

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>	<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="font-size: 1.5em; margin: 0;">RECEIVED</p> <p style="margin: 0;">SEP - 8 2021</p> <p style="margin: 0; font-size: 0.8em;">Independent Regulatory Review Commission</p> </div> <p style="margin: 0;">IRRC Number: 3289</p>
<p>(1) Agency Workers' Compensation Appeal Board</p>	
<p>(2) Agency Number: 12 Identification Number: 105</p>	
<p>(3) PA Code Cite: 34 Pa. Code §§ 111.13, 111.16, 111.17, and 111.18</p>	
<p>(4) Short Title: Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board/Appeals</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contacts: Kelly K. Smith, Ex. Dep. Chief Counsel; (717) 787-4186; kellysmith@pa.gov</p> <p>Secondary Contact: Eric G. Preputnick, Dep. Chief Counsel, WCAB; (717) 783-9276; epreputnic@pa.gov</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The final amendments streamline the appeals process before the Workers' Compensation Appeal Board (Board) by requiring both parties to submit (or waive) briefs before an oral argument is scheduled; and allowing oral argument to be conducted by means of telecommunications technology.</p>	
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>The WCAB promulgates these amendments under the authority contained in section 435(c) of the Workers' Compensation Act (act) (77 P.S. § 991(c)), which directs the Board to establish rules of procedure "which are reasonably calculated to expedite the hearing and determination of appeals to the board and to insure full payment of compensation when due." 77 P.S. § 991(c). Furthermore, Section 506 of the Administrative Code of 1929 (71 P.S. § 186) provides authority for the promulgation of rules and regulations for departmental administrative boards, stating: "the several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions . . . [and] the distribution and performance of their business. . . ."</p>	

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No, this regulation is not mandated by any federal or state law or court order, or federal regulation. However, Section 435(c) of the Workers' Compensation Act (77 P.S. § 991(c)) requires the Board to establish rules of procedure "which are reasonably calculated to expedite the hearing and determination of appeals to the board and to insure full payment of compensation when due."

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Board's regulations currently require oral argument in all appeals and cross appeals unless the parties agree to submission on briefs. (34 Pa. Code §§ 111.13(b), 111.17(b)). Moreover, these regulations currently require the petitioner's brief to be filed at or before the date of the oral argument, while the respondent's brief is due 30 days after oral argument. See § 111.16(a) and (b) (relating to briefs: content and form and time for filing). Requiring briefs to be submitted prior to oral argument will give the Board the opportunity to become conversant with the facts and issues in the case. Further, providing for telephonic and electronic hearings will reduce travel time by the WCAB Commissioners, making greater time available to the WCAB Commissioners to review and circulate decisions. The amendments increase the value of oral argument to the adjudicative process and could reduce costs to the Board and parties appearing before the Board by allowing argument to be conducted through telecommunications technology. Oral argument will be held after the Board receives and reviews the briefs, thus increasing their efficiency and value to the process. These amendments will reduce the Board's travel, lodging and costs associated with continually holding oral arguments at five physical locations throughout the Commonwealth. This measure will also reduce the costs to the parties for attorney time and travel to attend oral arguments.

The amendments will facilitate quicker disposition of appeals by requiring petitioners' briefs to be submitted within 30 days of filing of an appeal and respondents' briefs to be filed within 30 days of service of the petitioner's brief, instead of the current practice of filing briefs after oral argument. The filing of completed briefs by both the petitioner and respondent before oral argument will significantly increase the productivity of oral arguments scheduled by ensuring that all parties are familiar with each parties' statement of the questions involved, the facts of the appeal, and the respective arguments. Similarly, permitting the use of telecommunications technology to conduct oral arguments would allow greater flexibility and eliminate the need to hold cases until the Board is next scheduled to be at a location proximate to the parties or their attorneys, which in turn should result in a reduction in the time required to process some appeals.

The current briefing and oral argument requirements significantly delay the consideration and disposition of appeals. Oral arguments are scheduled more frequently in major population areas and less frequently in other areas. As a result, there is greater delay in processing appeals from petitioners in less-populated areas where oral arguments are only held two or three times a year. Consequently, the appeal is not placed in line for decision until after the oral argument and the receipt of briefs. Under current practice, the Board's rules further permit oral request for extensions of the petitioner's brief at oral argument, § 111.16(c), thereby facilitating additional delay in case processing. Any decrease in time to process an appeal will benefit all parties within the workers' compensation system. The average time

for the Board to issue a decision was approximately 11.36 months in 2018, 12.28 months in 2019 and 11.20 months in 2020. Although timeliness has improved over the last several years, adjudication times can be shortened. Any delay in issuing decisions can exact financial hardship on claimants and employers and is at odds with the timeliness dictates of the Workers' Compensation Act.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable federal standards. Workers' compensation is exclusively a state program.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Workers' compensation is a matter of state law. Because the workers' compensation statutes in each state, and their implementing regulations and procedures, vary so widely across the country, there is no useful way to compare Pennsylvania's rules on oral appellate argument to any that may exist under other state regimes. Many states have moved to employing electronic technology in conducting administrative hearings. The subject matter of this final regulation relates purely to workers' compensation appellate procedure and not to substantive law, and thus has no bearing on Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department engaged in extensive public and stakeholder outreach during the drafting process. In 2017, the Department sought stakeholder input as to a proposal to amend the regulations to (1) require

both parties' briefs to be submitted before making a decision to schedule oral argument and use the briefs, not oral argument, to start the internal appellate review process; and (2) make oral arguments discretionary with the Board where necessary to address novel or complex legal issues, as is the practice in other Commonwealth appellate courts. Stakeholder input was solicited through the Workers' Compensation Committee of the Pennsylvania Bar Association and more widely from insurance carriers, attorneys, third-party administrators and self-insured employers through the Workers' Compensation Automation and Integration System (WCAIS), which is the enterprise vehicle by which all workers' compensation claims are filed, adjudicated, appealed and managed. Every workers' compensation employer, insurer (or self-insurer) and legal practitioner has access to and routinely uses WCAIS. In addition, the Department posted a general notice of the proposed regulations and the rationale for them on its website, for which interested persons and organizations could submit comments, and also posted notice on the WCAIS home page for all WCAIS users. More than 50 comments were received, the vast majority of them in favor of these changes. The Workers' Compensation Rules Committee (established in 1978 by the Secretary of the Department of Labor & Industry for the purpose of obtaining comment on procedural rules governing the practice of workers' compensation) convened to provide input to the proposed oral argument procedures and approved the proposed regulation. The proposed regulations were presented to and discussed with the Pennsylvania Workers' Compensation Advisory Council established under section 447 of the Workers' Compensation Act (77 P.S. § 1000.3) for its review and comment.

Following additional coordination with key stakeholders, the Board determined that the humanitarian purposes of the Act were better served by continuing to offer oral argument in every appeal, unless waived by the parties. In addition, the Board wishes to make better use of telecommunications to further streamline the appeal process. Accordingly, the amendments provide for oral argument, unless waived, at the earliest possible date following the close of the briefing schedule and authorize oral argument by telephonic or electronic means.

The proposed amendments were presented to members of the Pennsylvania Workers' Compensation Advisory Council for review and comment on March 23, 2020. The Deputy Secretary for Compensation and Insurance coordinated the regulatory amendments outlined in Annex A with members of the Workers' Compensation Rules Committee on April 24, 2020. The Board voted to adopt the proposed rulemaking on October 27, 2020.

A proposed rulemaking was published at 51 Pa.B. 1019 (February 27, 2021). As a result, one written comment was received from Neil Dombrowski, Esquire, of The Dombrowski Group, as co-chair of the Pennsylvania Defense Institute Worker's Compensation Section. By correspondence dated April 28, 2021, the Independent Regulatory Review Commission (IRRC) advised that it had no objections, comments, or recommendations to the proposed regulations.

On August 6, 2021, the Board voted to adopt the final-form amendments in Appendix A, which were unchanged from those in the proposed rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Because workers' compensation claims and appeals resulting from such claims vary from year to year, it is not possible to ascertain the exact types and number of individuals, businesses or small businesses that will be affected by the regulation. However, the final amendments' minimal procedural changes to the Board's timing and conduct of appellate oral argument will have an insignificant effect except as to the WCAB commissioners and attorneys representing parties before the Board who will realize several benefits. The amendments will improve case expediting and reduce costs to the Board and its staff by eliminating delays, travel and related expenses associated with the scheduling and conducting of "cold bench" oral arguments at a physical location in every case. Significant time and cost savings can be achieved through conducting the arguments by telephone or other electronic means. Indirectly, these cost savings will inure to self-insured employers or insurance companies retaining attorneys to handle workers' compensation appeals on hourly charges. Attorneys handling appeals on a contingent basis should also directly benefit from the elimination of travel and other costs associated with in-person oral arguments. The litigants will benefit from quicker decisions in appeals by allowing for arguments to be scheduled virtually. For reference, in 2019 there were approximately 42,000 decisions issued by workers' compensation judges, from which 1,204 appeals were filed with the Board. In 2020, there were 39,000 decisions issued by workers' compensation judges, and there were 1,095 appeals filed with the Board.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All Pennsylvania employers are required to have workers' compensation coverage for their employees. Therefore, as a technical matter, every Pennsylvania employer would need to comply with the regulations. There are 340,000 employers in Pennsylvania of which approximately 85.7 percent have fewer than 20 employees, 94.7 percent have fewer than 50 employees, and 97.7 percent have fewer than 100 employees. There are also approximately 5.2 million employees in Pennsylvania who, if filing claims for workers' compensation following an injury incurred on the job, will also need to comply with this regulation. However, the final regulation merely establishes rules of procedure governing briefing and oral argument before the Board. For reference, in 2019 there were approximately 42,000 decisions issued by workers' compensation judges, from which 1,204 appeals were filed with the Board. In 2020, there were 39,000 decisions issued by workers' compensation judges, and there were 1,095 appeals filed with the Board. If the appeal rate continues to stay about the same, there will be approximately 1,100 – 1,200 claimants and 1,100 – 1,200 employers/insurers and their legal representatives who appear before the Board annually who will need to comply with the regulations governing oral argument before the Board.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

All parties will benefit through quicker decisions from the Board resulting from the ability to schedule argument through the use of telecommunications technology and the required filing of briefs in advance of oral arguments. Self-insured employers (which tend to be larger businesses) and insurance companies should benefit from cost-savings related to the option of conducting oral argument by telephone or video, to the extent their attorneys are retained under an hourly-fee arrangement. Self-insured employers retaining third-party administrators (TPAs) may indirectly receive the benefit of these cost savings depending on how counsel fees are passed on under the agreement with the TPA. Insured employers

(including small business) theoretically could see reductions in insurance rates if insurance companies pass the savings to their customers.

Attorneys handling appeals on a contingent basis should directly benefit from the reduction of travel and other costs associated with in-person oral arguments.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As the final-form regulation merely modernizes the procedures regarding briefing and oral argument before the Board, which are already requirements of the current regulations, any compliance burdens are minimal. Realistically, the only compliance burden will be on workers' compensation attorneys to the extent that the briefing schedules will start with the Board's acknowledgment of the appeal.

Additionally, attorneys requesting extensions on filing briefs must contact opposing counsel and report their opponents' position on the request to the Board. Both requirements are perceived to be minimal, since briefs are provided for under the current rules, and desirable given the anticipated resulting improvements in case processing and disposition. Therefore, the anticipated benefits in the form of cost-reductions to both the Board and workers' compensation attorneys and anticipated quicker case disposition easily outweigh these minimal burdens. The Board perceives no adverse effect to the regulated community. To the contrary, maintaining the status quo has resulted and will continue to result in adverse effects yet little benefit. Under current regulations which mandate oral argument before a "cold bench," the benefit of oral argument is questionable in many cases. The Board currently does not have the opportunity to review briefs before the argument. Rather, the petitioner's brief is due on or before the argument date, while the respondent's brief is due 30 days after the argument. Moreover, the petitioner may request an extension of the briefing schedule at oral argument, which is expressly permitted under the current regulations. (34 Pa. Code § 111.16(c)). The benefits of savings of time and litigant resources detailed in paragraph 10 above outweigh the minimal burdens of compliance with the new appellate briefing and argument procedures.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Cost savings cannot be estimated with any degree of accuracy because the volume of workers' compensation claims and appeals fluctuates from year to year. Thus, the modernization of the appellate briefing and oral argument rules cannot be quantified through legal, accounting or consulting procedures. Although it is not possible to provide a specific estimate, the inherent costs savings attendant to faster and more comprehensive adjudications and the resultant certainty for the parties will generate cost savings. The current system allows for longer periods of uncertainty and can require insurance carriers and self-insured employers to pay benefits to which a claimant is ultimately not found to be entitled and then seek reimbursement for those payments from the Supersedeas Fund established under the Workers' Compensation Act. Prompt adjudication of workers' compensation claims will benefit all stakeholders. The final-form regulation enhances due process for the parties with no cost increase. However, the benefits could be significant. Because some oral arguments will be scheduled via telecommunications technology, the amended procedures will also reduce travel costs for the members of the WCAB and the legal representatives of the parties to the appeal.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The WCAB has not projected any cost increase to local governments, including no increase in legal, accounting or consulting costs. The per case savings may vary depending on the insurance and attorney-fee arrangements entered into by local government units. A self-insured local government unit should realize a direct cost saving if it retains workers' compensation attorneys on an hourly basis. If it uses a third-party administrator (TPA), any cost savings realized through reduced attorney charges will depend on the specific legal cost arrangement with the TPA. If the local government unit procures workers' compensation insurance through an insurance company, any savings would be dependent on the insurance company passing them along to its customers. Consequently, specific estimates of cost savings to local government are not available. The effect on local governments of the modernization of the appellate briefing and oral argument rules cannot be quantified through legal, accounting or consulting procedures.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation will require changes to WCAIS, the IT system that supports the workers' compensation system. Upgrades are estimated to cost approximately \$1,475,000. Immediately, the Board will realize cost savings from reduced travel and related expenses associated with scheduling every case for oral argument at various physical locations throughout the Commonwealth. In fiscal year 2018-2019, the last full year with in-person arguments before the pandemic, the Board's travel costs totaled \$60,000. It is anticipated that travel expenses will be reduced by the systematic improvements contained in the regulations, most significantly from the use of telecommunications technology, but the Department currently lacks sufficient experience to quantify such anticipated savings. Regardless of the cost or savings achieved, there is inherent due process value in fully briefed oral argument before the WCAB and providing due process to all litigants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The amendments do not create new paperwork requirements. The WCAB's staff will only have to modify the existing correspondences and briefing acknowledgment letter to incorporate the new briefing schedule. Copies of the WCAB's current acknowledgment letters and argument notices are attached.

No particular form is required for requesting an extension on briefs, and a simple letter, including the position of the opposing parties, will suffice. Requests for extension of time can be submitted through the WCAIS system.

(22a) Are forms required for implementation of the regulation?

No new forms will be required. Existing forms may be modified slightly. Refer to paragraph 22.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Copies of the current acknowledgment letter and scheduling notice forms are attached as indicated in paragraph 22. They will be updated in WCAIS consistent with this regulation and the effective dates following publication of the final form regulation in the PA Bulletin.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

Costs and savings are too speculative to reliably quantify. However, as described above, costs will be solely related to a one-time system upgrade and savings could be notable. The WCAB anticipates that cost savings will be realized by both the regulated community and the state government through leveraging telecommunication technology.

	2021-2022	2022-2023	2023-2024	2024-2025	2023-2024	2024-2025
SAVINGS:						
Regulated Community	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	unknown	unknown	unknown	unknown	unknown	unknown
Total Savings						
COSTS:						
Regulated Community	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	\$1,475,000	-0-	-0-	-0-	-0-	-0-
Total Costs						
REVENUE LOSSES:	-0-	-0-	-0-	-0-	-0-	-0-
Regulated Community	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	-0-	-0-	-0-	-0-	-0-	-0-
Total Revenue Losses	-0-	-0-	-0-	-0-	-0-	-0-

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	2017-2018	2018-2019	2019-2020	2020-2021
Workers' Compensation Appeal Board	\$2,868,708	\$2,925,834	\$2,954,095	\$3,013,867.90

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

This regulation will not have an adverse impact on small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed to meet the particular needs of minorities, the elderly, small businesses or farmers because none are warranted. The Workers' Compensation Act establishes benefits for all employees with work-related injuries without distinction as to age, race/ethnicity, or (in most cases) occupation.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board did not consider alternative regulatory provisions, as the Department considers this final rulemaking the least burdensome means of achieving the objective of streamlining the process for handling of appeals before the Board, while ensuring due process for all parties.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The Board did not conduct a regulatory flexibility analysis because the Board does not anticipate any adverse impact on small businesses. The only compliance burdens to workers' compensation attorneys are minimal and easily outweighed by the anticipated cost savings and benefits realized through timely decisions from the Board.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation. This regulation is intended to streamline the process and ensure that oral argument is conducted on an equitable basis with full understanding of the issues before the Board.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | <u>30 days (for proposed rulemaking)</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Summer 2021</u> |

D. The expected effective date of the final-form regulation:

Upon publication as final-form; except for §§ 111.16(a), (b), (b.1), (c), and §§ 111.17(c), (d), which will be effective upon publication in *Pa Bulletin* of a notice of effective date by the Secretary

E. The expected date by which compliance with the final-form regulation will be required:

Upon publication as final-form; except for §§ 111.16(a), (b), (b.1), (c), and §§ 111.17(c), (d), which will be effective upon publication in *Pa Bulletin* of a notice of effective date by the Secretary

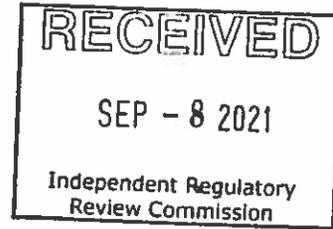
F. The expected date by which required permits, licenses or other approvals must be obtained:

N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board monitors appeals and regulations on a continuous basis. Additionally, the Department uses a workers' compensation rules committee, consisting of representatives appointed from the claimants' and employers' bar, workers' compensation judges, and WCAB commissioners, to study and recommend changes to procedural regulations.

**FACE SHEET
 FOR FILING DOCUMENTS
 WITH THE LEGISLATIVE REFERENCE BUREAU**
 (Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;">Workers' Compensation Appeal Board _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>12-105</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u><i>Afonso Frioni, Jr.</i></u> Afonso Frioni, Jr.</p> <p>TITLE: _____ Chairman</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u><i>[Signature]</i></u></p> <p>_____ DATE OF APPROVAL</p> <p style="text-align: center;">August 27, 2021 _____ DATE OF APPROVAL</p> <p style="text-align: center;">Deputy General Counsel (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL-FORM RULEMAKING
 Title 34. Labor and Industry
 DEPARTMENT OF LABOR AND INDUSTRY
 Part. VII. Workers' Compensation Appeal Board
 Chapter 111. Special Rules of Administrative Practice and Procedure
 Subchapter B. Appeals.

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 111]

**Special Rules of Administrative Practice and Procedure Before the
Workers' Compensation Appeal Board**

The Workers' Compensation Appeal Board (Board) amends 34 Pa. Code Chapter 111, Subchapter B (relating to appeals), to streamline the disposition of appeals to the Board, as set forth in Annex A.

Statutory Authority

The Board promulgates these amendments under the authority contained in section 435(c) of the Workers' Compensation Act (act) (77 P.S. § 991(c)), which directs the Board to establish rules of procedure “. . . which are reasonably calculated to expedite the hearing and determination of appeals to the board and to insure full payment of compensation when due.” Furthermore, section 506 of the Administrative Code of 1929 (71 P.S. § 186) provides authority for the promulgation of rules and regulations for departmental administrative boards, stating: “the several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions. . . [and] the distribution and performance of their business. . . .”

Background

The Board is a departmental administrative board under section 401 of the act (77 P.S. § 701). It is established under sections 202, 207.1, 503 and 2208 of the Administrative Code of 1929 (71 P.S. §§ 62, 67.1, 183 and 568). The Board voted to adopt the proposed amendments on October 27, 2020. On August 6, 2021, the Board voted to adopt the final-form amendments in Annex A, which were unchanged from those in the proposed rulemaking.

The Board's regulations currently require oral argument in all appeals and cross appeals unless the parties agree to submission on briefs. See §§ 111.13(b) and 111.17(a) (relating to processing of appeals and cross appeals; and oral argument). Moreover, these regulations currently require the petitioner's brief to be filed at or before the date of the oral argument, while the respondent's brief is due 30 days after oral argument. See § 111.16(a) and (b) (relating to briefs: content and form and time for filing). The petitioner generally is the party seeking to review a ruling or decision by a workers' compensation judge, while the respondent is the party or parties in whose favor the matter was decided by the judge. See § 111.3(a) (relating to definitions) regarding the definitions of petitioner and respondent).

The current briefing and oral argument requirements significantly delay the consideration and disposition of appeals. Oral arguments are scheduled more frequently in major population areas and less frequently in other areas. As a result, there is greater delay in processing appeals from petitioners in less-populated areas where oral arguments are only held two or three times a year. Consequently, the appeal is not placed in line for decision until after the oral argument and the receipt of briefs. Under current practice, the Board's rules further permit oral request for extensions of the petitioner's brief at oral argument, § 111.16(c), thereby facilitating additional delay in case processing. Any decrease in time to process an appeal will benefit all parties within the workers' compensation system. The average time for the Board to issue a decision was approximately 11.36 months in 2018, 12.28 months in 2019 and 11.20 months in 2020. Although timeliness has improved over the last several years, adjudication times can be shortened. Any delay in issuing decisions can exact financial hardship on claimants and is at odds with the timeliness dictates of the act.

The present requirement for in-person oral argument in every case increases the Board's travel, lodging and meal expenses, as well as the parties' expenses to the extent that they or their attorneys must attend the arguments. Prior to the novel coronavirus (COVID-19) pandemic, the Board conducted six argument sessions a year in Philadelphia, Pittsburgh, Harrisburg, and Scranton, and three argument sessions in Erie. Most of these sessions are for multiple days. The Board's travel costs for fiscal year 2018-2019, the last full year prior to the pandemic, totaled \$60,000, some of which can be greatly reduced, but more so, considerable in-office time can be saved by both Commissioners and litigant attorneys by allowing for electronic/virtual hearings in addition to in-person hearings. The developments in communication and computer technology, and the experience using that technology during the pandemic, have reduced the need for the Board members to meet in-person to hear arguments, discuss pending cases, or circulate decisions for signature.

Compliance with Executive Order 1996-1

The Board engaged in extensive public and stakeholder outreach during the drafting process. In 2017, the Department of Labor and Industry (Department) sought stakeholder input as to a proposal to amend the regulations to (1) require both parties' briefs to be submitted before making a decision to schedule oral argument and use the briefs, not oral argument, to start the internal appellate review process; and (2) make oral arguments discretionary with the Board where necessary to address novel or complex legal issues, as is the practice in other Commonwealth appellate courts. Stakeholder input was solicited through the Workers' Compensation Committee of the Pennsylvania Bar Association and more widely from insurance carriers, attorneys, third-party administrators and self-insured employers through the Workers' Compensation Automation and Integration System (WCAIS), which is the enterprise vehicle by which all workers' compensation claims are filed, adjudicated, appealed and managed. Every workers' compensation employer, insurer (or self-insurer) and legal practitioner has access to and routinely uses WCAIS. In addition, the Department posted a general notice of the proposed regulation and the rationale for them on its web site, for which interested persons and organizations could submit comments, and also posted notice on the WCAIS home page for all WCAIS users. More than 50 comments were received, the vast majority of them in favor of these changes. The Workers' Compensation

Rules Committee (established in 1978 by the Secretary of the Department of Labor and Industry for the purpose of obtaining comment on procedural rules governing the practice of workers' compensation) convened to provide input to the proposed oral argument procedures and approved the proposed regulation. The proposed rulemaking was presented to and discussed with the Pennsylvania Workers' Compensation Advisory Council established under section 447 of the act (77 P.S. § 1000.3).

In 2019, following additional coordination with key stakeholders, the Board determined that the humanitarian purposes of the act were better served by continuing to offer oral argument in every appeal, unless waived by the parties. In addition, the Board wishes to make better use of telecommunications to further streamline the appeal process. Accordingly, the amendments provide for oral argument, unless waived, at the earliest possible date following the close of the briefing schedule and authorize oral argument or by telephonic or electronic means. The proposed rulemaking was also presented to members of the Pennsylvania Workers' Compensation Advisory Council for review and comment on March 23, 2020. The Deputy Secretary for Compensation and Insurance coordinated the proposed regulatory amendments with members of the Workers' Compensation Rules Committee on April 24, 2020. The Board voted to adopt the proposed rulemaking on October 27, 2020.

The proposed rulemaking was published at 51 Pa.B. 1019 (February 27, 2021). As a result, one written comment was received from Neil Dombrowski, Esquire, of The Dombrowski Group, as co-chair of the Pennsylvania Defense Institute Worker's Compensation Section. By correspondence dated April 28, 2021, the Independent Regulatory Review Commission (IRRC) advised that it had no objections, comments, or recommendations to the proposed regulation.

On August 6, 2021, the Board voted to adopt the final-form amendments in Appendix A, which were unchanged from those in the proposed rulemaking.

Purpose

This final-form rulemaking ensures that oral argument will be conducted after briefs are submitted, rendering argument more meaningful for the parties, as the Board will have a better understanding of the issues at the time of argument. This final-form rulemaking also permits arguments to be conducted either by telephone or other electronic means or in person, giving the Board the flexibility to timely schedule arguments regardless of the location of the parties. These changes will streamline the processing and disposition of appeals, reduce the time for decision in some cases, and achieve travel and time cost savings to both the Board and the parties.

Affected Persons

The persons affected by this final-form rulemaking include the Board's members and staff, attorneys practicing before the Board, and parties to appeals filed with the Board. The parties in workers' compensation cases include injured employees, possibly their dependents in the case of a fatal injury, self-insured employers, employers typically represented by workers' compensation

insurance companies and the Department's Bureau of Workers' Compensation representing special funds created under the act.

Fiscal Impact

This final-form rulemaking is designed to reduce costs, through reduced travel costs and litigation expenses, and will not result in increased costs to the public or private sectors. Because the workers' compensation system is funded through assessments on workers' compensation insurance carriers and self-insured employers, any savings realized in the administration of the system may result in savings to the regulated community through lowered assessments. See section 446 of the act; 77 P.S. § 1000.2 (regarding creating the Workers' Compensation Administration Fund and providing for maintenance of the fund through an annual assessment).

Summary of Final-Form Rulemaking

§ 111.13. Processing of appeals and cross appeals.

The minor final-form amendment to this section clarifies that the Board will issue a briefing schedule upon receipt of an appeal or cross appeal.

§ 111.16. Briefs: content and form and time of filing.

The final-form amendments to this section address the time for filing briefs. This section is amended to require that the petitioner's brief be filed within 30 days of the acknowledgement of receipt of appeal by the Board, unless subsequent or cross appeals are filed. In the case of subsequent or cross appeals, the Board will issue a revised briefing schedule. The respondent's brief will be due 30 days after service of the petitioner's brief, or the due date of petitioner's brief, unless there are subsequent or cross appeals. A request for an extension of time to file a brief must indicate the other parties' position as to the request. This section is also amended to permit the Board to direct the filing of a supplemental brief.

The final-form amendments require that briefs filed with the Board include a summary of the argument, not to exceed one page.

§ 111.17. Oral argument.

The final-form amendments to this section specifically authorize oral argument to be conducted by telephone or other electronic means. This section is amended to provide that argument will be scheduled following the close of the briefing schedule.

§ 111.18. Decisions of the Board.

This section is amended to delete current subsection (b), which consists of an obsolete reference to section 441 of the Administrative Code of 1929 (71 P.S. § 151). Section 441 regarding

the Workmen's Compensation Appeal Board was repealed under the act of November 9, 2006 (P.L. 1362, No. 147) and replaced by section 401.2 of the act (77 P.S. § 710.1) regarding the Workers' Compensation Appeal Board.

Responses to Comments

The Board received one public comment regarding the proposed rulemaking. On behalf of the Pennsylvania Defense Institute Workers' Compensation Section, Neil Dombrowski, Esquire of The Dombrowski Group commented that an additional amendment should be added to § 111.17, in order to provide a specific rule permitting requests for *en banc* argument before the Board. However, the Board notes that *en banc* argument is currently permitted, and has been held by the Board at its discretion, under existing subsection (g) of § 111.17, which states that "[o]ral argument may be conducted before one or more members of the Board." As such, the Board does not believe that any further amendment to add a specific rule relating to *en banc* argument is required or necessary at this time.

The Independent Regulatory Review Commission (IRRC) advised that it had no objections, comments, or recommendations to the proposed rulemaking.

Based on the comments received, the Board made no changes to the proposed amendments in the final-form rulemaking.

Reporting, Record-keeping and Paperwork Requirements

This final-form rulemaking does not require any new forms, and thus does not impose any additional reporting, recording or paperwork requirements on either the Commonwealth or the regulated community. The existing forms used by the Board to acknowledge appeals, notify parties of briefing requirements, and oral argument may require minor modification since briefs are due before any oral argument and oral argument may be conducted by teleconference or other electronic means.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking. The Board will periodically monitor this final-form rulemaking and submit amendments as needed.

Effective Date

The final-form amendments to §§ 111.16(a), (b), (b.1), (c), and §§ 111.17(c), (d), will be effective upon publication of a notice of effective date by the Secretary of the Department in the *Pennsylvania Bulletin*, following completion of the required system changes, which are necessary to accommodate these new procedures, to the Department's electronic appellate filing and

notification process in WCAIS. The remainder of this final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Persons who require additional information about this final-form rulemaking may submit inquiries to Kelly K. Smith, Executive Deputy Chief Counsel, 651 Boas Street, Harrisburg, PA 17121, fax (717) 787-1303, kellysmith@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 16, 2021, the Board submitted the proposed rulemaking, published at 51 Pa. B. 1019 (February 27, 2021), to IRRC and the Chairpersons of the House and Senate Labor and Industry Committees for review and comment.

Under Section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Labor and Industry Committees were provided with a copy of the comment received during the public comment period. In preparing this final-form rulemaking, the Board considered the public comment. IRRC had no objections, comments, or recommendations. The House and Senate Labor and Industry Committees did not comment.

Under section 5.1(j.2) of the Regulatory Review Act, on _____, 2021, this final-form rulemaking was deemed approved by the House and Senate Labor and Industry Committees. Under sections 5(g) and 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2021, and approved this final-form rulemaking.

Findings

The Department finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The final-form rulemaking is necessary and appropriate for the efficient administration and adjudication of workers' compensation appeals under the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

- (a) The regulations of the Department, 34 Pa. Code Chapter 111, Subchapter B, are amended to read as set forth in Annex A.
- (b) The Board shall submit this final-form rulemaking to the Office of General Counsel and the Office of Attorney General for approval as required by law.
- (c) The Board shall submit this final-form rulemaking to IRRC and the Legislative Standing Committees as required by law.
- (d) The Board shall certify this final-form rulemaking, as approved for legality and form, and shall deposit it with the Legislative Reference Bureau as required by law.
- (e) Except as provided in paragraph (f), the final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.
- (f) The final-form amendments to Sections 111.16(a), (b), (b.1), (c), and Sections 111.17(c), (d), will be effective upon publication of a notice of effective date by the Secretary of the Department in the *Pennsylvania Bulletin*, following completion of the required system changes, which are necessary to accommodate these new procedures, to the Department's electronic appellate filing and notification process in WCAIS.

ALFONSO FRIONI, Jr., Esq.,
Chairperson
Workers' Compensation Appeal Board



Acknowledgement Date:
Appeal Case:
Claim Number:

ACKNOWLEDGEMENT OF APPEAL

The Workers' Compensation Appeal Board is in receipt of an Appeal filed on behalf of Defendant/Employer from the decision of Workers' Compensation Judge ***** in the above captioned case. This Appeal will be listed for oral argument in ***** in *****. You will be notified later of the exact date, time and address of the hearing. Pursuant to Section 111.16 of the Special Rules of Administrative Practice and Procedures before the Workers' Compensation Appeal Board, petitioner's brief shall be filed at or before the time of the oral argument. Respondent's brief shall be filed 30 days after oral argument.

Interested Parties:

Claimant/Employee

Claimant's Attorney

Defendant/Employer

Defendant's Attorney

Insurer

Healthcare Provider

Healthcare Professional

Associated Recipients:

Additional Defendants:

Department of Labor and Industry | Workers' Compensation Appeal Board
1171 S Cameron Street Rm 120B | Harrisburg, PA 17104
Phone: 717-783-7838 | Fax: 717-772-0343 | Email: ra-li-wcab@pa.gov | www.dli.pa.gov

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*



**Notice
Date:**

Appeal Case:

Notice of Hearing and Brief Schedule

A hearing has been scheduled for the above case by the Workers' Compensation Appeal Board.

Date:
Time:
Room:
Location:

Briefs shall be filed in accordance with Rules 111.13 and 111.16 of the Board, if applicable.

Brief Parties	Appeal Number	Brief Status	Brief Due Date
(Defendant's Attorney) - Appellant		Pending	
(Claimant's Attorney) - Appellee		Pending	

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VII. WORKERS' COMPENSATION APPEAL BOARD

**CHAPTER 111. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND
PROCEDURE BEFORE THE WORKERS' COMPENSATION APPEAL
BOARD**

Subchapter B. APPEALS

§ 111.13. Processing of appeals and cross appeals.

(a) Upon receipt of an appeal or a cross appeal, the Board will acknowledge receipt to all parties.

(b) The Board will, in addition to acknowledging receipt of the appeal or the cross appeal, establish [the] a briefing schedule and indicate that the appeal and the cross appeal will be scheduled for oral argument unless all parties agree to submission of the case on only briefs or record.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

§ 111.16. Briefs: content and form and time for filing.

(a) A brief on behalf of a petitioner shall be filed with the Board [at or before the date of oral argument. If oral argument is waived, petitioner shall file a brief] within 30 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13 (relating to processing of appeals and cross appeals). In the event subsequent appeals or cross appeals are filed, the Board will issue revised briefing schedules.

(b) A brief on behalf of a respondent shall be filed with the Board within 30 days after [oral argument. Otherwise, the respondent shall file a brief with the Board within 60 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13] service of the petitioner's brief, or where petitioner fails to timely file a brief, within 30 days of the date the petitioner's brief was to be filed. In the event subsequent appeals or cross appeals are filed, the Board will issue a revised briefing schedule.

(b.1) The Board may direct the filing of a supplemental brief.

(c) Upon written request of a party directed to the [Secretary of the] Board [or upon oral request at the time of oral argument], and with notice to all parties, the Board may extend [or shorten] the time for filing of the party's brief only for good cause shown. A party shall [present] file a request to extend [or shorten] the time [at or] for filing a brief before the

date set for filing that party's brief. **The request shall indicate the position of the other parties with respect to the request.**

(d) Briefs not filed with the Board in accordance with the schedule in this section or as modified by the Board under subsection (c) will not be considered and will result in disposition of the appeal without further notice or consideration of the brief of the party failing to comply with these deadlines or schedule.

(e) Briefs, except as otherwise allowed, shall consist of the following items, separately and distinctly set forth:

(1) A short statement of the questions involved.

(2) A statement of the facts by the petitioner, or counterstatement of the facts by the respondent.

(2.1) A summary of the argument, not to exceed one page.

(3) The argument.

(4) A short conclusion setting forth the precise relief sought.

(5) A proof of service as specified in § 111.12(e) (relating to filing, service and proof of service) insofar as applicable.

(f) **[An original brief shall be filed] (Reserved).**

(g) Briefs shall be served on all parties.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 31.15, 33.37, 35.212 and 35.221 and also supersede 1 Pa. Code Chapter 35, Subchapter F (relating to briefs).

§ 111.17. Oral argument.

(a) The Board will schedule oral argument in every appeal or cross appeal unless all parties to the appeal or the cross appeal, upon receiving the acknowledgment of appeal or cross appeal, indicate that no oral argument is requested, or that it is waived.

(b) The Board will hear oral argument on appeals and cross appeals according to a schedule prepared in advance for each calendar year. Oral argument **[will] may** be conducted in Harrisburg, Philadelphia and Pittsburgh **[and in] or** other locations **[throughout] in** this Commonwealth, **or by telephonic or electronic means**, as the Board may **[schedule, or, as is appropriate in the Board's judgment] determine**.

(c) Oral argument will be scheduled at the earliest possible date **[pursuant to the schedule as established by the Secretary of the Board] following the close of the briefing schedule**.

(d) **[Parties shall be advised] The Board will notify parties of the scheduling of oral argument** as far in advance as possible of the **[date of oral] argument [by the acknowledgment of appeal or cross appeal as specified in § 111.13(b) (relating to processing of appeals and cross appeals)] date**.

(e) Oral argument shall consist of a presentation, including rebuttal, if necessary, by the petitioner and respondent.

(f) A petitioner or respondent represented by counsel need not be present at oral argument.

(g) Oral argument may be conducted before one or more members of the Board.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 33.51, 35.204, 35.214 and 35.221.

§ 111.18. Decisions of the Board.

(a) The decision of the Board on an appeal and a cross appeal shall be issued as promptly as possible following oral argument or the receipt of briefs, whichever occurs later.

(b) **[Decisions of the Board on an appeal shall be issued under section 441 of The Administrative Code of 1929 (71 P.S. § 151)] (Reserved).**

(c) Decisions of the Board will be served on all parties and the judge from whose decision the appeal was taken.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 31.13, 31.14, 35.201—35.207 and 35.226.

COMMENTATORS' LIST – FINAL FORM REGULATION #12-105

The Dombrowski Group
Attorneys At Law
Neil T. Dombrowski, Esquire
161 W. Lancaster Avenue
Paoli, PA 19301
(610) 640-1556



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY

September 8, 2021

George D. Bedwick, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Notice of Final Rulemaking
Workers' Compensation Appeal Board
34 Pa. Code, Part VII, Chapter 111; No. 12-105

Dear Chairman Bedwick:

Enclosed is a final rulemaking package consisting of a Face Sheet, Preamble, Annex A and Regulatory Analysis Form and two attachments.

The Workers' Compensation Appeal Board is submitting this rulemaking to amend Part VII, Chapter 111 of 34 Pa. Code to update the procedures under which appeals of decisions of Workers' Compensation Judges are briefed and argued to the Workers Compensation Appeal Board.

Written comments, recommendations or objections should be directed to Kelly K. Smith, Executive Deputy Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, PA 17121, telephone no. (717) 787-4186, email address: kellysmith@pa.gov.

The Department's staff will provide your staff with any assistance required to facilitate your review of this proposal.

Sincerely,

Alfonso Frioni, Jr., Esq.
Chairman

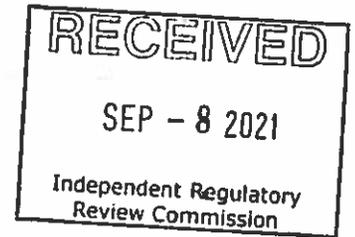
cc w/encl: The Honorable Jennifer Berrier, Secretary
The Honorable Allison Jones, Secretary of Planning and Policy
William Trusky, Executive Deputy Secretary
Scott Weiant, Deputy Secretary for Compensation and Insurance
Neil Cashman, Director of Legislative Affairs
Julia Grubbs, Policy Director
Kelly K. Smith, Executive Deputy Chief Counsel

Kathy Cooper

From: Kratz, Eric <ekratz@pasen.gov>
Sent: Wednesday, September 8, 2021 12:26 PM
To: Mueller, Janet (LI-OCC)
Subject: RE: Electronic Delivery - Final Form Regulation 12-105 to Senate Standing Committee

Received. Thank you Janet.

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Wednesday, September 8, 2021 12:24 PM
To: Kratz, Eric <ekratz@pasen.gov>
Subject: Electronic Delivery - Final Form Regulation 12-105 to Senate Standing Committee
Importance: High



⊙ CAUTION : External Email ⊙

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Thank you!

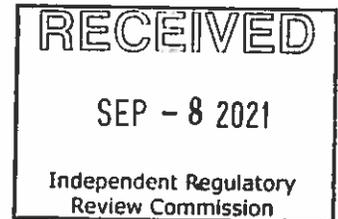
Jan Mueller | Legal Assistant 2
PA Department of Labor & Industry | Office of Chief Counsel
651 Boas Street | Harrisburg, PA 17121
Phone: 717.787.4186 | Fax: 717.787.1303
www.dli.pa.gov

Kathy Cooper

From: Erwin, Noah <Noah.Erwin@pasenate.com>
Sent: Wednesday, September 8, 2021 1:37 PM
To: Mueller, Janet (LI-OCC)
Subject: RE: Electronic Delivery - Final Form Regulation 12-105 to Standing Committee

Received! Thank you

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Wednesday, September 8, 2021 12:27 PM
To: Erwin, Noah <Noah.Erwin@pasenate.com>
Subject: Electronic Delivery - Final Form Regulation 12-105 to Standing Committee



■ EXTERNAL EMAIL ■

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Please respond to this email that you have received delivery of Final-Form Regulation #12-105.

Thank you!

Jan Mueller | Legal Assistant 2
PA Department of Labor & Industry | Office of Chief Counsel
651 Boas Street | Harrisburg, PA 17121
Phone: 717.787.4186 | Fax: 717.787.1303
www.dli.pa.gov

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**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

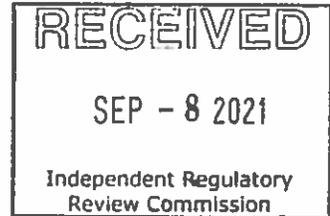
I.D. NUMBER: 12-105

SUBJECT: Appeals

AGENCY: DEPARTMENT OF LABOR AND INDUSTRY
Workers Compensation Appeal board

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions



FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
		HOUSE COMMITTEE ON LABOR RELATIONS
9/8/21	<i>Jennifer Dodge</i>	MAJORITY CHAIRMAN <u>Representative Jim Cox</u>
9/8/21	<i>Paul C. Jones</i>	MINORITY CHAIRMAN <u>Representative Gerald J. Mullery</u>
		SENATE COMMITTEE ON LABOR RELATIONS
		MAJORITY CHAIRMAN _____
		MINORITY CHAIRMAN _____
		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)