

No. 6
AN ACT

HB 535

Amending the act of December 5, 1936 (1937 P. L. 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," further providing for the rate and amount of compensation.

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

Section 1. The first paragraph, clause (1) of subsection (a) and subsections (c), (d) and (e) of section 404, act of December 5, 1936 (1937 P. L. 2897), known as the "Unemployment Compensation Law," amended March 24, 1964 (P. L. 53), are amended 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 [July] January, one thousand nine hundred [sixty-four] sixty-eight, shall be paid on the basis of the provisions of this section in effect at the beginning of such benefit years.

(a) (1) The employe's weekly benefit rate shall be computed as (1) [one twenty-fifth of ¹his "highest quarterly wage" in accordance with Part A] the amount appearing in Part B of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part A there appears his "highest quarterly wage," or (2) fifty per centum (50%) of his full-time weekly wage, whichever is greater.

* * *

(c) (1) Any otherwise eligible employe who has base year wages in an amount equal to, or in excess, of the amount of qualifying wages appearing in Part C of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part B there appears his weekly benefit rate, as determined under subsection (a) of this section, shall be entitled during his benefit year (a) to the

¹ "this" in original.

amount appearing in Part D on said line, but not in excess of fifty per centum of his total base year wages disregarding all fractions of a dollar or (b) to an amount equal to eighteen times his weekly benefit rate, whichever is the greater.

(2) Whenever, upon or subsequent to separation from his employment, an employe who at the time of such separation has attained or thereafter attains the age at which he would be entitled to receive old age benefits under the provisions of Title II of the Federal Social Security Act as amended receives (a) retirement pension or annuity payments based upon his employment or (b) upon application would be entitled to receive such payments without diminution on account of age, the amount of benefits otherwise payable to such employe under the provisions of this act, during any benefit year, shall be reduced by an amount (RA-Reduction Amount) disregarding all fractions of a dollar determined as follows:

BA

$$\frac{\text{BA}}{\text{WBR}} \times \text{WPR} = \text{RA}$$

WBR

in which factor BA is the maximum benefit amount determined under the provisions of paragraph (1) of this subsection: Provided, That if at the time of such separation or entitlement or attainment of age as aforesaid, the employe is in a current benefit year, factor BA for such year shall be the balance in the employe's benefit account at the time of separation or entitlement or attainment of age as aforesaid, whichever is the later. Factor WBR is the employe's weekly benefit rate as established under subsection (a) of this section and Factor WPR is the employe's weekly retirement pension or annuity rate. If the retirement pension or annuity payments are payable under a plan, public or private, to which the employe has contributed, the amount otherwise deductible under this paragraph shall be reduced by fifty per centum. Retirement pension or annuity payments received by the employe under any private retirement plan to which the employe was the sole contributor, shall not be considered a deductible retirement pension or annuity payment for the purposes of this subsection. If such retirement pension or annuity payments are payable on other than a weekly basis, the amount thereof shall be pro-rated by the department to such basis disregarding all fractions of a dollar. If during the course of a benefit year the amount of a retirement pension or annuity is either increased or decreased, the department shall redetermine the amount of reduction provided for under this para-

graph for the remainder of such benefit year as of the effective date of such increase or decrease.

(d) (1) Notwithstanding any other provisions of this section each eligible employe who is unemployed with respect to any week ending subsequent to the first day of ~~[July]~~ January, one thousand nine hundred ~~[sixty-four]~~ sixty-eight, shall be paid, with respect to such week, compensation in an amount equal to his weekly benefit rate less the total of ~~[(1)]~~ (i) [that part of] the remuneration, if any, paid or payable to him with respect to such week for services performed which is in excess of his partial benefit credit, ~~[(2)]~~ (ii) vacation pay, if any, ~~[(3)]~~ (iii) severance or separation allowances or dismissal wages and similar payments, the payment of or eligibility for which is made or conditioned upon a temporary, indefinite or permanent separation from employment except payments made pursuant to a private plan the actual and declared purpose of which is to provide benefits in addition to the compensation provided by this act and so found by the department and in addition thereto with respect to an employe who has attained the age at which he would be entitled to receive old age benefits under the provisions of Title II of the Federal Social Security Act, as amended, [(4)] (iv) the amount of a retirement pension or annuity, if any, (a) paid or (b) which upon application would be payable to him without diminution on account of age under a public or private pension plan to which only an employer or employers of such employe has contributed, ~~[(5)]~~ (v) one-half of the amount of a retirement pension or annuity, if any, (a) paid or (b) which upon application would be payable to him without diminution on account of age under a public or private pension plan to which both the employe and an employer or employers of such employe have contributed. The provisions of this subsection shall be applicable whether or not such vacation pay, retirement pension or annuities, payments, allowances or wages are legally required to be paid. If such retirement pension or annuity payments deductible under the provisions of this subsection are received on other than a weekly basis, the amount thereof shall be allocated and pro-rated in accordance with the rules and regulations of the department. Vacation pay, severance or separation allowances, dismissal wages or other remuneration deductible under the provisions of this subsection shall be pro-rated on the basis of the employe's normal full-time weekly wage and as so pro-rated shall be allocated to such period or periods of unemployment as shall be determined by rules and regulations of the department. Retirement pension or annuity payments received by the employe under any

private retirement plan to which the employe was the sole contributor, shall not be considered a deductible retirement pension or annuity payment for the purposes of this subsection. Such compensation, if not a multiple of one dollar (\$1.00), shall be computed to the next higher multiple of one dollar (\$1.00).

(2) The provisions of subsection (c) (2) and subsection (d) (1) of this section 404 shall not be applicable if, subsequent to attaining the age as set forth therein, or subsequent to the date as of which he commences to receive a pension, whichever is later, the employe has earned base year wages in "employment" as defined in this act sufficient to qualify him for compensation solely on the basis of such wages and he claims compensation solely on such wages, in which event wages earned prior to the aforesaid age or date shall not be considered base year wages within the meaning of this paragraph and section 401 (a) of this act: Provided, however, That such employe may also elect to claim compensation on wages which include earnings prior to the aforesaid age or date but in that event the provisions of subsection (c) (2) and subsection (d) (1) of this section 404 with regard to the reduction of his weekly amount of benefits and maximum amount of benefits shall be applicable.

(3) Any other provision of this act to the contrary notwithstanding the weekly amount of benefits and the maximum amount of benefits to which an employe who is not subject to the provisions of clauses (iv) and (v) of paragraph (1) of this subsection (d) would otherwise be entitled shall be reduced by the amount by which the aggregate amount of the retirement pensions and annuities computed under said clauses exceed the maximum weekly benefit rate provided for under subsection (e) of this section 404: Provided, however, That the balance in the employe's compensation account shall be reduced by his weekly benefit amount without regard to such pension deduction.

(4) Periodical payments, not including lump sum payments, received by an employe under a pension plan which are not deductible

from his compensation as retirement pension or annuity payments under clauses (iv) and (v) of this subsection (d) shall not be deemed deductible under any other provisions of this act.

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

Part A Highest Quarterly Wage	Part B Rate of Compensa- tion	Part C Minimum Qualify- ing Wages	Part D Maximum Amount of Compensation
\$ 120-262	[\$10] <u>\$11</u>	\$ 360	[\$ 300] <u>\$ 330</u>
263-287	[11] <u>12</u>	396	[330] <u>360</u>
288-312	[12] <u>13</u>	432	[360] <u>390</u>
313-337	[13] <u>14</u>	468	[390] <u>420</u>
338-362	[14] <u>15</u>	504	[420] <u>450</u>
363-387	[15] <u>16</u>	540	[450] <u>480</u>
388-412	[16] <u>17</u>	576	[480] <u>510</u>
413-437	[17] <u>18</u>	612	[510] <u>540</u>
438-462	[18] <u>19</u>	648	[540] <u>570</u>
463-487	[19] <u>20</u>	684	[570] <u>600</u>
488-512	[20] <u>21</u>	720	[600] <u>630</u>
513-537	[21] <u>22</u>	756	[630] <u>660</u>
538-562	[22] <u>23</u>	792	[660] <u>690</u>
563-587	[23] <u>24</u>	828	[690] <u>720</u>
588-612	[24] <u>25</u>	864	[720] <u>750</u>
613-637	[25] <u>26</u>	900	[750] <u>780</u>
638-662	[26] <u>27</u>	936	[780] <u>810</u>
663-687	[27] <u>28</u>	972	[810] <u>840</u>
688-712	[28] <u>29</u>	1008	[840] <u>870</u>
713-737	[29] <u>30</u>	1044	[870] <u>900</u>
738-762	[30] <u>31</u>	1080	[900] <u>930</u>
763-787	[31] <u>32</u>	1116	[930] <u>960</u>
788-812	[32] <u>33</u>	1152	[960] <u>990</u>
813-837	[33] <u>34</u>	1188	[990] <u>1020</u>
838-862	[34] <u>35</u>	1224	[1020] <u>1050</u>

863-887	[35]	<u>36</u>	1260	[1050]	<u>1080</u>
888-912	[36]	<u>37</u>	1296	[1080]	<u>1110</u>
913-937	[37]	<u>38</u>	1332	[1110]	<u>1140</u>
938-962	[38]	<u>39</u>	1368	[1140]	<u>1170</u>
963-987	[39]	<u>40</u>	1404	[1170]	<u>1200</u>
988-1012	[40]	<u>41</u>	1440	[1200]	<u>1230</u>
1013-1037	[41]	<u>42</u>	1476	[1230]	<u>1260</u>
1038-1062	[42]	<u>43</u>	1512	[1260]	<u>1290</u>
1063-1087	[43]	<u>44</u>	1548	[1290]	<u>1320</u>
1088-1112	[44]	<u>45</u>	1584	[1320]	<u>1350</u>
[1113 or more]	[45]		[1620]	[1350]	
<u>1113-1162</u>		<u>46</u>	<u>1656</u>		<u>1380</u>
<u>1163-1187</u>		<u>47</u>	<u>1692</u>		<u>1410</u>
<u>1188-1212</u>		<u>48</u>	<u>1728</u>		<u>1440</u>
<u>1213-1237</u>		<u>49</u>	<u>1764</u>		<u>1470</u>
<u>1238-1262</u>		<u>50</u>	<u>1800</u>		<u>1500</u>
<u>1263-1287</u>		<u>51</u>	<u>1836</u>		<u>1530</u>
<u>1288-1312</u>		<u>52</u>	<u>1872</u>		<u>1560</u>
<u>1313-1337</u>		<u>53</u>	<u>1908</u>		<u>1590</u>
<u>1338-1362</u>		<u>54</u>	<u>1944</u>		<u>1620</u>
<u>1363-1387</u>		<u>55</u>	<u>1980</u>		<u>1650</u>
<u>1388-1412</u>		<u>56</u>	<u>2016</u>		<u>1680</u>
<u>1413-1437</u>		<u>57</u>	<u>2052</u>		<u>1710</u>
<u>1438-1462</u>		<u>58</u>	<u>2088</u>		<u>1740</u>
<u>1463-1487</u>		<u>59</u>	<u>2124</u>		<u>1770</u>
<u>1488 or more</u>		<u>60</u>	<u>*2160</u>		<u>1800</u>

*(this figure subject to section 401 (a) (1).)

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Section 2. Where the maximum amount of benefits to which a claimant would have been otherwise entitled under the provisions of section 404 (c) (1) of the Unemployment Compensation Law, act of December 5, 1936 (1937 P. L. 2897) has been reduced under the provisions of section 404 (c) (2) of said law, amended by section 1 of this act, the balance in such claimant's account as of the thirty-first

day of December, one thousand nine hundred sixty-seven, shall be adjusted to reflect the amendments made to section 404 (c) (2) by this act: Provided, however, That the provisions of this section shall not be applicable unless as of said date, the claimant is in an unexpired benefit year.

Section 3. The amendments to section 404 (a) (1), section 404 (c) and section 404 (e), shall be effective with respect to applications for benefits filed on or after the first day of January, one thousand nine hundred sixty-eight. The amendments to section 404 (d) shall be effective with respect to claims for weeks ending on or after the first day of January, one thousand nine hundred sixty-eight.

APPROVED—The 17th day of January, A. D. 1968.

RAYMOND P. SHAFER.

No. 7

AN ACT

SB 1130

Promoting the welfare of the people of the Commonwealth; creating The Pennsylvania Transportation Assistance Authority as a body corporate and politic with power to acquire, construct, improve, equip and lease transportation assistance projects; and to fix the rentals, fees and charges for the use thereof; authorizing and regulating the issuance of bonds by the authority and providing for the payment of such bonds, and the rights of the holders thereof; authorizing the authority to enter into agreements, including agreements for the joint ownership of transportation assistance projects, with the government of the United States, any Federal agency, any political subdivision of the Commonwealth, any other authority organized by any thereof, any transportation company, or with any combination of the foregoing; granting to the authority the right of eminent domain; authorizing the Department of Commerce and the Department of Community Affairs to lease transportation assistance projects from the authority and to cooperate with local bodies; authorizing gifts to the authority by political subdivisions and corporations; empowering the authority to sell and convey transportation assistance projects and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act.

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

Section 1. Short Title.—This act shall be known and may be cited as “The Pennsylvania Transportation Assistance Authority Act of 1967.”

Section 2. Definitions.—The following terms, whenever referred to or used in this act, shall have the following meanings unless the context clearly indicates otherwise:

(1) “Authority” shall mean the body created by section 3 of this act.