

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 [(1)] that part of the remuneration, if any, paid or payable to him with respect to such week which is in excess of five dollars (\$5.00) [and (2) the amount of any pension or retirement payment paid or payable to him with respect to such week from any fund, annuity or insurance which is financed in whole or in part by payments or premiums paid by a base year employer]. 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 (\$20.00).

Section 2. The provisions of this act shall become effective immediately upon final enactment, and shall apply with respect to all claim weeks ending subsequent to the first day of October, one thousand nine hundred fifty-one.

Act effective
immediately.
Applicability.

APPROVED—The 2nd day of January, A. D. 1952.

JOHN S. FINE

No. 481

AN ACT

To further amend the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as 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," by increasing maximum and minimum rates and increasing the number of weeks and aggregate of compensation for total disability, increasing the maximum amounts payable upon death and increasing the minimum and maximum wages upon which death compensation shall be paid, and changing procedure.

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

The Pennsylvania
Workmen's Com-
pensation Act.

Clauses (a), (c) and (d) of section 306, act of June 2, 1915, P. L. 736, as last reenacted and amended by act of June 21, 1939, P. L. 520, clauses (a) and (c) of which were last amended by act of May 14, 1949, P. L. 1369, further amended.

Section 1. Clauses (a), (c) and (d) of section three hundred six of the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as 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," as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), *clauses (a) and (c) of which were last amended by the act, approved the fourteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1369), are hereby further amended to read as follows:

Schedule of compensation.

Section 306. The following schedule of compensation is hereby established for injuries resulting in total disability:

Total disability.

(a) For the first [five] *seven* hundred weeks after the seventh day of total disability, sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine; but the compensation shall not be more than [twenty-five] *thirty* dollars per week nor less than [twelve dollars and fifty cents] *twenty dollars* per week, and shall not exceed in the aggregate the sum of [twelve thousand five hundred] *twenty thousand* dollars: Provided, That, if at the time of the injury the employe receives wages of less than [twelve dollars and fifty cents] *twenty dollars* per week, then he shall receive the full amount of such wages per week as compensation, but in no event less than [six dollars and twenty-five cents] *ten dollars* per week. Nothing in this clause shall require payment of compensation after disability shall cease. Should partial disability be followed by total disability, the period of five hundred weeks mentioned in the clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

* * * * *

Permanent injuries.

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks.

For the loss of a forearm, sixty-six and two-thirds per centum of wages during one hundred and ninety-five weeks.

* "clause" in original.

For the loss of an arm, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

For the loss of a foot, sixty-six and two-thirds per centum of wages during one hundred and fifty weeks.

For the loss of a lower leg, sixty-six and two-thirds per centum of wages during one hundred and eighty weeks.

For the loss of a leg, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

For the loss of an eye, sixty-six and two-thirds per centum of wages during one hundred and twenty-five weeks.

For the complete loss of hearing, in both ears, sixty-six and two-thirds per centum of wages during one hundred and fifty weeks.

For the loss of a thumb, sixty-two and two-thirds per centum of wages during sixty weeks.

For the loss of a first finger, commonly called index finger, sixty-six and two-thirds per centum of wages during thirty-five weeks.

For the loss of a second finger, sixty-six and two-thirds per centum of wages during thirty weeks.

For the loss of a third finger, sixty-six and two-thirds per centum of wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, sixty-six and two-thirds per centum of wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered equivalent to the loss of one-half of such thumb or finger, and shall be compensated at the same rate as for the loss of a thumb or finger, but for one-half of the period provided for the loss of a thumb or finger.

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger.

For the loss of, or permanent loss of the use of, any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

For the loss of a great toe, sixty-six and two-thirds per centum of wages during forty weeks.

For the loss of any other toe, sixty-six and two-thirds per centum of wages during sixteen weeks.

The loss of the first phalange of the great toe; or of any toe, shall be considered equivalent to the loss of one-half of such great toe, or other toe, and shall be compensated at the same rate as for the loss of a great toe, or other toe, but for one-half of the period provided for the loss of a great toe or other toe.

The loss of more than one phalange of a great toe, or any toe, shall be considered equivalent to the loss of the entire great toe or other toe.

For the loss of, or permanent loss of the use of, any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

Disfigurement.

For serious and permanent disfigurement of the head, or face, of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, sixty-six and two-thirds per centum of wages not to exceed one hundred and fifty weeks.

Unless the board shall otherwise determine, the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a).

Amputation.

Amputation at the wrist shall be considered as the equivalent of the loss of a hand, and amputation at the ankle shall be considered as the equivalent of the loss of a foot. Amputation between the wrist and the elbow shall be considered as the loss of a forearm, and amputation between the ankle and the knee shall be considered as the loss of a lower leg. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg, eye, finger, or thumb, great toe, or other toe, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, eye, finger, or thumb, great toe or other toe.

Rate of compensation.

This compensation shall not be more than [twenty-five] *thirty* dollars per week nor less than [twelve dollars and fifty cents] *twenty dollars* per week: Provided, That if at the time of injury the employe receives wages of less than [twelve dollars and fifty cents] *twenty dollars* per week, then he shall receive the full amount of such wages per week as compensation, but in no event less than [six dollars and twenty-five cents] *ten dollars* per week.

When compensation begins.

(d) The period of [five hundred weeks] *total disability* mentioned in clause (a), three hundred weeks mentioned in clause (b), and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c), shall begin to run seven days after disability begins, and shall run concurrently.

Section 307, said act, as last amended by act of May 14, 1949, P. L. 1369, further amended.

Section 2. Section 307 of said act, as last amended by the act, approved the fourteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws *1369, is hereby further amended to read as follows:

Compensation in case of death of employe.

Section 307. In case of death, compensation shall be computed on the following basis, and distributed to the following persons:

* "1396" in original.

1. If there be no widow nor widower entitled to compensation, compensation shall be paid to the guardian of the child or children, or, if there be no guardian, to such other persons as may be designated by the board as hereinafter provided, as follows:

To child or children.

(a) If there be one child, twenty-five per centum of wages of deceased, but not in excess of [eight dollars and seventy-five cents] *ten dollars and fifty cents* per week.

(b) If there be two children, thirty-five per centum of wages of deceased, but not in excess of [twelve dollars and fifty cents] *fifteen dollars* per week.

(c) If there be three children, forty-five per centum of wages of deceased, but not in excess of [sixteen dollars and twenty-five cents] *nineteen dollars and fifty cents* per week.

(d) If there be four children, fifty-five per centum of wages of deceased, but not in excess of *twenty-four* dollars per week.

(e) If there be five children, sixty-two and one-half per centum of wages of deceased, but not in excess of [twenty-two dollars and fifty cents] *twenty-seven dollars* per week.

(f) If there be six or more children, sixty-six and two-thirds per centum of wages of deceased, but not in excess of [twenty-five] *thirty* dollars per week.

2. To the widow or widower, if there be no children, forty-four per centum of wages, but not in excess of [fifteen] *eighteen* dollars per week.

To widow or widower, if no children.

3. To the widow or widower, if there be one child, fifty-three per centum of wages, but not in excess of [eighteen dollars and seventy-five] *twenty-two dollars and fifty* cents per week.

To widow or widower, if one child.

4. To the widow or widower, if there be two children, sixty-two and one-half per centum of wages, but not in excess of [twenty-two dollars and fifty cents] *twenty-seven dollars* per week.

To widow or widower, if two children.

4½. To the widow or widower, if there be three or more children, sixty-two and two-thirds per centum of wages, but not in excess of [twenty-five] *thirty* dollars per week.

To widow or widower, if three or more children.

5. If there be neither widow, widower, nor children entitled to compensation, then to the father or mother, if dependent to any extent upon the employe at the time of the accident, twenty-five per centum of wages, but not in excess of [seven dollars and fifty cents] *nine dollars* per week: Provided, however, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed: And provided further, That if the father or mother was totally dependent upon the deceased employe at the time of the

To father or mother.

Proviso.

Further proviso.

accident, the compensation payable to such father or mother shall be forty-five per centum of wages, but not in excess of [thirteen dollars and seventy-five] *sixteen dollars and fifty cents* per week.

Brothers and sisters.

6. If there be neither widow, *widower, children, nor dependent parent, entitled to compensation, then to the brothers and sisters, if actually dependent upon the decedent for support at the **time of his death, fifteen per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of twenty-five per centum, such compensation to be paid to their guardian, or, if there be no guardian, to such other person as may be designated by the board, as hereinafter provided.

Burial expenses.

7. Whether or not there be dependents as aforesaid, the reasonable **expense of burial**, not exceeding two hundred and fifty dollars, which shall be paid by the employer or ***insurer directly to the undertaker (without deduction ****of any amounts theretofore paid for compensation or for medical expenses).

When compensation shall be payable.

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, or sister is under the age of sixteen. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him and receiving from him a substantial portion of her support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. If members of decedent's household at the time of his death, the terms "child" and "children" shall include step-children, adopted children and children to whom he stood in loco parentis, and shall include posthumous children. Should any dependent of a deceased employe die or remarry, or should the widower become capable of self-support, the right of such dependent or widower to compensation under this section shall cease: Provided, however, That upon remarriage of any widow, the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her: Provided further, That if, upon investigation and hearing, it shall be ascertained that the widow or widower is living with a man or woman, as the case may be, in meretricious relationship and not married, or the widow living a life of prostitution, the board may order the

"Child" and "children."

Death or remarriage of dependent, or where widower becomes capable of self-support.

Proviso: Remarriage of widow.

Further proviso: Meretricious relationship.

* "or" deleted in original.
 ** "time" in original.
 *** "incurer" in original.
 **** "or" in original.

termination of compensation payable *to such widow or widower. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

The wages upon which death compensation shall be based shall not in any case be taken to exceed [thirty-seven dollars and fifty cents] *forty-five dollars* per week, nor be less than [twenty-one dollars and twenty-five] *twenty-five dollars and fifty cents* per week.

This compensation shall be paid during three hundred weeks, and in the case of children entitled to compensation under this section, the compensation of each child shall continue, after said period of three hundred weeks, until such child reaches the age of sixteen, at the rate of seventeen and one-half per centum of wages, but not in excess of [five dollars and seventy-five cents] *six dollars and ninety cents* per week, if there is one child; twenty-seven and one-half per centum of wages, but not in excess of [eight dollars and seventy-five] *ten dollars and fifty cents* per week, if there are two children; thirty-eight and one-half per centum of wages, but not in excess of [twelve dollars and fifty cents] *fifteen dollars* per week, if there are three children; fifty per centum of wages, but not in excess of [sixteen dollars and twenty-five] *nineteen dollars and fifty cents* per week, if there are four children; fifty-five per centum of wages, but not in excess of [seventeen dollars and fifty cents] *twenty-one dollars* per week, if there are five children; and sixty per centum of wages, but not in excess of twenty-four dollars per week, if there are six children or more.

The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a child or children, or to a widow or a widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board, as hereinafter provided, may direct. If there be no guardian or committee of any minor, dependent, or insane employe, or dependent, on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employe, or dependent may be paid to any surviving parent, or to such other person as the board may order and direct, and the board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employe, or dependent to be paid, to

Basis of death compensation.

Period of compensation.

Rate of compensation.

Payment to guardian of minors.

Payment to surviving parent if there be no guardian.

Account.

* "to such widow or widower. If the compensation payable" omitted in original.

Bond.

render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.

Section 410, said act, as last reenacted and amended by act of June 21, 1939, P. L. 520, further amended.

Section 3. Section four hundred ten of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), is hereby further amended to read as follows:

Procedure where, after an accident, employer and employe fail to agree upon facts and compensation due.

Section 410. If, after any accident, the employer and the employe or his dependent, concerned in any accident, shall fail to agree upon the facts thereof and the compensation due under this act, the employe or his dependents may present a claim for compensation to the board.

Interest.

Whenever any claim for compensation is presented to the board and is finally adjudicated in favor of the claimant, the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum, from the day such claim is presented, and such interest shall be payable to the same persons as the compensation is payable.

To whom compensation payable where claimant dies before final adjudication of his claim.

In case any claimant shall die before the final adjudication of his claim, the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation, or, if there be no dependents, then to the estate of the decedent.

Procedure where only issue involved is liability as between defendant or carrier or two or more carriers.

*Whenever any claim for compensation is presented to the board or a referee and the injury and accident are not denied, and the only issue involved is the liability as between the defendant or the carrier or two or more carriers, the referee or the board shall forthwith order payments to be immediately made by the defendants or the carriers in said case. After the referee or the board *render a final decision, the payments made by the defendant or carrier not liable in the case shall be awarded or assessed against the defendant or carrier liable in the case, as costs in the proceedings, in favor of the defendant or carrier not liable in the case.*

Act effective immediately.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 2nd day of January, A. D. 1952.

JOHN S. FINE

* "rendered" in original.