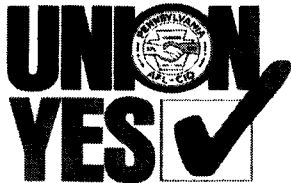


AMERICA WORKS BEST
WHEN WE SAY . . .



2939

PENNSYLVANIA AFL-CIO

RICHARD W. BLOOMINGDALE

President

FRANK SNYDER

Secretary-Treasurer

December 11, 2012

By email only: irrc@irrc.state.pa.us

RECEIVED
IRRC
2012 DEC 11 AM 10:05

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Proposed Regulations on Active Work Search Rules for
Unemployment Compensation (Regulation #12-96)(IRRC
#2939)

To Whom It May Concern:

On behalf of the 800,000 hardworking men and women affiliated with our organization, the Pennsylvania AFL-CIO urges the Independent Regulatory Review Commission (IRRC) to disprove the final-form active work search rules proposed by the Pennsylvania Department of Labor and Industry.

Our organization believes that these final regulations extend beyond the scope of which Act 6 of 2011 permits, and furthermore creates unrealistic and burdensome requirements for individuals who remain unemployed for more than 9 weeks.

In essence, the work search rules are the proposed amendments to 34 Pa. Code § 65.11(e) ("Section 65.11(e)", the "weekly work search activities" requirements. The requirements are substantially different as of the ninth week of filing of claims for unemployment compensation ("UC") benefits. Stated simply:

Initially an unemployed person, beginning with week 3 and through week 8, must apply for at least two jobs a week, and may limit his applications to those that are similar to his prior employment and are within a 45 minute commuting distance. Section 65.11(E)(1)(ii) This requirement remains consistent with the requirements set forth in Act 6. However, beginning in week 9, the unemployed person must apply for at least three jobs; and if needed to make these applications, he may not limit his search to similar jobs within a 45 minute commute. Section 65.11(E)(2)(ii)(2).

Notably, a person may not “repeat” an application unless he has a reasonable basis to believe that the employer’s hiring circumstances have changed. Section 65.11(e)(3)(ii).

Requiring an unemployed individual to submit additional applications upon 9 weeks of unemployment will penalize an individual who aggressively searches for work at the onset of unemployment. This will cause individuals to withhold searching for additional job opportunities beyond the required amount for fear that they will not have sufficient job opportunities to submit applications in later weeks.

When the average person becomes unemployed, he or she does not think about how to save their potential job applications to reach out over the anticipated duration of unemployment. Instead, they will identify the best job opportunities and apply to them all at the outset. What better way to get the job that they want, and as soon as possible, than apply for all the best possibilities immediately? But by doing so, an individual risks not having appropriate opportunities to apply for in the future, especially as of the ninth week when they are expected to broaden their search. The Department exacerbates this dynamic by refusing to allow the “excess applications” to be used later in the claim.

Applying a “one-size-fits-all” approach will not suit differing conditions around the Commonwealth. The proposed regulations apply the same work search rules to everyone. There is simply no accommodation of the significant differences that may make finding new employment significantly more difficult for some unemployed workers.

The proposed regulations treat all skill sets the same. Thus, a person in an occupation of limited jobs but high skills is required to abide by the same rules as a person to whom replacement jobs are much more available.

The proposed regulations would apply in all economic conditions. No matter what the unemployment rate or the average claim duration, the same rules apply. People would be required to broaden their job searches at the ninth week, whether their unemployment spell comes during a period of “full employment” or the Great Recession.

The rules do not take into account the local labor market. Thus, the same rules apply whether a person lives in an area in which jobs are readily available and accessible, or in a rural area in which jobs are both scarce and distant.

Some unemployed workers will find themselves in positions that are problematic in multiple ways, such as living in rural areas of high unemployment and few employers. But the proposed rules make no accommodation whatsoever for such conditions. To the contrary, such workers are further disadvantaged by the limitation on reapplications.

For these reasons, the Pennsylvania AFL-CIO urges that the regulatory package be disapproved by the IRRC, until the Department has resolved these critical deficiencies.

Independent Regulatory Review Commission
By email only: irrc@irrc.state.pa.us
December 11, 2012
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Should there be any questions, feel free to contact my office at 717-231-2841. Thank you for your attention to these remarks.

Sincerely,

Richard Bloomingdale, President
Frank Snyder, Secretary-Treasurer

/pjm/UFCW-1776

cc (via email): Honorable Julia Hearthway, Secretary, Department of Labor & Industry
 Sean F. Creegan, Deputy Chief Counsel, UC Division, Department of
 Labor & Industry
 Michaele A. Totino, Analyst, Independent Regulatory Review Commission