'BRIEN, NOVEMBER 25, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, NOVEMBER 25, 2013

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," further providing for
 16 rate and amount of compensation.

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

19 Section 1. Section 404(e) (1) and (2) of the act of December
 20 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
 21 Unemployment Compensation Law, amended July 12, 2012 (P.L.577,
 22 No.60), is amended to read:

1 Section 404. Rate and Amount of Compensation.--Compensation
2 shall be paid to each eligible employe in accordance with the
3 following provisions of this section except that compensation
4 payable with respect to weeks ending in benefit years which
5 begin prior to the first day of January 1989 shall be paid on
6 the basis of the provisions of this section in effect at the
7 beginning of such benefit years.

8 * * *

9 (e) (1) Table Specified for the Determination of
10 Rate and Amount of Benefits

11	Part A	Part B	Part C
12	Highest	Rate of	Qualifying
13	Quarterly	Compensation	Wages
14	Wage		
15	\$1688-1712	\$70	\$3391
16	1713-1737	71	3440
17	1738-1762	72	3490
18	1763-1787	73	3539
19	1788-1812	74	3589
20	1813-1837	75	3638
21	1838-1862	76	3688
22	1863-1887	77	3737
23	1888-1912	78	3787
24	1913-1937	79	3836
25	1938-1962	80	3886
26	1963-1987	81	3935
27	1988-2012	82	3985
28	2013-2037	83	4034
29	2038-2062	84	4084
30	2063-2087	85	4133

1	2088-2112	86	4183
2	2113-2137	87	4232
3	2138-2162	88	4282
4	2163-2187	89	4331
5	2188-2212	90	4381
6	2213-2237	91	4430
7	2238-2262	92	4480
8	2263-2287	93	4529
9	2288-2312	94	4579
10	2313-2337	95	4628
11	2338-2362	96	4678
12	2363-2387	97	4727
13	2388-2412	98	4777
14	2413-2437	99	4826
15	2438-2462	100	4876
16	2463-2487	101	4925
17	2488-2512	102	4975
18	2513-2537	103	5024
19	2538-2562	104	5074
20	2563-2587	105	5123
21	2588-2612	106	5173
22	2613-2637	107	5222
23	2638-2662	108	5272
24	2663-2687	109	5321
25	2688-2712	110	5371
26	2713-2737	111	5420
27	2738-2762	112	5470
28	2763-2787	113	5519
29	2788-2812	114	5569
30	2813-2837	115	5618

1	2838-2862	116	5668
2	2863-2887	117	5717
3	2888-2912	118	5767
4	2913-2937	119	5816
5	2938-2962	120	5866
6	2963-2987	121	5915
7	2988-3012	122	5965
8	3013-3037	123	6014
9	3038-3062	124	6064
10	3063-3087	125	6113
11	3088-3112	126	6163
12	3113-3137	127	6212
13	3138-3162	128	6262
14	3163-3187	129	6311
15	3188-3212	130	6361
16	3213-3237	131	6410
17	3238-3262	132	6460
18	3263-3287	133	6509
19	3288-3312	134	6559
20	3313-3337	135	6608
21	3338-3362	136	6658
22	3363-3387	137	6707
23	3388-3412	138	6757
24	3413-3437	139	6806
25	3438-3462	140	6856
26	3463-3487	141	6905
27	3488-3512	142	6955
28	3513-3537	143	7004
29	3538-3562	144	7054
30	3563-3587	145	7103

1	3588-3612	146	7153
2	3613-3637	147	7202
3	3638-3662	148	7252
4	3663-3687	149	7301
5	3688-3712	150	7351
6	3713-3737	151	7400
7	3738-3762	152	7450
8	3763-3787	153	7500
9	3788-3812	154	7549
10	3813-3837	155	7599
11	3838-3862	156	7648
12	3863-3887	157	7698
13	3888-3912	158	7747
14	3913-3937	159	7797
15	3938-3962	160	7846
16	3963-3987	161	7896
17	3988-4012	162	7945
18	4013-4037	163	7995
19	4038-4062	164	8044
20	4063-4087	165	8094
21	4088-4112	166	8143
22	4113-4137	167	8193
23	4138-4162	168	8242
24	4163-4187	169	8292
25	4188-4212	170	8341
26	4213-4237	171	8391
27	4238-4262	172	8440
28	4263-4287	173	8490
29	4288-4312	174	8539
30	4313-4337	175	8589

1	4338-4362	176	8638
2	4363-4387	177	8688
3	4388-4412	178	8737
4	4413-4437	179	8787
5	4438-4462	180	8836
6	4463-4487	181	8886
7	4488-4512	182	8935
8	4513-4537	183	8985
9	4538-4562	184	9034
10	4563-4587	185	9084
11	4588-4612	186	9133
12	4613-4637	187	9183
13	4638-4662	188	9232
14	4663-4687	189	9282
15	4688-4712	190	9331
16	4713-4737	191	9381
17	4738-4762	192	9430
18	4763-4787	193	9480
19	4788-4812	194	9529
20	4813-4837	195	9579
21	4838-4862	196	9628
22	4863-4887	197	9678
23	4888-4912	198	9727
24	4913-4937	199	9777
25	4938-4962	200	9826
26	4963-4987	201	9876
27	4988-5012	202	9925
28	5013-5037	203	9975
29	5038-5062	204	10024
30	5063-5087	205	10074

1	5088-5112	206	10123
2	5113-5137	207	10173
3	5138-5162	208	10222
4	5163-5187	209	10272
5	5188-5212	210	10321
6	5213-5237	211	10371
7	5238-5262	212	10420
8	5263-5287	213	10470
9	5288-5312	214	10519
10	5313-5337	215	10569
11	5338-5362	216	10618
12	5363-5387	217	10668
13	5388-5412	218	10717
14	5413-5437	219	10767
15	5438-5462	220	10816
16	5463-5487	221	10866
17	5488-5512	222	10915
18	5513-5537	223	10965
19	5538-5562	224	11014
20	5563-5587	225	11064
21	5588-5612	226	11113
22	5613-5637	227	11163
23	5638-5662	228	11212
24	5663-5687	229	11262
25	5688-5712	230	11311
26	5713-5737	231	11361
27	5738-5762	232	11410
28	5763-5787	233	11460
29	5788-5812	234	11509
30	5813-5837	235	11559

1	5838-5862	236	11608
2	5863-5887	237	11658
3	5888-5912	238	11707
4	5913-5937	239	11757
5	5938-5962	240	11806
6	5963-5987	241	11856
7	5988-6012	242	11905
8	6013-6037	243	11955
9	6038-6062	244	12004
10	6063-6087	245	12054
11	6088-6112	246	12103
12	6113-6137	247	12153
13	6138-6162	248	12202
14	6163-6187	249	12252
15	6188-6212	250	12301
16	6213-6237	251	12351
17	6238-6262	252	12400
18	6263-6287	253	12450
19	6288-6312	254	12500
20	6313-6337	255	12549
21	6338-6362	256	12599
22	6363-6387	257	12648
23	6388-6412	258	12698
24	6413-6437	259	12747
25	6438-6462	260	12797
26	6463-6487	261	12846
27	6488-6512	262	12896
28	6513-6537	263	12945
29	6538-6562	264	12995
30	6563-6587	265	13044

1	6588-6612	266	13094
2	6613-6637	267	13143
3	6638-6662	268	13193
4	6663-6687	269	13242
5	6688-6712	270	13292
6	6713-6737	271	13341
7	6738-6762	272	13391
8	6763-6787	273	13440
9	6788-6812	274	13490
10	6813-6837	275	13539
11	6838-6862	276	13589
12	6863-6887	277	13638
13	6888-6912	278	13688
14	6913-6937	279	13737
15	6938-6962	280	13787
16	6963-6987	281	13836
17	6988-7012	282	13886
18	7013-7037	283	13935
19	7038-7062	284	13985
20	7063-7087	285	14034
21	7088-7112	286	14084
22	7113-7137	287	14133
23	7138-7162	288	14183
24	7163-7187	289	14232
25	7188-7212	290	14282
26	7213-7237	291	14331
27	7238-7262	292	14381
28	7263-7287	293	14430
29	7288-7312	294	14480
30	7313-7337	295	14529

1	7338-7362	296	14579
2	7363-7387	297	14628
3	7388-7412	298	14678
4	7413-7437	299	14727
5	7438-7462	300	14777
6	7463-7487	301	14826
7	7488-7512	302	14876
8	7513-7537	303	14925
9	7538-7562	304	14975
10	7563-7587	305	15024
11	7588-7612	306	15074
12	7613-7637	307	15123
13	7638-7662	308	15173
14	7663-7687	309	15222
15	7688-7712	310	15272
16	7713-7737	311	15321
17	7738-7762	312	15371
18	7763-7787	313	15420
19	7788-7812	314	15470
20	7813-7837	315	15519
21	7838-7862	316	15569
22	7863-7887	317	15618
23	7888-7912	318	15668
24	7913-7937	319	15717
25	7938-7962	320	15767
26	7963-7987	321	15816
27	7988-8012	322	15866
28	8013-8037	323	15915
29	8038-8062	324	15965
30	8063-8087	325	16014

1	8088-8112	326	16064
2	8113-8137	327	16113
3	8138-8162	328	16163
4	8163-8187	329	16212
5	8188-8212	330	16262
6	8213-8237	331	16311
7	8238-8262	332	16361
8	8263-8287	333	16410
9	8288-8312	334	16460
10	8313-8337	335	16509
11	8338-8362	336	16559
12	8363-8387	337	16608
13	8388-8412	338	16658
14	8413-8437	339	16707
15	8438-8462	340	16757
16	8463-8487	341	16806
17	8488-8512	342	16856
18	8513-8537	343	16905
19	8538-8562	344	16955
20	8563-8587	345	17004
21	8588-8612	346	17054
22	8613-8637	347	17103
23	8638-8662	348	17153
24	8663-8687	349	17202
25	8688-8712	350	17252
26	8713-8737	351	17301
27	8738-8762	352	17351
28	8763-8787	353	17400
29	8788-8812	354	17450
30	8813-8837	355	17500

1	8838-8862	356	17549
2	8863-8887	357	17599
3	8888-8912	358	17648
4	8913-8937	359	17698
5	8938-8962	360	17747
6	8963-8987	361	17797
7	8988-9012	362	17846
8	9013-9037	363	17896
9	9038-9062	364	17945
10	9063-9087	365	17995
11	9088-9112	366	18044
12	9113-9137	367	18094
13	9138-9162	368	18143
14	9163-9187	369	18193
15	9188-9212	370	18242
16	9213-9237	371	18292
17	9238-9262	372	18341
18	9263-9287	373	18391
19	9288-9312	374	18440
20	9313-9337	375	18490
21	9338-9362	376	18539
22	9363-9387	377	18589
23	9388-9412	378	18638
24	9413-9437	379	18688
25	9438-9462	380	18737
26	9463-9487	381	18787
27	9488-9512	382	18836
28	9513-9537	383	18886
29	9538-9562	384	18935
30	9563-9587	385	18985

1	9588-9612	386	19034
2	9613-9637	387	19084
3	9638-9662	388	19133
4	9663-9687	389	19183
5	9688-9712	390	19232
6	9713-9737	391	19282
7	9738-9762	392	19331
8	9763-9787	393	19381
9	9788-9812	394	19430
10	9813-9837	395	19480
11	9838-9862	396	19529
12	9863-9887	397	19579
13	9888-9912	398	19628
14	9913-9937	399	19678
15	9938-9962	400	19727
16	9963-9987	401	19777
17	9988-10012	402	19826
18	10013-10037	403	19876
19	10038-10062	404	19925
20	10063-10087	405	19975
21	10088-10112	406	20024
22	10113-10137	407	20074
23	10138-10162	408	20123
24	10163-10187	409	20173
25	10188-10212	410	20222
26	10213-10237	411	20272
27	10238-10262	412	20321
28	10263-10287	413	20371
29	10288-10312	414	20420
30	10313-10337	415	20470

1	10338-10362	416	20519
2	10363-10387	417	20569
3	10388-10412	418	20618
4	10413-10437	419	20668
5	10438-10462	420	20717
6	10463-10487	421	20767
7	10488-10512	422	20816
8	10513-10537	423	20866
9	10538-10562	424	20915
10	10563-10587	425	20965
11	10588-10612	426	21014
12	10613-10637	427	21064
13	10638-10662	428	21113
14	10663-10687	429	21163
15	10688-10712	430	21212
16	10713-10737	431	21262
17	10738-10762	432	21311
18	10763-10787	433	21361
19	10788-10812	434	21410
20	10813-10837	435	21460
21	10838-10862	436	21509
22	10863-10887	437	21559
23	10888-10912	438	21608
24	10913-10937	439	21658
25	10938-10962	440	21707
26	10963-10987	441	21757
27	10988-11012	442	21806
28	11013-11037	443	21856
29	11038-11062	444	21905
30	11063-11087	445	21955

1	11088-11112	446	22004
2	11113-11137	447	22054
3	11138-11162	448	22103
4	11163-11187	449	22153
5	11188-11212	450	22202
6	11213-11237	451	22252
7	11238-11262	452	22301
8	11263-11287	453	22351
9	11288-11312	454	22400
10	11313-11337	455	22450
11	11338-11362	456	22500
12	11363-11387	457	22549
13	11388-11412	458	22599
14	11413-11437	459	22648
15	11438-11462	460	22698
16	11463-11487	461	22747
17	11488-11512	462	22797
18	11513-11537	463	22846
19	11538-11562	464	22896
20	11563-11587	465	22945
21	11588-11612	466	22995
22	11613-11637	467	23044
23	11638-11662	468	23094
24	11663-11687	469	23143
25	11688-11712	470	23193
26	11713-11737	471	23242
27	11738-11762	472	23292
28	11763-11787	473	23341
29	11788-11812	474	23391
30	11813-11837	475	23440

1	11838-11862	476	23490
2	11863-11887	477	23539
3	11888-11912	478	23589
4	11913-11937	479	23638
5	11938-11962	480	23688
6	11963-11987	481	23737
7	11988-12012	482	23787
8	12013-12037	483	23836
9	12038-12062	484	23886
10	12063-12087	485	23935
11	12088-12112	486	23985
12	12113-12137	487	24034
13	12138-12162	488	24084
14	12163-12187	489	24133
15	12188-12212	490	24183
16	12213-12237	491	24232
17	12238-12262	492	24282
18	12263-12287	493	24331
19	12288-12312	494	24381
20	12313-12337	495	24430
21	12338-12362	496	24480
22	12363-12387	497	24529
23	12388-12412	498	24579
24	12413-12437	499	24628
25	12438-12462	500	24678
26	12463-12487	501	24727
27	12488-12512	502	24777
28	12513-12537	503	24826
29	12538-12562	504	24876
30	12563-12587	505	24925

1	12588-12612	506	24975
2	12613-12637	507	25024
3	12638-12662	508	25074
4	12663-12687	509	25123
5	12688-12712	510	25173
6	12713-12737	511	25222
7	12738-12762	512	25272
8	12763-12787	513	25321
9	12788-12812	514	25371
10	12813-12837	515	25420
11	12838-12862	516	25470
12	12863-12887	517	25519
13	12888-12912	518	25569
14	12913-12937	519	25618
15	12938-12962	520	25668
16	12963-12987	521	25717
17	12988-13012	522	25767
18	13013-13037	523	25816
19	13038-13062	524	25866
20	13063-13087	525	25915
21	13088-13112	526	25965
22	13113-13137	527	26014
23	13138-13162	528	26064
24	13163-13187	529	26113
25	13188-13212	530	26163
26	13213-13237	531	26212
27	13238-13262	532	26262
28	13263-13287	533	26311
29	13288-13312	534	26361
30	13313-13337	535	26410

1	13338-13362	536	26460
2	13363-13387	537	26509
3	13388-13412	538	26559
4	13413-13437	539	26608
5	13438-13462	540	26658
6	13463-13487	541	26707
7	13488-13512	542	26757
8	13513-13537	543	26806
9	13538-13562	544	26856
10	13563-13587	545	26905
11	13588-13612	546	26955
12	13613-13637	547	27004
13	13638-13662	548	27054
14	13663-13687	549	27103
15	13688-13712	550	27153
16	13713-13737	551	27202
17	13738-13762	552	27252
18	13763-13787	553	27301
19	13788-13812	554	27351
20	13813-13837	555	27400
21	13838-13862	556	27450
22	13863-13887	557	27500
23	13888-13912	558	27549
24	13913-13937	559	27599
25	13938-13962	560	27648
26	13963-13987	561	27698
27	13988-14012	562	27747
28	14013-14037	563	27797
29	14038-14062	564	27846
30	14063-14087	565	27896

1	14088-14112	566	27945
2	14113-14137	567	27995
3	14138-14162	568	28044
4	14163-14187	569	28094
5	14188-14212	570	28143
6	14213-14237	571	28193
7	14238-14262	572	28242
8	[14263 or more	573	Amount required under
9			section 401(a) (2)]
10	<u>14263 or more</u>	<u>573</u>	<u>28292*</u>

11 *The claimant shall be ineligible for compensation unless forty-
12 nine and one-half per centum (49.5%) of this amount was paid in
13 a quarter or quarters of the base year other than the highest
14 quarter.

15 (2) (i) The Table Specified for the Determination of Rate
16 and Amount of Benefits shall be extended or contracted annually,
17 automatically by regulations promulgated by the secretary. The
18 table shall be extended or contracted in accordance with the
19 following:

20 (A) The table shall be extended or contracted to a point
21 where the maximum weekly benefit rate shall equal sixty-six and
22 two-thirds per centum (66 2/3%) of the average weekly wage for
23 the thirty-six-month period ending June 30 preceding each
24 calendar year. If the maximum weekly benefit rate is not a
25 multiple of one dollar (\$1), it shall be rounded to the next
26 lower multiple of one dollar (\$1).

27 (B) When it is necessary to extend the table, it shall be
28 done in accordance with the following procedure:

29 (I) The words "or more" shall be deleted from the last line
30 under Part A, and an amount twenty-four dollars (\$24) greater

1 than the first entry in that line shall be substituted therefor.
2 [The words "amount required under section 401(a)(2)" shall be
3 deleted from the last line under Part C.]

4 (II) Part A shall be extended as much as necessary by adding
5 twenty-five dollars (\$25) to each amount of the preceding line.
6 At the point where the entry in Part B equals sixty-six and two-
7 thirds per centum ($66 \frac{2}{3}\%$) of the average weekly wage, the
8 first entry in Part A shall consist of an amount twenty-five
9 dollars (\$25) greater than the smaller amount in the preceding
10 line, and the words "or more" shall be added.

11 (III) Part B shall be extended in increments of one dollar
12 (\$1) until that point is reached where the amount is equal to
13 sixty-six and two-thirds per centum ($66 \frac{2}{3}\%$) of the average
14 weekly wage.

15 (IV) Part C shall be extended to the point where, under Part
16 B, the amount is equal to sixty-six and two-thirds per centum
17 ($66 \frac{2}{3}\%$) of the average weekly wage.

18 (a) The amount on each line in Part C [other than the last
19 line] shall be derived from the first entry on the same line in
20 Part A, in accordance with the following formula:

21 (First entry in Part A plus twenty-four dollars (\$24)) x 100
22 divided by fifty and one-half (50.5)

23 If the amount determined by this formula is not an even
24 multiple of one dollar (\$1), it shall be rounded to the next
25 higher multiple of one dollar (\$1).

26 [(b) The last line in Part C shall contain the words "amount
27 required under section 401(a)(2)."]

28 (C) When it is necessary to contract the table, it shall be
29 done by deleting all lines following that in which the amount in
30 Part B is sixty-six and two-thirds per centum ($66 \frac{2}{3}\%$) of the

1 average weekly wage, substituting the words "or more" for the
2 higher amount under Part A on that line and substituting the
3 words "amount required under section 401(a)(2)" for the amount
4 under Part C on that line.

5 (D) The Table Specified for the Determination of Rate and
6 Amount of Benefits as so extended or contracted shall be
7 effective only for those claimants whose benefit years begin on
8 or after the first day of January of such calendar year.

9 (ii) For the purpose of determining the maximum weekly
10 benefit rate, the Pennsylvania average weekly wage in covered
11 employment shall be computed on the basis of the average annual
12 total wages reported (irrespective of the limit on the amount of
13 wages subject to contributions) for the thirty-six-month period
14 ending June 30 (determined by dividing the total wages reported
15 for the thirty-six-month period by three) and this amount shall
16 be divided by the average monthly number of covered workers
17 (determined by dividing the total covered employment reported
18 for the same thirty-six-month period by thirty-six) to determine
19 the average annual wage. The average annual wage thus obtained
20 shall be divided by fifty-two and the average weekly wage thus
21 determined rounded to the nearest cent.

22 (iii) Notwithstanding subclause (i), if the maximum weekly
23 benefit rate determined under subclause (i) is greater than five
24 hundred seventy-three dollars (\$573), the maximum weekly benefit
25 rate shall be subject to the following limitations:

26 (A) For calendar years 2013 through 2019, the maximum weekly
27 benefit rate shall be five hundred seventy-three dollars (\$573).

28 (B) For each calendar year 2020 through 2023, the maximum
29 weekly benefit rate may increase from year to year by an amount
30 that is no more than eight per centum (8%) of the maximum weekly

1 benefit rate for the preceding year.

2 (C) If the maximum weekly benefit rate determined under this
3 subclause is not an even multiple of one dollar (\$1), it shall
4 be rounded to the next lower multiple of one dollar (\$1).

5 * * *

6 Section 2. The amendment of section 404(e)(1) and (2) of the
7 act shall apply to benefit years beginning on or after the
8 effective date of this section.

9 Section 3. This act shall take effect January 1, 2014.