

3031



RECEIVED
IRRC

2013 OCT 23 PM 1:47

October 23, 2013

Unemployment Compensation Board of Review
ATTN: Teresa Deleo, Esq.
116 Labor and Industry
Harrisburg, PA. 17121

RE: Unemployment Compensation Board of Review Final-omitted regulation #12-97 (IRRC #3031):
"Telephone Hearings"

Dear Ms. Deleo:

On behalf of the 15,000 small-business members of the Pennsylvania chapter of the National Federation of Independent Business (NFIB), we are asking for your support of the Unemployment Compensation Final-Omitted Regulation #12-97 (IRRC #3031): "Telephone Hearings."

NFIB Pennsylvania has consistently supported "Telephone Hearings" and led the charge on this very issue from its initial stages. We are writing to ask for your support of this needed regulation.

While we are asking for support, we would ask that when implementing the regulation, that the Unemployment Compensation Bureau take into consideration the term "compelling."

For purposes of this rule and Section 101.128, "compelling" means that the party is not reasonably able to testify due to circumstances that restrict the party from properly participating in person at the hearing, including but limited to distance to travel, physical inability to travel or participate in person, conflict with hours of employment or hours of business operation.

The language should be broad enough to be used by a small employer to make the case that the employer witness who has firsthand information about the subject of the hearing is able to testify without disrupting the employer's ability to continue normal business operations. Just as states regularly schedule hearings to accommodate the work schedules of claimants, they should also be scheduled to avoid having the employer lose business.

On behalf of NFIB and all small businesses across the Commonwealth, we thank you for the leadership in moving this forward and ask for your vote of support for the Unemployment Compensation Final-Omitted Regulation #12-97 (IRRC #3031): "Telephone Hearings"

Sincerely

Kevin Shivers
Executive State Director

cc: IRRC
Senate Labor Committee
House Labor Committee