

Comments of the Independent Regulatory Review Commission



Department of Labor and Industry Regulation #12-111 (IRRC #3259)

Unemployment Compensation; Employee Provisions

August 26, 2020

We submit for your consideration the following comments on the proposed rulemaking published in the June 27, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P.S. § 745.5b). Section 5.1(a) of the Act (71 P.S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

1. Section 65.43. Claims for compensation – when to file. – Clarity and lack of ambiguity; Implementation procedures.

This section requires a claimant to file in the Pennsylvania Unemployment Compensation Claims System (UC Claims System) “for compensation for a week no later than the last day of the second week after the end of the week claimed.” The Department states throughout the Regulatory Analysis Form (RAF) and the Preamble to the proposed regulation that claimants will have the option to file for compensation weekly or biweekly. However, the Department states in Regulatory Analysis Form (RAF) Question #10 and the Preamble to the proposed regulation that it is deleting “the language mandating and *providing for* biweekly filing.” (Emphasis added.) In addition, the RAF includes screenshots of the UC Claims System, which appears to only provide for weekly claims. Is it the Department’s intent to allow claimants to file biweekly in the UC Claims System? We ask the Department to clarify in the final-form regulation statements regarding frequency of filings.

Further, this section will become effective upon publication of a separate notice in the *Pennsylvania Bulletin* “announcing the date of implementation” of the UC Claims System and “specif[ing] the applicability of the amendments,” anticipated to be October 2020. We have a concern regarding the implementation of this regulation. A delay between publication of the final-form regulation and the implementation notice may cause confusion among claimants regarding frequency of filings and compensation. We ask the Department to consider coordinating publication of the final-form regulation and the notice announcing the implementation of the UC Claims System in the same issue of the *Pennsylvania Bulletin* to ensure claimants efficiently transition to the new system.

2. Regulatory Analysis Form. – Economic or fiscal impacts.

In response to RAF Question #23, the Department describes anticipated savings to the Commonwealth as a result of implementing the UC Claims System. However, the Department does not include an estimate of these savings. We ask the Department to provide in the RAF submitted with the final-form regulation an estimate of potential savings or explain why it is not possible to do so.