

REP. WILLIAM F. KELLER, DEMOCRATIC CHAIRMAN  
LABOR & INDUSTRY COMMITTEE  
HOUSE OF REPRESENTATIVES

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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

2939

April 9, 2013

The Honorable Silvan B. Lutkewitte, III, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

**RE: Regulation #12-96: Unemployment Compensation; Active Search for Work (IRRC #2939)**

Dear Chairman Lutkewitte:

As the Democratic Chairman of the House Labor and Industry Committee, I am writing to request that the Commission approve the Department of Labor & Industry's revised final-form rulemaking amending Chapter 65 of the Unemployment Compensation (UC) regulations as resubmitted on March 26, 2013.

I reviewed the revised rulemaking and believe that my primary concerns as well as concerns expressed by my committee members and claimant advocates have largely been addressed by the department's changes. Although several concerns remain, it is my view that they are less immediate in light of the revisions and may be addressed departmentally at the time that this regulation is implemented and in practice.

The department's current revisions to this regulation provide compliance with Act 6 of 2011 as well as preserve the General Assembly's bipartisan efforts and intent in approving this measure. First, the revised rulemaking importantly maintains the statute's limitation on the scope of work that claimants are required to actively seek, which includes work that provides similar employment and wages and that is within a 45-minute commuting distance. As expressed in my previous correspondence, this issue was of primary concern as the prior rulemaking would have significantly expanded the scope of the work search requirement created by the legislature.

Secondly, the revised rulemaking authorizes claimants to substitute work search activities for any required number of job applications. I believe this flexible approach to required activities and applications is a considerable improvement and will better serve claimants in varying circumstances, occupations and locations. Similarly, the department's deletion of the requirement for claimants to meet a two-tiered work search requirement based on the number of

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unemployment weeks received and replacement of this requirement with a uniform, one-tiered system will facilitate greater compliance.

Nonetheless, I would like to note my remaining concerns and recommend that they be addressed by the department by directive or in practice.

- 1) The department has informed me that they believe they may apply the law's exceptions to claimants who are unable to comply with record-retention requirements through no fault of their own, such as in the case of claimants whose records are destroyed in a home fire or another emergency event. I hope that claimants will be informed of this exception prior to requests by the department to produce work search records.
- 2) The department should consider their ability to allow workers to apply excessive or "banked" job applications that were filed during preliminary weeks of unemployment to later weeks of unemployment, when application and work search opportunities may be limited or exhausted.
- 3) The department should ease the written recall date requirement to ensure that workers who receive a verbal extension of a previously written recall date will not lose eligibility. This situation may be especially important for workers whose occupations are seasonal or dependent on weather or other uncontrollable conditions.

I hope that my comments are helpful to your review of this rulemaking. Once again, I respectfully request your approval. Should you have any question or require further information regarding my position on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'William F. Keller', with a stylized flourish at the end.

William F. Keller, Democratic Chairman  
House Labor & Industry Committee