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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 24, 2001

Honorable Johnny J. Butler, Secretary
Department of Labor & Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Re: Regulation #12-56 (IRRC #2166)
Department of Labor & Industry
Reasonable Assurance

Dear Secretary Butler:

Enclosed are our Comments. They will soon be available on our website at www.irrc.state.pa.us.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce".

Robert E. Nyce
Executive Director

wbg

Enclosure

cc: Honorable Robert J. Flick, Majority Chairman, House Labor Relations Committee
Honorable Robert E. Belfanti, Jr., Democratic Chairman, House Labor Relations Committee
Honorable Gibson E. Armstrong, Chairman, Senate Labor & Industry Committee
Honorable Christine M. Tartaglione, Minority Chairman, Senate Labor & Industry Committee

Comments of the Independent Regulatory Review Commission

on

Department of Labor and Industry Regulation No. 12-56

Reasonable Assurance

May 24, 2001

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Department of Labor and Industry (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 23, 2003, the regulation will be deemed withdrawn.

Section 65.161. Reasonable assurance. – Clarity.

Under Subsection (a)(2), a reasonable assurance of employment in the second academic period exists if “the economic terms and conditions of employment...in the second academic period are not **substantially less than** the terms and conditions...in the first academic period.” (Emphasis added.) To improve clarity, the final-form regulation should include the factors that the Department will consider to determine whether the economic terms and conditions of employment in the second period are substantially less than the terms and conditions in the first period.

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Curt Harris
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Phone: (717) 787-5087
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From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: May 24, 2001
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Department of Labor & Industry's regulation #12-56 (#2166). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Brian A. [Signature] Date: 5-24-01