

Inconsistent acts,
or parts of acts,
repealed.

Section 4. All acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed.

Section 5. This act shall become effective immediately upon final enactment.

APPROVED—The 21st day of March, A. D. 1955.

GEORGE M. LEADER

No. 4

AN ACT

Amending the act of June twenty-fourth, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting the abandonment of refrigerators and iceboxes from which doors have not been removed.

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

Amendment to
Penal Code by
adding after
section 699.7 a
new section
699.8.

Refrigerators and
iceboxes acces-
sible to children.

Section 1. The act of June twenty-fourth, one thousand nine hundred thirty-nine (Pamphlet Laws 872), known as "The Penal Code" is amended by adding after section 699.7 a new section to read:

Section 699.8. Refrigerators and Iceboxes.—Whoever discards or abandons in any place accessible to children any refrigerator or icebox having a capacity of one and one-half cubic feet or more with an attached lid or door, or being the owner, lessee or manager of any place accessible to children knowingly permits an abandoned or discarded refrigerator, icebox or chest to remain there with an attached lid or door is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding fifty dollars (\$50), or undergo imprisonment not exceeding thirty days, or both. A violation of this act shall not in itself render a person guilty of manslaughter, battery or other crime against a person who may suffer death or injury from entrapment in an icebox or refrigerator.

Penalties.

APPROVED—The 30th day of March, A. D. 1955.

GEORGE M. LEADER

No. 5

AN ACT

Amending the act of December five, one thousand nine hundred thirty-six (one thousand nine hundred thirty-seven Pamphlet Laws 2897), 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," by redefining certain terms; increasing minimum contributions; providing for modification of the manner in which contribution rates are determined and redetermined; shortening the period necessary to obtain a reduced contribution rate; providing for modification of the manner in which eligibility for compensation is determined; increasing the amounts and duration of compensation payments; removing certain limitations on the amount and duration of compensation; and extending the penal and related provisions of the act.

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

Section 1. Subsections (u), (w) and (x) of section four, act of December five, one thousand nine hundred thirty-six (one thousand nine hundred thirty-seven, Pamphlet Laws 2897), known as the "Unemployment Compensation Law," subsection (u) amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397); subsections (w) and (x) amended September twenty-nine, one thousand nine hundred fifty-one (Pamphlet Laws 1580), are further amended to read:

Section 4. Definitions. The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

* * * * *

(u) "Unemployed"—An individual shall be deemed unemployed (I) with respect to any week (i) during which he performs no services for which remuneration is paid or payable to him and (ii) with respect to which no remuneration is paid or payable to him, or (II) with respect to any week of less than his full-time work if the remuneration paid or payable to him with respect to such week is less than his weekly benefit rate plus six dollars (\$6): Provided, That for the purposes of this subsection, (i) vacation pay and similar payments, whether or not legally required to be paid, and (ii) wages in lieu of notice, separation allowances, dismissal wages and similar payments, which are legally required to be paid, shall be deemed remuneration paid or payable with respect to such period as shall be determined by rules and regulations of the department. [Charges resulting exclusively from the payment of benefits made solely by reason of this particular amendment of this particular

"Unemployment Compensation Law."

Subsections (u), (w) and (x) of section 4, act of December 5, 1936, 1937, P. L. 2897, (u) as amended by act of August 24, 1953, P. L. 1397, (w) and (z) as amended by act of September 29, 1951, P. L. 1580, further amended.

subsection shall be considered only on the basis of a five-year average in the determination of the contribution rate of base year employer.] *Notwithstanding any other provisions of this act, an employe who is unemployed during a plant shutdown for vacation purposes shall not be deemed ineligible for compensation merely by reason of the fact that he or his collective bargaining agents agreed to the vacation. No employe shall be deemed eligible for compensation during a plant shutdown for vacation who receives directly or indirectly any funds from the employer as vacation allowance.*

• • • • •

(w) A "Valid Application for Benefits" means an application for benefits on a form prescribed by the department, which is filed by an individual, as of a day not included in the benefit year previously established by such individual, who (1) has been separated from his work or who during the week commencing on such day has worked less than his full time due to lack of work and has earned less than the maximum weekly benefit amount *plus six (\$6) dollars* and (2) is qualified under the provisions of section four hundred and one (a), (b) and (d).

(x) "Wages" means all remuneration, (including the cash value of mediums of payment other than cash), paid by an employer to an individual with respect to his employment except that the term "wages" shall not include:

(1) That part of the remuneration which is in excess of the first three thousand dollars (\$3000) paid to an individual by each of his employers during a calendar year: Provided, That an employer may take credit under this subsection for remuneration which his predecessor-in-interest has paid to an individual during the same calendar year with respect to employment: and provided also, That an employer may take credit under this subsection for remuneration which he or his predecessor-in-interest has paid to an individual in the same calendar year on which contributions have been required and paid by such employer under an unemployment compensation law of another state, but no such credit may be taken for remuneration which has been paid by another employer to such individual, whether or not contributions have been paid thereon by such other employer under this act or under any state unemployment compensation law. [Remuneration in excess of three thousand dollars (\$3000) excluded from the definition of wages under the provisions of this subsection may not be considered in determining the compensation rights of any individual under this act, and in determining such rights the first three thousand dollars (\$3000)

of remuneration on which contributions are payable shall be considered as paid only in the calendar quarter or quarters in which such amount was actually paid: Provided, That no credit may be taken by an employer for any remuneration paid by his predecessor-in-interest prior to the first day of January, one thousand nine hundred fifty-one.]

*Remuneration paid by an employer in excess of the amount on which contributions are required to be paid may not be considered in determining the compensation rights of an individual under this act. Remuneration paid by an employer on which contributions are required to be paid shall be considered in determining the compensation rights of an individual and for such purpose may be allocated in accordance with rules and regulations of the department to any calendar quarter in which the individual earned remuneration from such employer; Provided, *That the sum of the allocation and the earnings reported with respect to any calendar quarter shall not exceed the remuneration paid for such quarter.*

• • • • •

Section 2. Subsection (a) of section two hundred one of the act amended September twenty-one, one thousand nine hundred fifty-one (Pamphlet Laws 1580), is further amended to read:

Subsection (a) of section 201, act of September 21, 1951, P. L. 1580, further amended.

Section 201. General Powers and Duties of Department. (a) It shall be the duty of the department to administer and enforce this act through such employment service and public employment offices as have been or may be constituted in accordance with the provisions of this act and existing laws. It shall have power and authority to adopt, amend, and rescind such rules and regulations, require such reports from employers, employes, the board and from any other person deemed by the department to be affected by this act, make such investigations, and take such other action as it deems necessary or suitable. Such rules and regulations shall not be inconsistent with the provisions of this act, and shall be effective in the manner the department shall prescribe. The department shall submit to the Governor a biennial report covering the administration and operation of this act and shall make such recommendations for amendments to this act as it deems proper. The department shall also prepare and present to the Governor, on or before the thirty-first day of December of each year, an actuarial evaluation of the financial operations of the unemployment compensation program, together with its findings and recommendations for developing and improving solvency of the fund and adjusting and regulating income and disbursements in the fields of

* "That" omitted in original.

Authority to
administer oaths.

contributions and benefits. Such report shall include the presentation of the current economic trends, statistics and analyses on which the evaluation is based. *In the discharge of the duties imposed by this act, the Secretary and any agent duly authorized in writing by him shall have the power to administer oaths and affirmations take depositions, and certify to official acts. The department shall have the power to issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary in the administration of this act.*

Subsections (a),
(b) and (c) of
section 301 of
act, amended
September 29,
1951, P. L. 1580,
further amended.

Section 3. Subsections (a), (b) and (c) of section three hundred one of the act, amended September twenty-nine, one thousand nine hundred fifty-one (Pamphlet Laws 1580), are further amended to read:

Section 301. Contributions by Employers; Experience Rating.

Extending time
and duration of
act.

(a) Each employer shall pay contributions with respect to the calendar year one thousand nine hundred [fifty-one] *fifty-five*, and each calendar year thereafter, at a rate equal to two and seven-tenths per centum of wages paid by him for employment: Provided, however, That such rate shall be adjusted between a minimum rate of [three-tenths] *five-tenths* of one per centum and a maximum rate of two and seven-tenths per centum in accordance with the following provisions of this section, as hereby amended, if the employer has paid contributions under this act for one or more quarters in each of the three twelve-month periods ending on the computation date for the year for which the rate is applicable, and has also paid contributions under this act for one or more of the first four of the last five calendar quarters immediately preceding such three twelve-month periods.

Employers
groups for
reduced com-
pensation.

And provided further, effective with respect to contribution rates for calendar years beginning January one, one thousand nine hundred fifty-six, employers shall for the purpose of being considered for reduced contribution rates be grouped as follows:

Group 1 shall consist of those employers who have paid contributions under this act for one or more quarters in the twelve-month period ending on the computation date for the year for which the rate is applicable and have also paid contributions under this act for one or more of the first four of the last five calendar quarters immediately preceding such twelve-month period.

Group 2 shall consist of employers who have paid contributions under this act for one or more quarters in each of the two twelve-month periods ending on the computation date for the year for which the rate is applicable and have also paid contributions under this act for one or more of the first four of the last five calendar quarters immediately preceding such two twelve-month periods.

Group 3 shall consist of employers who have paid contributions under this act for one or more quarters in each of the three twelve-month periods ending on the computation date for the year for which the rate is applicable and have also paid contributions under this act for one or more of the first four of the last five calendar quarters immediately preceding such three twelve-month periods. In no event shall those employers who have sufficient employer experience to be classified in Group 3 be classified in either Group 1 or Group 2; nor shall those employers who have sufficient employer experience to be classified in Group 2 be classified in Group 1.

And [provided further, however, That] no employer's rate of contribution for any calendar year shall be less than two and seven-tenths per centum, unless all his contributions due on wages paid to the end of the second calendar quarter of the preceding calendar year, together with interest and penalties due thereon, have been paid by the [thirty-first day of July] *fifteenth day of September* of such preceding calendar year, except that an employer who has timely filed an appeal as provided in subsection (e) of this section and who has been determined ineligible to receive a reduced rate solely on the basis that he has not paid all contributions, interest and penalties within the time limits as required in this subsection, shall have his rate redetermined and shall not be considered ineligible under this subsection if payment of such delinquent contributions, interest and penalties is made within thirty days after the department has notified the employer of the reason for his ineligibility for rate reduction in response to the appeal filed by the employer under subsection (e).

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(b) Each employer with respect to any period prior to the first day of January one thousand nine hundred [fifty-one] *fifty-five*, shall be liable for contributions in accordance with the provisions of this act applicable to each period in effect prior to such date and for these purposes such provisions shall remain in force and effect.

(c) The rate of contribution payable by an employer entitled to an adjustment as herein provided shall be as follows:

Employer entitled to adjustment of rate of contribution.

Table No. 2

	6.25 or									
Group 1	More	6.00	5.75	5.50	5.25	5.00	4.75	4.50	4.25	
	9.37 or									
Group 2	More	9.00	8.62	8.25	7.87	7.50	7.12	6.75	6.37	
	12.50 or									
Group 3	More	12.00	11.50	11.00	10.50	10.00	9.50	9.00	8.50	
<i>Fund</i> <i>Balance</i>										
(A)		.5	.5	.5	.5	.5	.6	.7	.8	
(B)		.8	.8	.8	.8	.9	1.0	1.1	1.2	1.3
(C)		.8	1.1	1.3	1.5	1.7	1.8	1.9	2.0	2.1

Table No. 2 (Continued)

										Less than
Group 1	4.00	3.75	3.50	3.25	3.00	2.75	2.50	2.25	2.00	2.00
										Less than
Group 2	6.00	5.62	5.25	4.87	4.50	4.12	3.75	3.37	3.00	3.00
										Less than
Group 3	8.00	7.50	7.00	6.50	6.00	5.50	5.00	4.50	4.00	4.00
<i>Fund</i> <i>Balance</i>										
(A)	.9	1.0	1.2	1.4	1.6	1.8	2.0	2.2	2.4	2.7
(B)	1.4	1.5	1.6	1.7	1.8	1.9	2.1	2.3	2.5	2.7
(C)	2.2	2.3	2.4	2.5	2.7	2.7	2.7	2.7	2.7	2.7

As used in the foregoing [table] tables, the term "Employer Percentage" means the ratio of the balance in an employer's reserve account to his average annual payroll, and the term "Fund Balance" means the balance in the Pennsylvania Unemployment Compensation Fund at the end of any calendar [quarter] year as recorded on the records of the department.

(B) An employer's rate of contribution on wages paid during each calendar [quarter] year shall be the rate specified in the column beneath his "Employer Percentage" which is on the horizontal line opposite—

(1) Fund Balance (A), if the balance at the end of the immediately preceding calendar [quarter] year was not less than [four hundred twenty million dollars (\$420,000,000)] *four hundred fifty million dollars (\$450,000,000)*; or,

(2) Fund Balance (B), if the balance at the end of the immediately preceding calendar [quarter] *year* was not less than [three hundred forty million dollars (\$340,000,000)] *three hundred fifty million dollars (\$350,000,000)*; or,

(3) Fund Balance (C), if the balance at the end of the immediately preceding calendar [quarter] *year* was not less than [two hundred fifty million dollars (\$250,000,000)] *three hundred million dollars (\$300,000,000)*: Provided, That if the balance at the end of the immediately preceding calendar [quarter] *year* was less than [two hundred fifty million (\$250,000,000)] *three hundred million dollars (\$300,000,000)*, [or one and one-half times the highest amount paid out for compensation less any refunds during any twelve (12) consecutive months within the last one hundred twenty (120) consecutive months whichever amount is greater, then] all employers' rates of contribution on wages paid during the next calendar [quarter] *year* shall be two and seven-tenths per centum. [And provided further, That if the balance at the end of the immediately preceding calendar quarter was equal to or in excess of six hundred seventy million dollars (\$670,000,000) then the rate of contribution on wages paid during the next calendar quarter for any employer having an "Employer Percentage" of four per centum, or more, shall be two-tenths of one per centum less than the rate of contribution specified in the column beneath his "Employer Percentage" which is on the horizontal line opposite Fund Balance (A) in the foregoing table: And provided further, however, That in no case shall the rate of any employer exceed two and seven-tenths per centum or be less than three-tenths of one per centum.]

Subsection (d) of section 401 of the act, amended August 24, 1953, P. L. 1397, further amended.

Section 4. Subsection (d) of section four hundred one of the act, amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397), is further amended to read:

Section 401. Qualifications Required to Secure Compensation. Compensation shall be payable to any employe who is or becomes unemployed, and who

• * * * •

"Pregnancy."

(d) Is able to work and available for suitable work: Provided, That a claimant shall be conclusively presumed to be unavailable for work with respect to any week of unemployment [attributable to pregnancy and in any event after the sixth month] *after seven and one-half months of pregnancy, and until after [one month] thirty days of confinement,*

Subsection (b) of section 402 of the act amended August 24, 1953, P. L. 1397, further amended.

Section 5. Subsection (b) of section four hundred two of the act, amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397), is further amended to read:

Section 402. Ineligibility for Compensation. An employe shall be ineligible for compensation for any week

* * * * *

(b) In which his unemployment is due to voluntarily leaving work without [good] cause of a *necessitous and compelling nature*, irrespective of whether or not such work is in "employment" as defined in this act: Provided, That no employe shall be deemed to be ineligible under this subsection where as a condition of continuing in employment such employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization, or to accept wages, hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation, or would be denied the right of collective bargaining under generally prevailing conditions, and that in determining whether or not an employe has left his work voluntarily without good cause, the department shall give consideration to the same factors, insofar as they are applicable, provided, with respect to the determination of suitable work under section four (t) [marital, filial and domestic circumstances and obligations shall not be deemed good cause within the meaning of this act]: And provided further, That the provisions of this subsection shall not apply in the event of a stoppage of work which exists because of a labor dispute within the meaning of subsection (d).

Section 6. The first paragraph and subsections (a), (d), (e) and the Tables Specified for the Determination of Rate and Amount of Benefits of section four hundred four of the act, the first paragraph amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397), subsection (a) amended May twenty-seven, one thousand nine hundred forty-three (Pamphlet Laws 717), subsection (d) amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397), subsection (e) amended September twenty-nine, one thousand nine hundred fifty-one (Pamphlet Laws 1580), and said tables amended September twenty-nine, one thousand nine hundred fifty-one (Pamphlet Laws 1580), are further amended and a new subsection (c) is added to read:

Section 404. Rate and Amount of Compensation. Compensation shall be paid to each eligible employe in accordance with the following provisions of this section except that compensation payable with respect to weeks ending in benefit years which begin prior to the [first day of October one thousand nine hundred fifty-one] *first day of the second calendar month following enactment of this amendment*, shall be paid on the basis of the

First paragraph and subsections (a), (d), (e) and Tables specified for determination of Rate and Amount of Benefits of section 404 of the act, first paragraph amended August 24, 1953, P. L. 1397, subsection (a) amended May 27, 1943, P. L. 717, subsection (d) amended August 24, 1953, P. L. 1397, subsection (e) amended September 29, 1951, P. L. 1580, and tables amended September 29, 1951, P. L. 1580, further amended.

Rate and amount of compensation.

provisions of this section in effect at the beginning of such benefit years: *Provided, That the amendments to subsections (d) and (e) removing the limitations on the amount and duration of compensation shall take effect immediately.*

(a) The employe's weekly benefit rate shall be [that rate which appears in "Part B" and which is on the same horizontal line in "Part A" as the interval which includes his "highest quarterly wage"] *computed as (1) one twenty-fifth of his "highest quarterly wage" in accordance with Part A of the Table Specified for the Determination of Rate and Amount of Benefits, or (2) fifty per centum (50%) of his full-time weekly wage, whichever is greater; or, if his base year wages are insufficient to qualify him for compensation by either of these methods, his weekly benefit rate shall be determined as (3) that rate appearing in Part B of the table, on the line on which in Part C appears the amount of qualifying wages which most nearly approximates, but does not exceed, his base year wages.*

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(c) *Any otherwise eligible employe shall be entitled during his benefit year to the amount appearing in Part D of the Table Specified for the Determination of Rate and Amount of Benefits, on the line on which in Part B appears his weekly benefit rate: Provided, *That he has sufficient qualifying wages in Part C, and provided further, That an employe whose weekly benefit rate has been determined under clause (3) of subsection (a) of this section shall be entitled to compensation only if his base year wages are at least thirty times the weekly benefit rate as computed under clause (1) of subsection (a).*

(d) Notwithstanding any other provisions of this section, each eligible employe who is unemployed with respect to any week ending subsequent to the effective date of this act shall be paid with respect to such week compensation in an amount equal to his weekly benefit rate less that part of the remuneration, if any, paid or payable to him with respect to such week which is in excess of six dollars (\$6.00). Such compensation, if not a multiple of one dollar (\$1.00), shall be computed to the next higher multiple of one dollar (\$1.00). [Provided, That if at the end of any calendar quarter the balance in the Unemployment Trust Fund to the credit of Pennsylvania is less than one and one-half times the highest amount paid out for compensation less any refunds during any twelve consecutive months the maximum amount of compensation payable to any employe for a week of unemployment ending during the next calendar quarter shall not be in excess of twenty dollars (\$20).]

* "That" omitted in original.

(e) [Any otherwise eligible employe shall be entitled during his benefit year to an amount equal to his weekly benefit rate multiplied by the number which appears at the top of a column under "Part C" to be ascertained by locating on the same horizontal line on which his weekly benefit rate appears the maximum amount which does not exceed the total wages paid to him during his base year: Provided, That if at the end of any calendar quarter the balance in the Unemployment Trust Fund to the credit of Pennsylvania is less than one and one-half times the highest amount paid out for compensation less any refunds during any twelve consecutive months no employe shall be paid compensation with respect to weeks of unemployment ending during the next calendar quarter in an amount which together with any amounts previously paid with respect to the same benefit year would be in excess of twenty times the employe's weekly benefit rate or four hundred dollars (\$400) whichever is the lesser.

Tables Specified for the Determination of Rate and
Amount of Benefits

(Section 404 Pennsylvania Unemployment
Compensation Law)

Part A Highest Quarterly Wages	Part B Weekly Benefit Rate	PART C Minimum Base Year Wages						
		13	14	15	16	17	18	19
\$120-262	\$10	\$300	\$333	\$368	\$403	\$439	\$476	\$514
263-287	11	330	367	404	443	483	524	565
288-312	12	360	400	441	484	527	571	616
313-337	13	390	433	478	524	571	619	668
338-362	14	420	467	515	564	615	667	719
363-387	15	450	500	551	605	659	714	770
388-412	16	480	533	588	645	703	762	822
413-437	17	510	567	625	685	747	810	873
438-462	18	540	600	662	725	791	857	924
463-487	19	570	633	699	766	835	905	976
488-512	20	600	667	735	806	879	952	1027
513-537	21	630	700	772	846	922	1000	1078
538-562	22	660	733	809	887	966	1048	1130
563-587	23	690	767	846	927	1010	1095	1181
588-612	24	720	800	882	967	1054	1143	1232
613-637	25	750	833	919	1008	1098	1190	1284
638-662	26	780	867	956	1048	1142	1238	1335
663-687	27	810	900	993	1088	1186	1286	1386
688-712	28	840	933	1029	1128	1230	1333	1438
713-737	29	870	967	1066	1169	1274	1381	1489
738 or more	30	900	1000	1103	1209	1318	1429	1541

LAWS OF PENNSYLVANIA,

Tables Specified for the Determination of Rate and
Amount of Benefits(Section 404 Pennsylvania Unemployment
Compensation Law)

Part A Highest Quarterly Wages	Part B Weekly Benefit Rate	PART C Minimum Base Year Wages						
		20	21	22	23	24	25	26
\$120-262	\$10	\$551	\$588	\$625	\$661	\$696	\$729	\$760
263-287	11	606	647	687	727	765	802	836
288-312	12	661	706	750	793	835	875	912
313-337	13	716	765	812	859	904	948	988
338-362	14	771	824	875	925	974	1020	1064
363-387	15	826	882	937	991	1043	1093	1140
388-412	16	882	941	1000	1057	1113	1166	1216
413-437	17	937	1000	1062	1124	1183	1239	1292
438-462	18	992	1059	1125	1190	1252	1312	1368
463-487	19	1047	1118	1187	1256	1322	1385	1444
488-512	20	1102	1176	1250	1322	1391	1458	1520
513-537	21	1157	1235	1312	1388	1461	1531	1596
538-562	22	1212	1294	1375	1454	1530	1603	1673
563-587	23	1267	1353	1437	1520	1600	1676	1749
588-612	24	1322	1412	1500	1586	1670	1749	1825
613-637	25	1377	1471	1562	1652	1739	1822	1901
638-662	26	1433	1529	1625	1718	1809	1895	1977
663-687	27	1488	1588	1687	1784	1878	1968	2053
688-712	28	1543	1647	1750	1851	1948	2041	2129
713-737	29	1598	1706	1812	1917	2017	2114	2205
738 or more	30	1653	1765	1875	1983	2087	2187	2281

*Table Specified for the Determination of Rate
and Amount of Benefits*

Part A Highest Quarterly Wage	Part B Rate of Compensation	Part C Qualifying Wages	Part D Amount of Compensation
\$120-\$262	\$10	\$320	\$300
263- 287	11	333	330
288- 312	12	367	360
313- 337	13	402	390
338- 362	14	439	420
363- 387	15	476	450
388- 412	16	514	480
413- 437	17	553	510
438- 462	18	592	540
463- 487	19	633	570
488- 512	20	675	600
513- 537	21	718	630
538- 562	22	763	660

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate</i> <i>of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wages</i>	<i>Part D</i> <i>Amount</i> <i>of</i> <i>Compensation</i>
\$563-\$587	23	808	690
588- 612	24	855	720
613- 637	25	903	750
638- 662	26	952	780
663- 687	27	1,003	810
688- 712	28	1,055	840
713- 737	29	1,109	870
738- 762	30	1,164	900
763- 787	31	1,221	930
788- 812	32	1,280	960
813- 837	33	1,341	990
838- 862	34	1,403	1,020
863 or more	35	1,468	1,050

* * * * *

Section 7. Section eight hundred one of the act, amended September twenty-nine, nineteen hundred fifty-one (Pamphlet Laws 1580), is further amended to read:

Section 801 of the act, amended September 29, 1951, P. L. 1580, further amended.

Section 801. False Statements and Representations to Obtain or Increase Compensation. 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 [twenty] *thirty* nor more than [fifty] *two hundred* 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. *Whoever makes a false statement 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, may be disqualified within the one year period immediately following the departmental determination of such offense, for such week or weeks of improper payments plus a penalty period of two weeks and for not more than 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.*

"False Statement" for claimant.

Section 802 of the act, amended.

Section 8. Section eight hundred two of the act is amended to read:

"False Statement" for contributor.

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 employe 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 [twenty] fifty dollars nor more than [two] five hundred dollars, and in default of the payment of such fine and costs shall be sentenced to imprisonment for not longer than thirty days, and 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.

Subsection (b) of section 804 of the act, amended August 24, 1953, P. L. 1397, further amended.

Section 9. Subsection (b) of section eight hundred four of the act amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1397), is further amended to read:

Recovery and Recoupment of Compensation.

Section 804. Recovery and Recoupment of Compensation.

• • • • •

(b) Any person who other than by reason of his fault has received with respect to a benefit year any sum as compensation under this act to which he was not entitled shall not be liable to repay such sum but shall be liable to have such sum deducted from any future compensation payable to him with respect to such benefit year, or the three-year period immediately following such benefit year: Provided, That with respect to overpayments of one hundred dollars or more, recoupment from such future compensation shall not exceed one-third of the maximum benefit amount to which such person is entitled during any such subsequent benefit year nor one-third of the weekly benefit amount to which such person may be entitled for any particular week. In the absence of misrepresentation or non-disclosure of a material fact, no recoupment shall be had if such overpayment is created by reason of (1) a subsequent reversal of a decision of eligibility under the provisions of section

five hundred one (e) of this act, or (2) a retroactive allocation of wages pursuant to an award of a labor relations board arbitrator or the like, unless such award provides for the repayment of unemployment compensation benefits received during the period to which such wages are allocated, or (3) the subsequent receipt of holiday pay, vacation pay or the like of which the person had no knowledge, or (4) a subsequent determination that the person's base year wages were not earned in employment as defined in this act. No provision of this subsection shall be construed to prevent or prohibit the voluntary repayment of compensation by such person or the maintenance of records of overpayments by the department. [In determining whether or not recoupment from future compensation would be inequitable or unconscionable the claimant's financial worth shall not be considered.]

The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section, and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation.

Section 10. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 30th day of March, A. D. 1955.

GEORGE M. LEADER

No. 6

AN ACT

Amending the act of July twenty-eight, one thousand nine hundred fifty-three (Pamphlet Laws 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," changing provisions relating to incompatibility in office of civil service commissioners.

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

Section 1. Subsection (d), section 1503, act of July twenty-eight, one thousand nine hundred fifty-three (Pamphlet Laws 723), known as the "Second Class County Code," is amended to read:

"Second Class County Code."

Section 1503. Civil Service Commission Created; Appointments; Vacancies.— • • •

Subsection (d), section 1503, act of July 28, 1953, P. L. 723, amended.

(d) No commissioner shall at the same time hold an elective or appointive office under the United States Government. [the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth.]

APPROVED—The 7th day of April, A. D. 1955.

GEORGE M. LEADER