

SEPA SHRM LEGISLATIVE UPDATE

March 2003

Courtesy of SEPA SHRM Legislative Committee: Steve Signore, J.D., V.P. Legislative Affairs/Chair (Strohl Systems); Jo Bennett, J.D., (Stevens & Lee); Roz Schaffer, SPHR (Complete HealthCare Resources); Susan Warner, J.D., SPHR (Human Resource Trouble Shooters)

COMMENTS

The SEPA SHRM Legislative Affairs Committee encourages you to follow those Bills that are of interest to you and/or the organization as a whole. We encourage you to contact your Pennsylvania State legislative representatives using the www.SHRM.org Web page and to make comments. Our legislators want to hear from us! [If you do not know who your PA State Legislators are, you can find out by inputting your HOME zip code at the web site: www.legis.state.pa.us then clicking on first the "House of Representatives" and then "Find Your Legislature. Do the same with "Senate" and "Find Your Legislature. Call Susan Warner if you still have questions.

If any of you would like to participate on the Legislative Affairs Committee, please contact Steve Signore at ssignore@strohlsystems.com.

We want to specifically direct your attention to **PENDING SB 329 WHICH WOULD REQUIRE "COMPARABLE WORTH" FOR DISSIMILAR JOBS** and to **SB 1515** which was approved by the Governor (enacted) late last year and which will take effect in early 2003. That Bill amended Crimes and Offenses with new provisions relating to **harassment, stalking, and ethnic intimidation**. Please consult with your corporate attorneys to determine if these amendments require any changes to your Employee Manual or company procedures.

PENDING LEGISLATION 2003

January 1, 2003 – Through March 9, 2003

HB 33 By Representative ADOLPH
Printer's No. 38.

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates. Referred to LABOR RELATIONS, Jan. 29, 2003

HB 49 By Representative
Printer's No. 53.

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for military tax credits for employers who pay or subsidize the wages of an employee called to active duty. Referred to FINANCE, Jan. 29, 2003

HB 76 By Representative YUDICHAK.
Printer's No. 91.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease." Referred to LABOR RELATIONS, Jan. 30, 2003

HB 88 By Representatives TURZAI, CREIGHTON, DALLY, FEESE, HERSHEY, LEWIS, MAHER, METCALFE, SATHER, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, WATSON, WILT, COLEMAN and HARPER.

Printer's No. 107.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation. Referred to LABOR RELATIONS, Feb. 3, 2003

HB 106 By Representative
Printer's No. 126.

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for licensing. Referred to PROFESSIONAL LICENSURE, Feb. 4, 2003

HB 182 By Representative FORCIER
Printer's No. 211.

An Act providing for employment rights of members of volunteer emergency service organizations and for tax credits for employers of employee-volunteers; and making a repeal. Referred to VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, Feb. 11, 2003

HB 212 By Representative MUNDY
Printer's No. 241.

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for employer-group health insurance coverage. Referred to INSURANCE, Feb. 11, 2003

HB 215 By Representative DeLUCA,
Printer's No. 244.

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on prospective child-care personnel. Referred to CHILDREN AND YOUTH, Feb. 11, 2003

HB 230 By Representative CALTAGIRONE
Printer's No. 259.

An Act providing for a tax credit for certain employers who employ at least five additional full-time employees during the tax year. Referred to FINANCE, Feb. 11, 2003

HB 241 By Representative BISHOP
Printer's No. 270.

An Act authorizing employment of certain persons as drug and alcohol counselors based solely on their previous work or life experience; abrogating a regulation; and making repeals. Referred to HEALTH AND HUMAN SERVICES, Feb. 11, 2003

HB 277 By Representative
Printer's No. 315.

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on child-care personnel; and providing for notice of arrest for school or child-care service employees. Referred to CHILDREN AND YOUTH, Feb. 12, 2003

HB 280 By Representative
Printer's No. 318.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of witnesses under subpoena. Referred to JUDICIARY, Feb. 12, 2003

HB 341 By Representative
Printer's No. 387.

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for administration; and abrogating a regulation. Referred to LABOR RELATIONS, Feb. 18, 2003

HB 361 By Representative
Printer's No. 425.

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for grounds for denying employment. Referred to JUDICIARY, Feb. 24, 2003

HB 375 By Representative
Printer's No. 439.

An Act establishing the Victims of Domestic Violence Employment Leave Act. Referred to JUDICIARY, Feb. 24, 2003

HB 390 By Representative
Printer's No. 454.

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for reciprocity. Referred to STATE GOVERNMENT, Feb. 24, 2003

HB 456 By Representative BLAUM
Printer's No. 534.

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on prospective child-care personnel. Referred to CHILDREN AND YOUTH, Feb. 25, 2003

HB 499 By Representative
Printer's No. 593.

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel. Referred to CHILDREN AND YOUTH, Feb. 26, 2003

HB 515 By Representative HERMAN
Printer's No. 609.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for limitation on sale, publication and disclosure of records. Referred to TRANSPORTATION, Feb. 26, 2003

HB 527 By Representative BISHOP
Printer's No. 621.

An Act providing for tax incentives for employers who provide child day-care services for employees. Referred to FINANCE, Feb. 26, 2003

HB 644 By Representative FRANKEL
Printer's No. 751.

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing a tax credit for small businesses offering 12 weeks of paid family and medical leave annually; providing for tax credits for participating businesses; and conferring powers and imposing duties upon the Department of Revenue. Referred to FINANCE, March 4, 2003

SB 50 By Senator CORMAN

Printer's No. 33.

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly. Referred to JUDICIARY, Jan. 22, 2003

SB 74 By Senator ORIE

Printer's No. 70.

An Act establishing a minimum annual wage for certain full-time direct care employees of publicly funded mental health and mental retardation programs; and making an appropriation. Referred to PUBLIC HEALTH AND WELFARE, Jan. 27, 2003

SB 102 By Senator LOGAN

Printer's No. 142.

An Act amending the act of November 26, 1978 (P.L.1212, No.286), entitled "An act authorizing an employee to inspect certain personnel files of his employer," requiring an employer to provide notification to its employees of telephone call monitoring. Referred to LABOR AND INDUSTRY, Feb. 3, 2003

SB 131 By Senator ORIE

Printer's No. 127.

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination, housing and public accommodation; defining "marital status"; and further providing for unlawful discriminatory practices. Referred to LABOR AND INDUSTRY, Feb. 3, 2003

SB 172 By Senator SCHWARTZ

Printer's No. 177.

An Act providing for loans to assist individuals to purchase group health insurance upon employment termination; establishing the COBRA Loan Fund; providing for powers and duties of the Insurance Department; and making an appropriation. Referred to BANKING AND INSURANCE, Feb. 5, 2003

SB 173 By Senator SCHWARTZ

Printer's No. 207.

An Act granting tax credits to employers who continue health insurance coverage for laid-off employees. Referred to FINANCE, Feb. 6, 2003

SB 209 By Senator ORIE

Printer's No. 217. An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the definition of "employee." Referred to LABOR AND INDUSTRY, Feb. 6, 2003

SB 231 By Senator ORIE

Printer's No. 239.

An Act providing for the creation of a model domestic abuse awareness and assistance program and for related powers and duties of the Department of Labor and Industry.

Referred to LABOR AND INDUSTRY, Feb. 7, 2003

SB 235 By Senator ORIE

Printer's No. 243.

An Act establishing the Victims of Domestic Violence Employment Leave Act. Referred to LABOR AND INDUSTRY, Feb. 7, 2003

SB 240 By Senator ORIE

Printer's No. 247.

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for reporting of older adults in need of protective services. Referred to AGING AND YOUTH, Feb. 7, 2003

SB 241 By Senator ORIE

Printer's No. 248.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of failing to report elderly abuse. Referred to AGING AND YOUTH, Feb. 7, 2003

SB 318 By Senator GREENLEAF

Printer's No. 333.

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates. Referred to LABOR AND INDUSTRY, Feb. 13, 2003

SB 324 By Senator TARTAGLIONE

Printer's No. 337.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for schedule of compensation for physical examination or interview by health care providers or experts; and providing for reporting and other requirements of vocational placement firms and certain employers and complaints related to workers' compensation judges. Referred to LABOR AND INDUSTRY, Feb. 13, 2003

continuous open enrollment basis. Referred to BANKING AND INSURANCE, Feb. 3, 2003

SB 327 By Senator TARTAGLIONE

Printer's No. 343.

An Act prohibiting mandatory overtime and excessive duty hours of health care workers. Referred to LABOR AND INDUSTRY, Feb. 18, 2003

SB 329 By Senator TARTAGLIONE

Printer's No. 345.

An Act prohibiting discrimination in payment of wages because of sex, race or national origin; providing for remedies; conferring powers and imposing duties on the Department of Labor and Industry; and making a repeal. Referred to LABOR AND INDUSTRY, Feb. 18, 2003

SB 171 By Senator SCHWARTZ

Printer's No. 176.

An Act prohibiting discrimination in health insurance on the basis of genetic information or a request for genetic services. Referred to BANKING AND INSURANCE, Feb. 5, 2003

HB 198 By Representative DeLUCA

Printer's No. 227.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing cranial hair vacuum prostheses coverage standards for health insurance policies when prescribed by a physician for a person who sustains hair loss as a result of alopecia totalis (complete scalp hair loss) or alopecia universalis (complete body hair loss). Referred to INSURANCE, Feb. 11, 2003

SB 269 By Senator MUSTO

Printer's No. 271.

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the availability of food service employees to administer cardiopulmonary resuscitation. The board of school directors shall ensure that each school cafeteria under its jurisdiction has at least one food service employee who is trained and certified to administer cardiopulmonary resuscitation (CPR) and who is present during the time meals are being served in the cafeteria. Referred to EDUCATION, Feb. 10, 2003

SB 143 By Senator SCHWARTZ

Printer's No. 136.

An Act requiring health insurers, health service corporations and health maintenance organizations to provide individual child health benefits coverage on a

SB 233 By Senator

Printer's No. 241.

An Act amending the act of December 3, 1998 (P.L.925, No.115), known as the Domestic Violence Health Care Response Act, providing for domestic violence managed care response. Referred to BANKING AND INSURANCE, Feb. 7, 2003

HB 207 By Representative MUNDY

Printer's No. 236.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, defining "medical necessity" as it relates to quality health care accountability and protection. Referred to INSURANCE, Feb. 11, 2003

HB 256 By Representative GEORGE

Printer's No. 294.

An Act providing for the ready access of managed care plan enrollees to urgent care services. Referred to INSURANCE, Feb. 12, 2003

HB 96 By Representative MARKOSEK

Printer's No. 115.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for insurance coverage for infertility treatment services. Referred to INSURANCE, Feb. 3, 2003

HB 625 By Representative BEBKO-JONES

Printer's No. 726.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for coverage for impotence treatment. Referred to INSURANCE, March 3, 2003

HB 78 By Representative

Printer's No. 92.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, mandating health insurance coverage for colorectal cancer screening. Referred to INSURANCE, Jan. 30, 2003

HB 65 By Representative DALLY

Printer's No. 68.

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for

right to freedom from discrimination, housing and public accommodation; defining "marital status"; and further providing for unlawful discriminatory practices. Referred to STATE GOVERNMENT, Jan. 29, 2003

HB 68 By Representative READSHAW
Printer's No. 83.

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, requiring the Department of Health to make inspections of long-term nursing facilities on an unannounced basis and not near the time of the facilities' annual license renewal. Referred to HEALTH AND HUMAN SERVICES, Jan. 30, 2003

HB 204 By Representative MUNDY

Printer's No. 233.

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for issuance of license. Referred to HEALTH AND HUMAN SERVICES, Feb. 11, 2003

SB 261 By Senator MOWERY

Printer's No. 279.

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, reenacting and amending provisions relating to certificates of need. Referred to PUBLIC HEALTH AND WELFARE, Feb. 10, 2003

HB 133 By Representative SOLOBAY

Printer's No. 177.

An Act requiring the Department of Health to establish bloodborne pathogen standards for emergency services personnel and public employees; and establishing the Bloodborne Pathogen Fund. Referred to HEALTH AND HUMAN SERVICES, Feb. 10, 2003

HB 301 By Representative JAMES

Printer's No. 347.

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for reimbursement for cancer therapy. Referred to INSURANCE, Feb. 18, 2003

HB 205 By Representative MUNDY

Printer's No. 234.

An Act requiring certain information to be solicited in connection with the consideration of professional licensure legislation. Referred to PROFESSIONAL LICENSURE, Feb. 11, 2003

HB 538 By Representative

Printer's No. 632.

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, establishing the Technology Work Experience Internship Program. Referred to EDUCATION, Feb. 26, 2003

SB 299 By Senator WOZNIAK

Printer's No. 314.

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for keystone opportunity zones, for keystone opportunity expansion zones, for application, for tax credit determination and for expiration of act. Referred to FINANCE, Feb. 13, 2003

HB 605 By Representative WILT

Printer's No. 707.

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for matters subject to bargaining and for matters not subject to bargaining. Referred to LABOR RELATIONS, March 3, 2003

HB 308 By Representative YEWIC

Printer's No. 354.

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, prohibiting the levying, assessment or collection of a tax on salaries, wages, commissions, compensation and earned income of nonresidents. Referred to LOCAL GOVERNMENT, Feb. 18, 2003

SB 233 By Senator ORIE

Printer's No. 241.

An Act amending the act of December 3, 1998 (P.L.925, No.115), known as the Domestic Violence Health Care Response Act, providing for domestic violence managed care response. Referred to BANKING AND INSURANCE, Feb. 7, 2003

HB 212 By Representative MUNDY

Printer's No. 241.

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for employer-group health

insurance coverage. Referred to INSURANCE, Feb. 11, 2003

HB 256 By Representative GEORGE
Printer's No. 294.
An Act providing for the ready access of managed care plan enrollees to urgent care services. Referred to INSURANCE, Feb. 12, 2003

SB 172 By Senator SCHWARTZ
Printer's No. 177.
An Act providing for loans to assist individuals to purchase group health insurance upon employment termination; establishing the COBRA Loan Fund; providing for powers and duties of the Insurance Department; and making an appropriation. Referred to BANKING AND INSURANCE, Feb. 5, 2003

HB 301 By Representative JAMES
Printer's No. 347.
An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for reimbursement for cancer therapy. Referred to INSURANCE, Feb. 18, 2003

HB 212 By Representative MUNDY
Printer's No. 241.
An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for employer-group health insurance coverage. Referred to INSURANCE, Feb. 11, 2003

HB 471 By Representative
Printer's No. 549.
An Act regulating the closure of State-operated mental health facilities; and providing remedies. Referred to STATE GOVERNMENT, Feb. 25, 2003

HB 617 By Representative DeLUCA
Printer's No. 718.
An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, exempting members of the armed forces of the United States from the per capita tax. Referred to LOCAL GOVERNMENT, March 3, 2003

HB 484 By Representative DALLY
Printer's No. 562.
An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, providing for part-time service credit. Referred to LOCAL GOVERNMENT, Feb. 25, 2003

HB 464 By Representative BLAUM
Printer's No. 542.
An Act providing for notifications in connection with the purchase, consumption, possession and transportation of alcoholic beverages by certain students enrolled in institutions of higher education, for enforcement and for a civil penalty. Referred to JUDICIARY, Feb. 25, 2003

HB 566 By Representative McCALL
Printer's No. 668.
An Act providing for rape and sexual assault awareness education programs for all new students matriculating into institutions of higher education that receive public funding; establishing the Pennsylvania College and University Rape Education Act; and making an appropriation. Referred to EDUCATION, March 3, 2003

SB 249 By Senator O'PAKE
Printer's No. 254.
An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for disability retirement of police officers. Referred to FINANCE, Feb. 7, 2003

HB 655 By Representative S. H. SMITH
Printer's No. 761.
An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for disability retirement of police officers. Referred to LOCAL GOVERNMENT, March 4, 2003

SB 353 By Senator WAUGH
Printer's No. 368.
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, excluding political subdivisions from the act; authorizing optional prevailing wage ordinances; and making repeals. Referred to LABOR AND INDUSTRY, March 3, 2003

HB 612 By Representative THOMAS
Printer's No. 941.
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further defining "public work." Referred to LABOR RELATIONS, March 11, 2003

HB 487 By Representative LEWIS
Printer's No. 565.
An Act prohibiting certain vendors from offering and government employees associated with government pensions from

accepting gratuities; and prescribing penalties. Referred to STATE GOVERNMENT, Feb. 25, 2003

HB 633 By Representative

Printer's No. 740.

An Act providing for a shared-ride program for persons with disabilities; and making a repeal. Referred to TRANSPORTATION, March 4, 2003

HB 158 By Representative MICOZZIE,

Printer's No. 578.

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for public disclosure of information concerning physicians. Referred to INSURANCE, Feb. 26, 2003

HB 159 By Representative MICOZZIE

Printer's No. 579.

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for reporting and for commencement of investigation and action. Referred to INSURANCE, Feb. 26, 2003

HB 161 By Representative MICOZZIE

Printer's No. 581.

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for continuing medical education. Referred to INSURANCE, Feb. 26, 2003

SB 196 By Senator A. WILLIAMS

Printer's No. 196.

An Act prohibiting the use of tobacco by adults on certain educational property; and providing for penalties. Referred to EDUCATION, Feb. 6, 2003

SB 214 By Senator MOWERY

Printer's No. 222.

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, prohibiting collective bargaining relating to the training and use of automated external defibrillators. Referred to LABOR AND INDUSTRY, Feb. 6, 2003

HB 104 By Representative FLICK

Printer's No. 121.

An Act amending the act of December 18, 1984 (P.L.1004, No.204), entitled "An act extending benefits to police chiefs or heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," further providing for the salary of nonunion police officers. Referred to LABOR RELATIONS, Feb. 3, 2003

SB 290 By Senator ORIE

Printer's No. 295.

An Act providing for law enforcement officer residency requirements. Referred to LAW AND JUSTICE, Feb. 12, 2003

HB 409 By Representative DALLY

Printer's No. 473.

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, providing for eligibility for sheriffs, deputy sheriffs and constables. Referred to JUDICIARY, Feb. 24, 2003

SB 90 By Senator MOWERY

Printer's No. 89.

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, further providing for compensation of arbitrators. Referred to LABOR AND INDUSTRY, Jan. 29, 2003

SB 34 By Senator KASUNIC

Printer's No. 42.

An Act requiring school districts to establish a program to monitor and control Internet access by students; establishing the Internet Content Control Software Fund and its funding source; and providing for powers and duties of the Department of Education. Referred to EDUCATION, Jan. 23, 2003

SB 62 By Senator COSTA.

Printer's No. 61.

An Act amending the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, further Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, Jan. 27, 2003

SB 71 By Senator TOMLINSON

Printer's No. 67.

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, adding law enforcement officers of limited jurisdiction as an additional category of covered employee. Referred to LABOR AND INDUSTRY, Jan. 27, 2003

HB 583 By Representative McGEEHAN
Printer's No. 685.
An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for forfeitures of pension. Referred to JUDICIARY, March 3, 2003

HB 432 By Representative BUXTON
Printer's No. 510.
An Act requiring public employers to protect the occupational safety and health of their employees; and providing for enforcement and penalties. Referred to LABOR RELATIONS, Feb. 25, 2003

HB 402 By Representative PRESTON
Printer's No. 466.
An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for the State Board of Certified Real Estate Appraisers. Referred to PROFESSIONAL LICENSURE, Feb. 24, 2003

HB 403 By Representative PRESTON
Printer's No. 467.
An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, providing for violations of act and for remedies available to consumers. Referred to PROFESSIONAL LICENSURE, Feb. 24, 2003

SB 84 By Senator MOWERY
Printer's No. 82.
An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for exclusions. Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, Jan. 28, 2003

SB 183 By Senator CORMAN
Printer's No. 183.
An Act regulating religious child-care facilities; providing for the powers and duties of the Department of Public Welfare; and imposing penalties. Referred to AGING AND YOUTH, Feb. 5, 2003

SB 132 By Senator ORIE
Printer's No. 128.
An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons required to report suspected child abuse. Referred to AGING AND YOUTH, Feb. 3, 2003

SB 141 By Senator SCHWARTZ
Printer's No. 134.
An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for children's health insurance program definitions; and providing for children's health insurance program presumptive eligibility. Referred to PUBLIC HEALTH AND WELFARE, Feb. 3, 2003

HB 179 By Representative LEDERER
Printer's No. 208.
An Act requiring certain establishments to train staff on the Heimlich maneuver and on cardiopulmonary resuscitation techniques. Referred to HEALTH AND HUMAN SERVICES, Feb. 11, 2003

Serial No. 93 By Representative CRUZ
Printer's No. 571.
A Resolution directing the Department of Education to require the certification of bilingual teachers in public schools and charter schools. Referred to RULES, Feb. 26, 2003

HB 192 By Representative GODSHALL
Printer's No. 221.
An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for collective bargaining agreements. Referred to EDUCATION, Feb. 11, 2003

SB 283 By Senator SCHWARTZ
Printer's No. 293.
An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further defining "professional employe." Referred to EDUCATION, Feb. 12, 2003

SB 281 By Senator SCHWARTZ
Printer's No. 291.
An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for certification requirements for teachers of English as a second language. Referred to EDUCATION, Feb. 12, 2003

HB 445 By Representative NAILOR
Printer's No. 523.
An Act providing for the licensure of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry. Referred to LABOR RELATIONS, Feb. 25, 2003

HB 390 By Representative ROHRER
Printer's No. 454.

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for reciprocity. Referred to STATE GOVERNMENT, Feb. 24, 2003

SB 42 By Senator ORIE
Printer's No. 53.

An Act providing for diabetes training of designated school employees; requiring diabetes health care plans for students with diabetes; and providing for required care and for independent monitoring and treatment. Referred to EDUCATION, Jan. 24, 2003

HB 109 By Representative E. Z. TAYLOR
Printer's No. 129.

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; imposing penalties; and making a repeal. Referred to CONSUMER AFFAIRS, Feb. 4, 2003

HB 615 By Representative DeLUCA
Printer's No. 716.

An Act regulating tattoo, body-piercing and corrective cosmetic artists; providing for powers and duties of the Department of Health; and imposing penalties. Referred to HEALTH AND HUMAN SERVICES, March 3, 2003

HB 112 By Representative MARKOSEK
Printer's No. 132.

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for unfair methods of competition and unfair or deceptive acts or practices. Referred to CONSUMER AFFAIRS, Feb. 4, 2003

HB 603 By Representative SOLOBAY
Printer's No. 705.

An Act establishing the Volunteer Emergency Service Personnel Educational Assistance and Loan Forgiveness Program. Referred to VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 3, 2003

SB 352 By Senator WAUGH
Printer's No. 479.

An Act providing for appointment and promotion preference in public employment for volunteer firefighters. Referred to

HB 540 By Representative
Printer's No. 634.

An Act amending the act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads; and providing penalties," further providing for the termination or discipline of volunteer firefighters; and making editorial changes. Referred to VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, Feb. 26, 2003

SB 353 By Senator WAUGH
Printer's No. 368.

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, excluding political subdivisions from the act; authorizing optional prevailing wage ordinances; and making repeals. Referred to LABOR AND INDUSTRY, March 3, 2003

HB 370 By Representative T. STEVENSON
Printer's No. 434.

An Act providing for the creation of special parking spaces for pregnant women and for a penalty. Referred to TRANSPORTATION, Feb. 24, 2003

SB 209 By Senator ORIE
Printer's No. 217.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the definition of "employee." Referred to LABOR AND INDUSTRY, Feb. 6, 2003

HB 348 By Representative LEDERER
Printer's No. 394.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the payment of compensation to widows, widowers and children. Referred to LABOR RELATIONS, Feb. 18, 2003

HB 675 By Representative O'BRIEN
Printer's No. 790.

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter. Referred to LABOR RELATIONS, March 5, 2003

**HUMAN RESOURCE-RELATED
PENNSYLVANIA STATE
HOUSE AND SENATE BILLS
ENACTED 2002**

HOUSE BILL No. 1459 Session of 2001
AN ACT **Prohibiting a political subdivision or its authority or agency from requiring a proportion of workers on a construction project to be residents of a particular municipality.**

SENATE AMENDED HOUSE BILL No. ...amended,
"An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation there under; and prescribing penalties," further providing for **WORKERS' COMPENSATION PREMIUMS FOR rescue volunteers.** This act shall take effect in 30 days JANUARY 1, 21 2003.

SB 1109

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for double jeopardy, for terroristic threats and for bomb threats; providing for weapons of mass destruction; and further providing for false alarms to agencies of public safety, for false reports to law enforcement authorities, for dealing in proceeds of unlawful activities, for facsimile bombs, for interception of communications and for possessing or dealing in firearms.

Approved by the Governor, June 28, 2002
Act No. 82

SB 820

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for **protection of employment of crime victims, family members of victims and witnesses;** and further prohibiting contraband.

Approved by the Governor, June 28, 2002
Act No. 84

SENATE BILL No. 820 Session of 2001 [RELEVANT PORTIONS OF THE ACT AS ENACTED FOLLOW]
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Section 1. Sections 4957 and 5123 of Title 18 of the Pennsylvania Consolidated Statutes are **amended by adding subsections to read:**

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§ 4957. Protection of employment of crime victims and witnesses.

(d) Definition.--As used in this section, the term "victim" shall have the same meaning given to it in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.
Section 1. Section 4957 heading and (a) of title of the Pennsylvania consolidated statutes is amended and the section is **amended by adding a subsection to read:**

§ 4957. PROTECTION OF EMPLOYMENT OF CRIME VICTIMS, FAMILY MEMBERS OF VICTIMS AND WITNESSES.

(A) general rule.--an employer shall not deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce him with respect thereto, because the employee attends court by reason of being a victim of, or a witness to, a crime or a member of such victim's family. Nothing in this section shall be construed to require the employer to compensate the employee for employment time lost because of such court attendance.

(d) definitions.--as used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"family." this term shall have the same meaning as in section 103 of the act of November 24, 1998 (p.l.882, no.111),
Known as the crime victims act.

"victim." this term shall have the same meaning as "direct victim" in section 103 of the act of November 24, 1998 (p.l.882, 21 no.111), known as the crime victims act.

Printer's No. [4128](#).

An Act **amending** the act of June 21, 1957 (P.L.390, No.212), referred to as the **Right-to-Know Law**, further providing for definitions, for examination and inspection and for extracts, copies or Photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

Approved by the Governor, June 29, 2002
Act No. 100

HB 227 Printer's No. [3199](#).

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for **the definition of "offensive weapons,"** for use or possession of electric or electronic incapacitation devices, for penalties, for **aggravated assault and for use of tear or noxious gas in labor**

disputes; imposing a penalty; and making an editorial change.

Approved by the Governor, Nov. 6, 2002
Act No. 132

Approved by the Governor, Dec. 3, 2002
Act No. 143

AN ACT Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for

ETHNIC INTIMIDATION.

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

23 § 2710. **ETHNIC INTIMIDATION.**

(A) OFFENSE DEFINED.--a person commits the offense of ethnic intimidation if, with malicious intention toward the actual or perceived race, color, religion [or], national origin, ancestry, mental or physical disability, **sexual orientation**, gender or **gender identity** or of another individual or group of individuals, he commits an offense under any other provision of this article or under chapter relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) or under section 5504 (relating to harassment by communication or address) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.

(c) definition.--as used in this section "malicious intention" means the intention to commit any act, the commission of which is a necessary element of any offense referred to in subsection (a) **motivated by hatred** toward the actual or perceived race, color, religion or national origin, ancestry, mental or physical disability, **sexual orientation**, gender or **gender identity** of another individual or group of individuals.
Section 3 2. This act shall take effect immediately.

HB 204 Printer's No. [4696](#).

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the **Public School Code** of 1949, further providing for **employment criminal background** checks; providing for a State Report Card and for the collection of data; and further providing for health recommendations.

Approved by the Governor, Dec. 9, 2002
Act No. 153

HB 591 Printer's No. [4715](#).

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the **Unemployment Compensation Law**, providing for **referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's**

accounts, for qualifications required to secure compensation, for ineligibility for compensation, and for ineligibility of incarcerated employees.

Approved by the Governor, Dec. 9, 2002
Act No. 156

[Relevant portions of Act 156 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1),"

"... " **PROVIDING FOR REFERRAL TO EMPLOYMENT OFFICES AND FOR RELIEF FROM CERTAIN EMPLOYER CHARGES; AND further providing FOR ESTABLISHMENT AND MAINTENANCE OF EMPLOYER'S ACCOUNTS, for QUALIFICATIONS REQUIRED TO SECURE COMPENSATION, FOR INELIGIBILITY FOR COMPENSATION, AND FOR ineligibility of incarcerated employees.**

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Section 1. Section 402.6 of the act of December 5, 1936 (2nd 5 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, added October 30, 1996 (P.L.738, No.133), is **amended to read: SECTION 1. THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, IS AMENDED BY ADDING A SECTION SECTION TO READ:**

SECTION 212. REFERRAL TO EMPLOYMENT OFFICES.--the department shall refer all claimants eligible for compensation to employment offices for reemployment services.

SECTION 213. RELIEF FROM CHARGES FOR CERTAIN EMPLOYERS

(A) An employer that makes payments in lieu of contributions pursuant to article x, xi or xii shall be relieved of charges in accordance with section 302(a) and regulations of the department, for compensation paid on applications for benefits effective during a calendar year, if the employer satisfies the following requirements:

(1) the employer pays a nonrefundable solvency fee under subsection (b) for the calendar year within thirty (30) days after notice of the fee is sent to the employer's last known address. The department may for good cause extend the period within which the fee must be paid.

(2) all reports required by this act and regulations of the department for calendar quarters through the second calendar quarter of the preceding calendar year are filed.

(B) An employer's solvency fee for a calendar year shall be the monetary amount determined by multiplying the solvency fee rate for the year by the amount of wages paid, without regard to the exclusion in section 4(x)(1), by the employer in the four consecutive calendar quarters ending on june

30 of the preceding calendar year: provided, that an employer's solvency fee for a year shall not be less than twenty-five dollars (\$25).

(1) for calendar years 2003, 2004 and 2005, the solvency fee rate shall be three ten thousandths (.0003).

(2) in 2005 the secretary shall redetermine the solvency fee rate. The secretary shall redetermine the rate so that the unrounded rate yields solvency fees approximately equal to the amount of compensation for which charges are relieved under this section. For purposes of redetermining the rate, the secretary shall use the amount of compensation for which charges are relieved under this section paid during 2003 and 2004 and the amount of wages paid, without regard to the exclusion in section 4(x)(1), during the same time period by employers who paid a solvency fee under this section. The rate as redetermined shall take effect for the next calendar year and shall remain in effect for three years.

(3) beginning in 2008 and each fifth year thereafter, the secretary shall redetermine the solvency fee rate. The secretary shall redetermine the rate so that the unrounded rate yields solvency fees approximately equal to the amount of compensation for which charges are relieved under this section. For purposes of redetermining the rate, the secretary shall use the amount of compensation for which charges are relieved under this section paid during the five calendar years immediately preceding the year in which the redetermination occurs and the amount of wages paid, without regard to the exclusion in section 4(x)(1), during the same time period by employers who paid a solvency fee under this section. The rate as redetermined shall take effect for the next calendar year and shall remain in effect for five years.

(4) if the solvency fee rate redetermined under paragraphs (2) and (3) is not a multiple of one-hundredth of one per cent it shall be rounded to the next higher multiple of one-hundredth of one per cent.

(c) solvency fees paid by employers under this section shall be deposited in the unemployment compensation fund. Compensation for which charges are relieved under this section shall not be used in the calculation of the state adjustment factor under section 301.1(e).

(d) the provisions of this section shall constitute the exclusive means by which an employer who makes payments in lieu of contributions pursuant to article x, xi or xii may be excused from reimbursing the unemployment compensation fund for Compensation paid to an individual that is based on wages paid by the employer or that portion of the individual's compensation determined in accordance with section 1108.

(e) a group account under section 1109 shall constitute an employer for purposes of this section.

Section 1.1. Section 302(a)(1) of the act, amended July 21, 22 1983 (p.l.68, no.30), is **amended to read:**

Section 302. Establishment and maintenance of employer's reserve accounts.--the department shall establish and maintain for each employer a separate employer's reserve account in the following manner:

(A) (1) such account shall be credited with all contributions paid by such employer for periods subsequent to 29 June thirtieth, one thousand nine hundred forty-eight. Such account shall be charged with an amount determined by multiplying the wages of compensated employees of such employer for the twelve month period ended June thirtieth, one thousand nine hundred forty-nine, by the state experience heretofore used in determining rates of contributions for the year one thousand nine hundred forty-nine. Subsequent to January 1, 1984, such account shall be charged with all compensation, including dependents' allowances, paid to each individual who received from such employer wage credits constituting the base of such compensation, in the proportion that such wage credits with such bears to the total wage credits received by such individual from all employers: provided, that if the department finds that such individual was separated from his most recent work for such employer due to being discharged for willful misconduct connected with such work, or due to his leaving such

Work without good cause attributable to his employment, or due to his being separated from such work under conditions which would result in disqualification for benefits under the provisions of section 3 or section 402(e.1), thereafter no compensation paid to such individual with respect to any week of unemployment occurring subsequent to such separation, which is based upon wages paid by such employer with respect to employment prior to such separation, shall be charged to such employer's account under the provisions of this subsection

(a); provided, such employer has filed a notice with the department in accordance with its rules and regulations and within the time limits prescribed therein; and provided if the department finds that such individual's unemployment is directly caused by a major natural disaster declared by the president pursuant to section 102(1) of the disaster relief act of 1970 (p.l.91-606)

And such individual would have been eligible for disaster unemployment assistance as provided in section 240 of that act with respect to such unemployment but for the receipt of unemployment compensation, no compensation paid to such individual with respect to any week of unemployment occurring due to such natural disaster, to a maximum of the eight weeks immediately following the president's declaration of emergency, shall be charged to the employer's account under the provisions of this subsection.

section 2. Section 401(f) of the act, amended september 27, 1971 (p.l.460, no.108), is **amended to read:**

section 401. Qualifications required to secure compensation.- compensation shall be payable to any employe who is or becomes unemployed, and who--

(f) has earned, subsequent to his separation from work under circumstances which are disqualifying under the provisions of subsections 402(b), 402(e), 402(e.1) and 402(h) of this act, remuneration for services in an amount equal to or in excess of six (6) times his weekly benefit rate irrespective of whether or not such services were in "employment" as defined in this act. The provisions of this subsection shall not apply to a suspension of work by an individual pursuant to a leave of absence granted by his last employer, provided such individual has made a reasonable effort to return to work with such employer upon the expiration of his leave of absence.

section 2 3. **Section 402 of the act is amended by adding a subsection to read:**

section 402. Ineligibility for compensation.--an employe shall be ineligible for compensation for any week--

(e.1) in which his unemployment is due to discharge or temporary suspension from work due to failure to submit and/or pass a drug test conducted pursuant to an employer's established substance abuse policy, provided that the drug test is not requested or implemented in violation of the law or of a collective bargaining agreement.

SECTION 3 4. **SECTION 402.6 OF THE ACT, ADDED OCTOBER 30, 1996 (P.L.738, NO.133), IS AMENDED TO READ:**

Section 402.6. Ineligibility of Incarcerated Employe.-- [Nothing in this act] An employe shall [require] not be eligible for payment of unemployment compensation benefits for any weeks of unemployment during which the employe is incarcerated after a conviction.

Section 2 4 5. The amendment of section 402.6 of the act **shall apply to compensation for weeks ending on or after the effective date of this act.**

SECTION 6. THE ADDITION OF SECTION 213 OF THE ACT SHALL BE APPLICABLE TO CALENDAR YEARS BEGINNING AFTER DECEMBER 31, 2002, AND TO COMPENSATION PAID ON APPLICATIONS FOR BENEFITS EFFECTIVE AFTER DECEMBER 31, 2002.

Section 3 5 7. This act shall take effect immediately.

HB 731 Printer's No. [4716](#).

An Act **amending** the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the **Unemployment Compensation Law, further providing for decision of referee and further**

appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

Approved by the Governor, Dec. 9, 2002
Act No. 158

SENATE AMENDED PRINTER'S NO. 4716
THE GENERAL ASSEMBLY OF PENNSYLVANIA
HOUSE BILL No. 731 Session of 2001 [Relevant portions of the Amendments – Act 158 follow]:

AN ACT **Amending** the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further providing for **DECISION OF REFEREE AND FURTHER APPEALS AND REVIEWS, FOR DISQUALIFICATIONS TO PARTICIPATE IN HEARINGS, FOR FINALITY OF DECISIONS, FOR false statements and representations, for violation of the act and rules and regulations and for penalties.** The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 801 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, amended June 22, 1964 (Sp.Sess., P.L.112,.1 No.7), is **amended to read:**

SECTION 1. SECTION 502 OF THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, AMENDED JULY 10, 1980 (P.L.521, NO.108), IS AMENDED TO READ:

SECTION 502. DECISION OF REFEREE; FURTHER APPEALS AND REVIEWS.— where an appeal from the determination or revised determination, as the case may be, of the department is taken, a Referee shall, after affording the parties and the department reasonable opportunity for a fair hearing, affirm, modify or reverse such findings

of fact and the determination or revised determination, as the case may be, of the department as to him shall appear just and proper. The parties and their attorneys or other representatives of record and the department shall be duly notified of the time and place of a referee's hearing and of the referee's decision, and the reasons therefore, which shall be deemed the final decision of the board, unless an appeal is filed there from, within fifteen days after the date of such decision the board acts on its own motion, to review the Decision of the referee. A memorandum of testimony of any hearing before any referee shall be made and be preserved for a period of ninety days following expiration of the period for filing an appeal from the final decision rendered in the case.

SECTION 2. SECTION 503 OF THE ACT IS AMENDED TO READ:

SECTION 503. DISQUALIFICATIONS TO PARTICIPATE IN HEARINGS.--

(A) no referee, member of the board, or employe of the department shall participate in the hearing of any case in which himself is an interested party. The board may designate an alternate to serve in the absence or disqualification of any referee.

(b) referees shall conduct their hearings de novo.

Section 3. Section 509 of the act, amended April 14, 1976 3 (p.I.113, no.50) and repealed in part April 28, 1978 (p.I.202, 4 no.53), is amended to read:

5 Section 509. Finality of decisions.--any decision made by the department or any referee or the board shall not be subject to collateral attack as to any application claim or claims covered thereby or otherwise be disturbed, unless appealed from. Subject to appeal proceedings and judicial review, any right, fact or matter in issue which was directly passed upon or necessarily involved in any decision of a referee or the board or the court and which has become final shall be conclusive for All purposes of this act and shall not be subject to collateral attack as among all affected parties who had notice of such decision: provided, however, that whenever an appeal involves a question as to whether services were performed by a claimant in employment or for an employer or whether remuneration paid constituted wages, a decision thereon shall not be conclusive as

To an employing entity's liability for contributions unless the employing entity was given special notice of such issue and of the pendency of the appeal and was afforded a reasonable opportunity by the referee or the board to adduce evidence bearing on such question. No finding of fact or law, judgment, conclusion or final order made with respect to a claim for unemployment compensation under this act may be deemed to be conclusive or binding in any separate or subsequent action or proceeding in another forum.

SECTION 4. SECTION 801 OF THE ACT, AMENDED JUNE 22, 1964 (SP.SESS., P.L.112, NO.7), IS AMENDED TO READ:

Section 801. False Statements and Representations to Obtain or Increase Compensation.—

(a) Whoever makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact to obtain or increase any compensation or other payment under this act or under an employment security law of any other state or of the Federal Government or of a foreign government, either for himself or for any other person, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than [thirty nor more than two hundred] one hundred dollars nor more than one thousand dollars, or shall be sentenced to imprisonment for not longer than thirty days, or both, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. In addition to any other sanction, an individual convicted under this subsection shall be ordered to make restitution of the compensation to which the individual was not entitled and of interest on that compensation from the date of receipt through the date of payment. IN ACCORDANCE WITH SECTION 804(A).

(b) Whoever makes a false statement knowing it to be false, knowingly fails to disclose a material fact to obtain or increase any compensation or other payment under this act or under an employment security law of any other state or of the Federal Government or of a foreign government, may be disqualified in addition to such week or weeks of improper payments for a penalty period of two weeks and for not more than 26 one additional week for each such week of improper payment: Provided, That no additional weeks of disqualification shall be imposed under this section if prosecution proceedings have been instituted against the claimant because of such misrepresentation or non-disclosure. The departmental determination imposing penalty weeks under the provisions of this subsection shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation. The penalty weeks herein provided for shall be imposed against any weeks with respect to which the claimant would otherwise be eligible for compensation, under the provisions of this act, which begin within the [two year] four year period following the [departmental determination imposing such penalty weeks] end of the benefit year with respect to which the improper payment or payments occurred.

Section 2 5. Section 802 of the act, amended March 30, 1955 P.L.6, No.5), is amended to read:

Section 802. False Statements and Representations to Prevent or Reduce

Compensation.--Any employer (whether or not liable for the payment of contributions under this act) or any officer or agent of such employer or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact to prevent or reduce the payment of compensation to any employee entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or reduce any contribution or other payment required from an employer under this act, or who wilfully fails or refuses to make any such contribution or other payment or to furnish any reports required hereunder, or who wilfully fails or refuses to produce or permit the inspection or copying of records as required hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than [fifty]

one hundred dollars nor more than [five] fifteen hundred dollars[, and in default of the payment of such fine and costs shall be sentenced] or to imprisonment for not longer than thirty days, [and each] or both. Each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. In addition to any other sanction, any employer, officer, agent or other person convicted under this section for willful failure or refusal to make a payment shall be ordered to make restitution of the unpaid amounts, including interest and penalty from the date the payment was due through the date of payment.

Section 3 6. **Section 803 of the act is amended to read: Section 803. Violation of Act and Rules and Regulations.--**

Any person who shall wilfully violate any provision of this act or any rule or regulation thereunder, the violation of which is made unlawful, or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than [twenty nor more than two hundred] one hundred dollars nor more than one thousand dollars[, and in default of the payment of such fine and costs shall be sentenced] or to imprisonment for not longer than thirty days, [and each] or both. Each day such violation continues shall be deemed to be a separate offense.

Section 4 7. This act shall take effect in 60 days.

HB 1900 Printer's No. [3864](#).

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits.

Approved by the Governor, Dec. 9, 2002

Act No. 169

[Portions of full language in Act No. 169, as amended by HB 1900 follow]:

SEPA SHRM Legislative Affairs Committee
PA LEGISLATION PENDING through March 9, 2003

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. **Section 7318 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:**

§ 7318. Unemployment Compensation Benefits.
(a) General rule.--Compensation payable under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, shall not be reduced pursuant 12 to section 404(d)(1) of that act by reason of any military pay and allowances paid to a member of the Pennsylvania National Guard or a member of a reserve component of the armed forces for 15 periods of active duty for emergencies as declared by the.1 Governor or drill and instruction under 32 U.S.C. § 502(a)(1) relating to required drills and field exercises) OR FOR A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES FOR DRILL OR INSTRUCTION UNDER TITLE 10 U.S.C. (RELATING TO ARMED FORCES).

____ 5 (b) Applicability.--**This section shall [not] also apply to** military pay and allowances paid to a member of the Pennsylvania National Guard for active Federal service or participation in annual training under 32 U.S.C. § 502(a)(2) OR FOR A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES FOR ACTIVE MILITARY DUTY UNDER TITLE 10 U.S.C. (RELATING TO ARMED FORCES).

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

HB 2183 Printer's No. [4638](#).

An Act specifically authorizing collective bargaining between first-level supervisors and their public employer; providing for arbitration in order to settle disputes rather than striking; and requiring compliance with collective bargaining agreements and findings of arbitrators.

Approved by the Governor, Dec. 9, 2002
Act No. 174

HB 2256 Printer's No. [4587](#).

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

Approved by the Governor, Dec. 9, 2002
Act No. 177

HB 2350 Printer's No. [3262](#).

An Act **amending** the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, **providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.**

Approved by the Governor, Dec. 9, 2002
Act No. 179

HB 2424 Printer's No. [3440](#).
An Act **amending** the act of July 6, 1995 (P.L.255, No.34), known as the **Dual Party Relay Service and Telecommunication Device Distribution Program Act, further defining "persons with a disability" or "people with disabilities."**

Approved by the Governor, Dec. 9, 2002
Act No. 181

HB 2444 Printer's No. [3545](#).
An Act **amending** the act of June 2, 1915 (P.L.736, No.338), known as the **Workers' Compensation Act, further providing for the definition of "employee" to include local coordinators of emergency management as employees of municipalities.**

Approved by the Governor, Dec. 9, 2002
Act No. 182

SB 813 Printer's No. [2358](#).
An Act **amending** the act of June 2, 1915 (P.L.736, No.338), known as the **Workers' Compensation Act, further providing for the discount rate on workers' compensation insurance policies.**

Approved by the Governor, Dec. 9, 2002
Act No. 202

HOUSE AMENDED SENATE BILL No. 813
Session of 2001 [Portions of full amendment of SB813 to Act 202 follow]: AN ACT **Amending** the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, "**An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,**" further **providing for the discount rate on workers' compensation insurance policies.** The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1002 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, reenacted and amended June 21, 1939 (P.L.520, No.281) and amended June 24, 14 1996 (P.L.350, No.57), is amended to read:

Section 1002. (a) An insured employer may make application to the department for the **certification of**

any established safety committee operative within its workplace developed for the purpose of hazard detection and accident prevention. The department shall develop such certification criteria..1 (b) Upon the renewal of the employer's workers' compensation policy next following receipt of department certification, the [] employer shall receive [a] AN ANNUAL five per centum discount in [the rate or rates applicable to the policy [for a period of one] year. The five per centum discount shall continue [for a total [of five years] indefinitely if the employer, [by affidavit] ON A FORM PRESCRIBED BY THE DEPARTMENT, provides annual verification to the department and to the employer's insurer that the safety continues to be operative and continues to meet the certification requirements.

SECTION 2. THE AMENDMENT OF SECTION 1002(B) OF THE ACT SHALL APPLY TO POLICIES ISSUED OR RENEWED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT.

Section 2 3. This act shall take effect immediately.

SB 1515 Printer's No. [2399](#).
An **Act amending Title 18 (Crimes and Offenses)** of the Pennsylvania Consolidated Statutes, **further providing for the offense of harassment and stalking;** and making conforming amendments to Titles 5, 18, 23 and 42.

Approved by the Governor, Dec. 9, 2002
Act No. 218

[Portions of full amendment of SB 1515 to Act 218 follow]: THE GENERAL ASSEMBLY OF PENNSYLVANIA

AN ACT **Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of harassment and stalking;** and making conforming amendments to Titles 5, 18, 23 and 42. General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

Section 1. Section 2709 of Title 18 of the Pennsylvania Consolidated Statutes **is amended to read:**

§ 2709. Harassment [and stalking].

(a) [Harassment] Offense defined.--A person commits the crime of harassment when, **with intent to harass, annoy or alarm another, the person:**

(1) strikes, shoves, kicks or otherwise subjects the person to physical contact, or attempts or threatens to do the same; (2) follows the other person in or about a public place or places; [or]

(3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose[.];

(4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;

(5) communicates repeatedly in an anonymous manner;

(6) communicates repeatedly at extremely inconvenient hours; or

(7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).

[(b) Stalking.--A person commits the crime of stalking when he engages in a course of conduct or repeatedly commits acts toward another person, including following the person without authority, under circumstances which demonstrate either of the following:

(1) an intent to place the person in reasonable fear of bodily injury; or

(2) an intent to cause substantial emotional distress to the person.]

(b.1) Venue.-- (1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(d) False reports.--A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section.--**This section shall not apply to conduct by a party to a labor dispute as defined in the act of June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-26 Injunction Act, or to any constitutionally protected activity.**

[(e.1) Course of conduct.--Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.]

3 -1 (f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. [The term includes lewd, lascivious, 12 threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously.] Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as

evidence of a continuing pattern of conduct or a course of conduct.

["Emotional distress." A temporary or permanent state of great physical or mental strain.

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.]

Section 2. Title 18 is amended by **adding** a section to read:

§ 2709.1. **Stalking.**

(a) Offense defined.--A person commits the crime of stalking when the person either:

(1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(b) Venue.--

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(d) **False reports.**--A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section.--This section shall not apply to conduct by a party to a labor dispute as defined in the act of June 2, 1937 (P.L.1198, No.308), known as the Labor Anti- **Injunction Act, or to any constitutionally protected activity.**

Sections 2710(a), 2711(a), 4954 and 4955(a)(2) of 9 Title 18 are amended to read:

§ 2710. **Ethnic intimidation.**

(a) Offense defined.--**A person commits the offense of ethnic intimidation if, with malicious intention toward the race, color, religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property**

destruction) of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) [or under 19 section 5504 (relating to harassment by communication or address)] with respect to such individual or his or her property or with respect to one or more members of such group or to their property
Section 11. This act shall take effect in 60 days.

HB 2778 Printer's No. [4741](#).
An Act **amending** the act of December 18, 2001 (P.L.949, No.114), known as the **Workforce Development Act, further providing for definitions, for staff and operations, for critical job training grants and for workforce development courses.**
Approved by the Governor, Dec. 16, 2002
Act No. 224

COMMENTS

Be sure to review pending bill SB 102 regarding new notification requirements that would be expected of employers when they monitor an employee's telephone call. The notification may be made orally or by the installation of a monitor on the employee's telephone so that the employee is advised when the employee's telephone call is being monitored.