

CHAPTER 65. EMPLOYEE PROVISIONS

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Notes of Decisions

School Employes

It is well settled that teachers and other school employees not working during term breaks who can reasonably expect to return are not entitled to unemployment compensation benefits. Therefore, the Board of Unemployment Compensation appropriately denied claimants' request for unemployment where budget constraints forced a cutback in the summer program, but where all claimants were offered jobs in the fall. *Croft v. Unemployment Compensation Board of Review*, 662 A.2d 24 (Pa. Comwlth. 1995).

Subchapter A. GENERAL PROVISIONS

Sec.  
65.1. Definitions.

§ 65.1. Definitions.

In addition to the terms defined in § 61.1 (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Agent state*—A state in which an individual files a claim for benefits from another state.

*Benefits*—Compensation payable to an individual with respect to the individual employment, under the unemployment insurance law of a state.

*Interstate Benefit Payment Plan*—The plan approved by the Interstate Conference of Employment Security Agencies, under which benefits are payable to unemployed individuals absent from the state in which benefit credits have been accumulated.

*Interstate claimant*—An individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term does not include an individual who customarily commutes from a residence in an agent state to work in a liable state unless the Bureau finds that this exclusion would create undue hardship on the claimants in specified areas.

*Liable state*—A state against which an individual files, through another state, a claim for benefits.

*Registered for work*—When a claimant has appeared at a regularly established public employment office and has completed and signed an Application for Benefits, Form UC-42; and when, upon request, he has furnished that office with the accepted title for the occupations at which he is usually employed.

*Registration for work*—When an individual has appeared in person at a public employment office and has furnished that office with his name, usual occupation and correct post office address and has declared his availability for suitable work.

*State*—The term includes Puerto Rico, the Virgin Islands and the District of Columbia.

*Week of unemployment*—Any week of unemployment as defined in the law of the liable state from which benefits with respect to the week are claimed.

#### Source

The provisions of this § 65.1 adopted July 1, 1969; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731.

#### Cross References

This section cited in 34 Pa. Code § 65.11 (relating to effective period).

### Subchapter B. PREREQUISITES FOR ELIGIBILITY

#### REGISTRATION FOR WORK

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#### REGISTRATION FOR WORK

##### Notes of Decisions

##### *Disqualification*

A claimant may be disqualified from receiving compensation only for those amounts overpaid during those weeks in which the claimant's failure to disclose income from part-time employment affected the amount of her benefits. *Schaeffer v. Unemployment Compensation Board of Review*, 467 A.2d 67 (Pa. Cmwlth. 1983).

#### § 65.11. Effective period.

A registration for work created by the actions stated in § 65.1 (relating to definitions) shall continue in effect as follows:

(1) For a period of 3 weeks following the date of the valid application for benefits.

(2) As long as the claimant continues to file claims for weeks of unemployment ending at intervals of not more than 3 weeks, the first of which claims was for a week ending within the 3 week period following the date of the valid application for benefits.

**Source**

The provisions of this § 65.11 adopted July 1, 1969.

**§ 65.12. Registration renewals.**

(a) If, during the claim-filing period, commencing with the date of the valid application for benefits, the interval between claims exceeds 3 weeks, the claimant shall renew his registration for work by appearing at a regularly established public employment office and completing and signing a Notice of Registration Renewal and Request for Separation Information, Form UC-45A.

(b) The registration for work resulting from a registration renewal shall continue in effect in the same manner and under the same conditions as a registration for work resulting from an application for benefits.

**Source**

The provisions of this § 65.12 adopted July 1, 1969.

**§ 65.13. Predated claims.**

(a) Registration renewals may be predated for the same reasons and the same periods of time permitted for an application for benefits, as provided by §§ 65.41—65.43 (relating to procedure; date of filing; and places of filing).

(b) If an application for benefits, a registration renewal or a claim for a week of unemployment filed by a claimant is predated for any reason given in this subsection, the requirement that the claimant is registered for work will be waived for the number of weeks specified for the applicable reason, or for the total of the specified number of weeks for the applicable reasons where there is a combination of more than one reason and in each instance the term week means the calendar week, Sunday through Saturday, immediately preceding the week, which includes the day on which the application for benefits, registration renewal or claim was actually filed:

(1) The inaccessibility of the local public employment office, or the infrequency of the periodic itinerant service established for the area in which the claimant is filing his application or claim, shall permit a waiver of not more than 2 weeks.

(2) The closing of an office due to a Sunday or holiday shall permit a waiver of not more than 2 weeks.

- (3) The inability of the office to take the claimant's application or claim on the day he reported for that purpose or the postponement of application or claims taken by the office for administrative reasons shall permit a waiver of not more than 6 weeks.
- (4) The refusal of the office to accept the application or claim as a result of an error or mistake shall permit a waiver of not more than 52 weeks.
- (5) Pending determination of the eligibility of similarly situated employes under section 402(d) of the law (43 P. S. § 802(d)) if the application or claim is filed within 6 weeks after the determination has become final.
- (6) The claimant's failure to file an application for benefits or registration renewal due to erroneous advice by his employer that he would be recalled to work within 1 week shall permit a waiver for not more than 2 weeks.
- (7) The claimant's failure to file a claim for a week of unemployment due to sickness of the claimant, a sickness or death of another member of the claimant's family, or an act of God shall permit a waiver for not more than 2 weeks.
- (8) The claimant's failure to file a claim for a week of unemployment if the claimant became employed shall permit a waiver for not more than 4 weeks.
- (9) If the claimant files for a week of partial unemployment a waiver for that week shall be permitted regardless of when the claim is actually filed.
- (c) The period of time during which the registration for work is waived may not exceed the period of time by which the application for benefits, registration renewal or claim, was predated, nor may the effective date of the registration for work be a day previous to the date of the application for benefits, registration renewal or the first day of a week of unemployment with respect to which a claim is filed.

**Source**

The provisions of this § 65.13 adopted July 1, 1969; amended September 27, 1974, effective September 28, 1974, 4 Pa.B. 2077; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1920. Immediately preceding text appears at serial pages (18416) to (18417).

**§ 65.14. Additional information.**

Nothing in this subchapter shall be construed to prevent the Department from requiring of a claimant additional information with respect to his work history and occupational aptitudes in a manner and on forms which it may require.

**Source**

The provisions of this § 65.14 adopted July 1, 1969.

**§ 65.15. Claims filed in other states.**

A claimant, filing claims in another state under the section 312 of the law (43 P. S. § 792), will be considered to have registered for work when he has com-

plied with the registration for work requirements of the state in which he is filing his claim. Registration for work shall continue in effect for the length of time provided by the laws, regulations and procedures of the state in which he is filing his claim.

**Source**

The provisions of this § 65.15 adopted July 1, 1969.

**OFFERS OF SUITABLE WORK**

**§ 65.21. Disqualification for benefits.**

In accordance with the provisions of section 402(a) of the law (43 P. S. § 802), an employe shall be ineligible for benefits for any week in which he is unemployed because he has refused without good cause an offer for suitable work made either by the local public employment office or by an employer who notifies the employment office within 7 working days of his offer to the potential employe.

**Source**

The provisions of this § 65.21 adopted July 1, 1969; amended December 20, 1974, effective December 21, 1974, 4 Pa.B. 2567. Immediately preceding text appears at serial page (9311).

**Notes of Decisions**

*Good Cause*

When the employe of a temporary employment agency did not report for her assigned work because she mistakenly believed that the assigned work had been cancelled, she did not have "good cause" for not reporting where she did not call the employment agency to make sure that the assignment had indeed been cancelled. *MacDonald v. Unemployment Compensation Board of Review*, 333 A.2d 199 (Pa. Cmwlth. 1975).

*Notification by Employer*

It is error to grant compensation to an applicant merely because an employer did not properly notify the Bureau of an employe's failure to accept a work assignment. *MacDonald v. Unemployment Compensation Board of Review*, 333 A.2d 199 (Pa. Cmwlth. 1975).

After the Board determines that an offer of suitable employment was refused, it is without authority, absent a showing of prejudice, to grant compensation merely because the form of the notice of an offer of work by a claimant's prior employer was defective. *General Motors Corp. v. Unemployment Compensation Board of Review*, 322 A.2d 762 (Pa. Cmwlth. 1974).

**§ 65.22. Applicable rules.**

(a) With respect to offers of suitable work made by an employer, the following rules apply:

- (1) A work offer may be considered as suitable irrespective of whether the work is in employment as defined in sections 4 and 402(a) of the law (43 P. S. §§ 753 and 802(a)).

(2) The notification shall be made to the local public employment office at which the employe has filed or may file an application for benefits or a registration renewal.

(3) The offer to the employe may be in writing in which case a carbon copy or an exact duplicate shall be furnished to the employment office within 7 working days after the mailing of the offer. If the employer's offer is not made in writing, as, for example, where it is made by telephone, the employer shall provide the employment office with a detailed written description of the offer within 7 working days after the making thereof. Regardless of the manner in which the offer is communicated to the employe, it shall include all of the following:

- (i) The rate of pay and unit of work or period of time which the rate represents.
- (ii) The scheduled working hours during each day of the week.
- (iii) The location of the work.
- (iv) A description of the duties or a generally recognized term covering the duties.
- (v) An unusual requirement or condition of work.

(b) Where the employer who makes the offer has employed the employe after the beginning of the employe's base year and, in his offer of employment to the employe, states that the conditions of the job are substantially the same as those under which the employe last worked for the employer, the requirements enumerated in subsection (a) are not required to be included.

(c) If the job offered the employe is covered under a labor-management agreement and a statement to this effect is made in the offer of employment, no further description will be required.

(d) It will be the responsibility of the Department, before issuing a decision on a claim for benefits, to determine on the basis of facts whether the work offer was suitable within the meaning of section 4(t) of the law (43 P. S. § 753(t)).

#### Source

The provisions of this § 65.22 adopted July 1, 1969; amended December 20, 1974, effective December 21, 1974, 4 Pa.B. 2567. Immediately preceding text appears at serial pages (9311) and (13479).

#### Notes of Decisions

##### *Work Offer*

It is error to grant compensation to an applicant merely because an employer did not properly notify the Bureau of the failure of an employe to accept a work assignment. *MacDonald v. Unemployment Compensation Board of Review*, 333 A.2d 199 (Pa. Cmwlth. 1975).

After the Board determines that an offer of suitable employment was refused, it is without authority, absent a showing of prejudice, to grant compensation merely because the form of the notice of an offer of work by a claimant's prior employer was defective. *General Motors Corp. v. Unemployment Compensation Board of Review*, 322 A.2d 762 (Pa. Cmwlth. 1974).

**Subchapter C. APPLICATION PROCEDURE****CLAIMS FOR COMPENSATION**

- Sec.  
65.31. Filing.  
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**APPLICATION FOR BENEFITS**

- 65.41. Procedure.  
65.42. Date of filing.  
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65.51. [Reserved].  
65.52. [Reserved].  
65.53. [Reserved].  
65.54. [Reserved].  
65.55. [Reserved].

**DECISIONS AND DISQUALIFICATIONS**

- 65.61. Opportunity for refutations.  
65.62. Duration of disqualification.  
65.63. Filing of appeals.

**CLAIMS FOR COMPENSATION****§ 65.31. Filing.**

Claims for compensation shall be filed personally by the claimant on official forms available for that purpose at local public employment offices, Monday through Friday, unless closed due to a holiday or by official pronouncement.

**Source**

The provisions of this § 65.31 adopted July 1, 1969; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731; amended July 13, 1973, effective July 14, 1973, 3 Pa.B. 1309. Immediately preceding text appears at serial page (9312).

**Notes of Decisions**

Because the unemployment compensation claimant's backdating of an application for unemployment benefits could not be justified on the basis that the employer misrepresented about eligibility for benefits, claimant's application was considered untimely. *Mitchelree v. Unemployment Compensation Board of Review*, 635 A.2d 701 (Pa. Cmwlth. 1993).

A claimant has not complied with the reporting requirements if he is aware of the reporting requirements but only visits the local office informally and irregularly and merely keeps a friend who works at the office apprised of his situation on an informal basis. *Zinicola v. Unemployment Compensation Board of Review*, 407 A.2d 474 (Pa. Cmwlth. 1979).

### § 65.32. Week of unemployment.

(a) The week of unemployment with respect to which a claim is filed shall be the calendar week preceding the week which includes the day on which the claim is actually or constructively filed; except that those individuals who are filing claims for compensation for a period of unemployment which began prior to the effective date of this section shall continue to file claims for weeks of any 7 consecutive days for as long as that period of unemployment continues and they are otherwise eligible.

(b) Notwithstanding the provisions contained in this section, the local offices shall insure that claimants be scheduled to report for the purpose of processing the first compensable week of their application on the first local office work day possible within the applicable time limits of this section regardless of the last digit of their Social Security number. Thereafter, claimants may be rescheduled in accordance with the digit reporting schedule.

#### Source

The provisions of this § 65.32 adopted July 1, 1969; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731; amended July 13, 1973, effective July 14, 1973, 3 Pa.B. 1309. Immediately preceding text appears at serial pages (9313) to (9314).

#### Notes of Decisions

##### *Reporting Requirements*

A claimant has not complied with the reporting requirements if he is aware of the reporting requirements but only visits the local office informally and irregularly and merely keeps a friend who works at the office apprised of his situation on an informal basis. *Zinicola v. Unemployment Compensation Board of Review*, 407 A.2d 474 (Pa. Cmwlth. 1979).

##### *Timeliness*

Because the unemployment compensation claimant's backdating of an application for unemployment benefits could not be justified on the basis that the employer misrepresented about eligibility for benefits, claimant's application was considered untimely. *Mitchelree v. Unemployment Compensation Board of Review*, 635 A.2d 701 (Pa. Cmwlth. 1993).

### § 65.33. Predating.

(a) A claim for a week of total, partial or part-total unemployment may be deemed to be constructively filed as of the first day of a calendar week previous to the week which includes the day on which it is actually filed when, in the opinion of the Bureau, the claimant was prevented, through no fault of his own,

from filing his claims during the week immediately subsequent to the week for which the claim is filed because of one or more of the following reasons:

(1) The inability of the local public employment office to handle currently all claims, or the postponement of claims-taking by the local office for administrative reasons shall permit not more than 6 weeks of predateding.

(2) The inaccessibility of the office in isolated areas, or the infrequency of the periodic itinerant service established for the area in which the claimant resides shall permit not more than 2 weeks of predateding.

(3) The closing of an office due to a holiday or by official pronouncement shall permit not more than 2 weeks of predateding.

(4) The refusal of an office to accept a claim as a result of an error or mistake shall permit not more than 52 weeks of predateding.

(5) Sickness or death of another member of the claimant's immediate family or an act of God shall permit not more than 2 weeks of predateding, provided the claimant was available for work during the week for which the claim is being filed.

(6) Illness or injury which incapacitates the claimant shall permit predateding for the duration of the incapacitation plus 2 weeks but in no instance for more than 52 weeks, provided the claimant meets the eligibility requirements during the week for which the claim is being filed.

(7) If the claimant is employed not more than 4 weeks of predateding shall be permitted. Where a claimant is filing claims for partial or part-total benefits not more than 4 weeks predateding shall be permitted, commencing with the date on which the employer paid wages for the claim week in question.

(8) An appeal of a claimant from disqualification may permit not more than 4 weeks of predateding while the appeal is pending.

(b) When a combination of more than one of the reasons outlined in subsection (a) has prevented the claimant from filing a claim and adherence to the most liberal limitation applicable to his case would be inequitable to the claimant, the predateding provisions for applicable reasons shall be added and predateding to the number of weeks which is equal to the sum of all applicable limitations shall be permitted.

(c) A claim for a week of total or part-total unemployment may be deemed to be constructively filed as of the first day of a calendar week previous to the week which includes the day on which it is actually filed, when a determination of the eligibility of similarly situated employees under section 402(d) of the law (43 P. S. § 802(d)) is pending, provided that the claim is filed within 6 weeks after the determination has become final.

#### Source

The provisions of this § 65.33 adopted July 1, 1969; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731; amended March 29, 1974, effective March 30, 1974, 4 Pa.B. 581; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1920. Immediately preceding text appears at serial pages (19128) to (19129).

**Notes of Decisions***Conflict*

A conflicting appointment with an employment counselor is not an acceptable reason for not reporting a claim for a week, especially since the applicant could have kept the appointment with the counselor as well as her scheduled appointment at the offices of the Bureau some other time of that day. *Seibert v. Unemployment Compensation Board of Review*, 403 A.2d 1369 (Pa. Cmwlth. 1979).

*Delay*

Claimant was not entitled to 2 weeks of predated pursuant to subsection (a)(5) of this section following the death of claimant's father, because the regulation gives claimants only a 2-week reprieve to take care of family matters, and did not excuse claimant's 5-month failure to file for benefits. *Ascheim v. Unemployment Compensation Board of Review*, 694 A.2d 4 (Pa. Cmwlth. 1997); appeal denied 700 A.2d 443 (Pa. 1997); appeal denied 718 A.2d 786 (Pa. 1998).

*Misrepresentation by Employment Office*

Claimant failed to meet his burden of showing that he was misled or prevented from filing claims for the weeks at issue, where he admitted that he received and read the unemployment compensation handbook which sets forth the reporting requirements, he assumed on his own that he was no longer eligible for benefits due to the receipt of a pension, and there was no evidence or testimony that anyone connected to the Job Center prevented the claimant from filing claims. *Menalis v. Unemployment Compensation Bd. of Review*, 712 A.2d 804 (Pa. Cmwlth. 1998).

Because an unemployment compensation claimant's backdating of an application for unemployment benefits could not be justified on the basis that the employer made misrepresentations about eligibility for benefits, claimant's application was considered untimely. *Mitchelree v. Unemployment Compensation Board of Review*, 635 A.2d 701 (Pa. Cmwlth. 1993).

**Cross References**

This section cited in 34 Pa. Code § 65.42 (relating to date of filing).

**§ 65.34. [Reserved].****Source**

The provisions of this § 65.34 adopted July 1, 1969; reserved March 29, 1974, effective March 30, 1974, 4 Pa.B. 581. Immediately preceding text appears at serial pages (13481) to (13482).

**§ 65.35. Ineligibility.**

An employe shall be ineligible for compensation for any week with respect to which or a part of which he has received or is seeking compensation under the provisions of an unemployment compensation law of any other state or of the United States. If it is finally determined that he is not entitled to compensation for the week this disqualification does not apply.

**Source**

The provisions of this § 65.35 adopted July 1, 1969; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731.

**APPLICATION FOR BENEFITS****§ 65.41. Procedure.**

(a) Applications for benefits shall be filed on Form UC-42 in local public employment offices, Monday through Friday, unless closed due to a holiday or by official pronouncement.

(b) Claimants reporting to file new applications for benefits shall be served and their claims processed on the day they report, or are scheduled to report, regardless of the last digit of their Social Security numbers, unless it is factually

determined that rescheduling, within applicable time limits of this section, is deemed necessary by the local office manager for administrative reasons.

(c) An application for benefits may be deemed to be constructively filed as of the first day of a calendar week previous to the week which includes the day on which it is actually filed when, in the opinion of the Bureau, the claimant was prevented or persuaded, through no fault of his own, from filing the application because of one of the following reasons; and in each instance the term week or weeks means the calendar week or weeks, Sunday through Saturday.

(1) The inaccessibility of the local public employment office in isolated areas, or the infrequency of the periodic itinerant service established for the area in which the claimant is filing an application shall permit not more than 2 weeks of predating.

(2) The closing of an office due to a holiday or by official pronouncement may permit not more than 2 weeks of predating.

(3) The inability of an office to take the claimant's application on the day on which he reported for the purpose, or the postponement of application taken by the office for administrative reasons may permit not more than 6 weeks of predating.

(4) Erroneous advice by his employer that he would be recalled to work within 1 week may permit not more than 2 weeks of predating.

(5) The refusal of the office to accept the application as a result of an error or mistake shall permit not more than 52 weeks of predating.

(d) Notwithstanding the criteria set forth in this section establishing maximum time limitations to and reasons for backdating an application for benefits, and for the purpose of insuring prompt adjudication of each application, the local employment office shall schedule or reschedule claimants, regardless of the last digit of their Social Security numbers, to report on the first local office work day possible within the applicable time limits of this section following the day on which their failure or inability to report was due to a reason specified in this section.

(e) An application for benefits may be deemed to be filed as of the first day of a calendar week previous to the week which includes the day on which it is actually filed, when a determination of the eligibility of similarly situated employees under section 402(d) of the law (43 P. S. § 802(d)) is pending, provided that the application is filed within 6 weeks after the determination has become final.

#### Source

The provisions of this § 65.41 adopted July 1, 1969; amended October 22, 1971, effective October 23, 1971, 1 Pa.B. 2016; amended September 15, 1972, effective September 16, 1972, 2 Pa.B. 1731; amended March 29, 1974, effective March 30, 1974, 4 Pa.B. 581; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1920. Immediately preceding text appears at serial pages (15238) to (15239).

**Notes of Decisions***Backdating*

Where the claimant was misled when job center personnel failed to provide him with the standard notice of the approaching end of his benefit year, it was error not to permit backdating of the claimant's renewal application. *Russell v. Unemployment Compensation Review Board*, 812 A.2d 780 (Pa. Cmwlth. 2002).

Because the unemployment compensation claimant's backdating of an application for unemployment benefits could not be justified on the basis that the employer misrepresented about eligibility for benefits, claimant's application was considered untimely. *Mitchelree v. Unemployment Compensation Board of Review*, 635 A.2d 701 (Pa. Cmwlth. 1993).

A claimant's application for Trade Readjustment Assistance (TRA) benefits may not be backdated more than 52 weeks due to misinformation by a State employe unless the misinformation constitutes gross negligence or fraud. *Sturni v. Unemployment Compensation Board of Review*, 625 A.2d 727 (Pa. Cmwlth. 1993).

Claimant was not misled by OES in regard to proper reporting requirements and she could not rely on a backdating of an application for benefits. *Strichko v. Unemployment Compensation Board of Review*, 547 A.2d 496 (Pa. Cmwlth. 1988).

The failure of § 65.41 to permit predated for incapacitation due to illness or injury is not violative of section 3 of the Unemployment Compensation Law (43 P. S. § 752). *Edwards v. Unemployment Compensation Board of Review*, 426 A.2d 237 (Pa. Cmwlth. 1981).

*Predating*

Section 65.41(c)(5) bars recovery in the absence of the Bureau's gross negligence or willful and wanton misrepresentation amounting to fraud. *Kear v. Unemployment Compensation Board of Review*, 397 A.2d 468 (Pa. Cmwlth. 1979).

*Reporting Requirements*

A conflicting appointment with an employment counselor is not an acceptable reason for not reporting a claim for a week, especially since the applicant could have kept the appointment with the counselor as well as her scheduled appointment at the Bureau's offices some other time of that day. *Seibert v. Unemployment Compensation Board of Review*, 403 A.2d 1369 (Pa. Cmwlth. 1979).

*Validity*

Section 65.41(c)(5) is neither unreasonable nor inconsistent with the purposes of the Unemployment Compensation Law. *Kear v. Unemployment Compensation Board of Review*, 397 A.2d 468 (Pa. Cmwlth. 1979).

**Cross References**

This section cited in 34 Pa. Code § 65.13 (relating to predated claims); and 34 Pa. Code § 65.42 (relating to date of filing).

**§ 65.42. Date of filing.**

(a) Notwithstanding the provisions of § 65.41(b) (relating to procedure) an application for benefits shall be deemed to be filed as of the first day of any week for which a claim is filed for compensation for partial unemployment within the time limits prescribed under § 65.33 (relating to predated), if the claimant has not previously established a benefit year applicable to that week.

(b) A claim for a week of total or part-total unemployment may not be filed with respect to an application for benefits which is prior to the first day of the week which includes the day on which the application for benefits is actually filed, except within the time limits prescribed in § 65.41(b) and (c).

**Source**

The provisions of this § 65.42 adopted July 1, 1969; amended March 29, 1974, effective March 30, 1974, 4 Pa.B. 581. Immediately preceding text appears at serial page (13484).



**Cross References**

This section cited in 34 Pa. Code § 65.13 (relating to predated claims).

**§ 65.43. Places of filing.**

Notwithstanding the provisions of this chapter that applications for benefits, claims and work registrations shall be filed at local public employment offices, the Bureau may accept applications for benefits, claims and work registration at any other places which may be advisable and expedient.

**Source**

The provisions of this § 65.43 adopted July 1, 1969.

**Notes of Decisions***Places*

The provisions of § 65.43 authorize the Bureau to provide for receiving applications and registrations in places other than public employment offices, but do not empower a claimant to determine where his weekly reporting and filing are to be done or which public employment office he will use for that purpose. *Regoli v. Unemployment Compensation Board of Review*, 427 A.2d 1275 (Pa. Cmwlth. 1981).

**Cross References**

This section cited in 34 Pa. Code § 65.13 (relating to predated claims).

**§ 65.44. Information as to eligibility.**

A base-year employer or last employer, who, under the provisions of section 501(c) of the law (43 P. S. § 821(c)), desires to raise a question as to the eligibility of a claimant, may do so only in writing delivered to the local public employment office indicated on the form by which he has been notified that the claimant has filed an application for benefits.

**Source**

The provisions of this § 65.44 adopted July 1, 1969.

**§ 65.51. [Reserved].****Source**

The provisions of this § 65.51 adopted July 1, 1969; reserved September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (27683).

**§ 65.52. [Reserved].****Source**

The provisions of this § 65.52 adopted January 14, 1972, effective January 15, 1972, 2 Pa.B. 59; reserved September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (27683).

**§ 65.53. [Reserved].****Source**

The provisions of this § 65.53 adopted January 14, 1972, effective January 15, 1972, 2 Pa.B. 59; reserved September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (27683).

**§ 65.54. [Reserved].****Source**

The provisions of this § 65.54 adopted January 14, 1972, effective January 15, 1972, 2 Pa.B. 59; reserved September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (27683).

**§ 65.55. [Reserved].****Source**

The provisions of this § 65.55 adopted July 1, 1969; reserved September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (27684).

**DECISIONS AND DISQUALIFICATIONS****§ 65.61. Opportunity for refutations.**

The Bureau will not issue a decision invalidating a claim until the claimant has been given an opportunity to refute any alleged facts or circumstances which are being considered as a basis for invalidating his claim.

**Source**

The provisions of this § 65.61 adopted July 1, 1969.

**§ 65.62. Duration of disqualification.**

(a) A claimant who has been determined ineligible for compensation under section 402(a) of the law (43 P. S. § 802(2)) shall remain ineligible for compensation until he obtains subsequent employment which is not of a temporary or casual nature.

(b) When a claimant has been declared ineligible because of a refusal of temporary or casual employment, the ineligibility shall continue only for the period of time that work would have been furnished.

(c) A claimant who has been determined ineligible for compensation under the provisions of section 3 of the law (43 P. S. § 752) shall remain ineligible until he has earned, subsequent to the separation from work which was disqualifying under such section, remuneration for services in an amount equal to or in excess of six times his weekly benefit amount.

**Source**

The provisions of this § 65.62 adopted July 1, 1969; amended June 11, 1976, effective June 12, 1976, 6 Pa.B. 1329. Immediately preceding text appears at serial page (9318).

**Notes of Decisions***Temporary Employment*

The limitation on ineligibility provided by subsection (b) applies to claimants who refuse temporary or casual employment opportunities, and does not confer eligibility upon employes disqualified as a matter of law under section 402(b). Awarding this claimant benefits would be advocating a system under which any employe could quit employment and still be eligible to receive compensation benefits by establishing a future departure date despite leaving employment in advance of that date. Thus, a law student who knowingly enters into a temporary part-time employment arrangement with a law firm, voluntarily leaves that employment prior to the end of the specified period to study for exams, fails to request extension of the letter agreement or to seek regular full-time employment with the law firm upon graduation, does not fall within the class of employes the legislature intended to protect. *Evans v. Unemployment Compensation Board of Review*, 665 A.2d 548 (Pa. Cmwlth. 1995).

Employe who refuses to report to an interview for temporary employment because the employe was only interested in permanent employment has, without good cause, failed to pursue a referral of suitable employment and, under subsection (b), is ineligible to receive unemployment benefits for the entire period of time such temporary work would have been furnished. *Raffaele v. Unemployment Compensation Board of Review*, 465 A.2d 85 (Pa. Cmwlth. 1983).

*Voluntary Termination*

Employe who voluntarily terminated a permanent job to seek treatment for nerves was not eligible for benefits. *Weaver v. Unemployment Compensation Board of Review*, 544 A.2d 554 (Pa. Cmwlth. 1988).

**§ 65.63. Filing of appeals.**

Appeals filed under the provisions of section 501(e) of the law (43 P. S. § 821(e)) and further appeals filed under the provisions of section 502 of the law (43 P. S. § 822) shall be filed through the local public employment office at which the claimant has filed his application or claim with respect to which the appeal is taken. Appeals and further appeals shall be in writing and shall state the reasons for the appeal.

**Source**

The provisions of this § 65.63 adopted July 1, 1969.

**Cross References**

This section cited in 34 Pa. Code § 63.23 (relating to unacceptable reasons).

**Subchapter D. PARTIAL UNEMPLOYMENT AND DECEASED OR  
INCOMPETENT CLAIMANTS**

Sec.	
65.71.	Compensation for partial unemployment.
65.72.	Payments for deceased or incompetent claimants.
65.81.	[Reserved].
65.82.	[Reserved].
65.83.	[Reserved].
65.84.	[Reserved].
65.85.	[Reserved].

**§ 65.71. Compensation for partial unemployment.**

(a) In determining the amount of compensation to which an eligible claimant is entitled for a week of partial unemployment which has caused the claimant a loss of earnings, due either to lack of work or unavailability for work, the Bureau shall estimate the amount of earnings which the claimant would have earned had he been actually employed during that week.

(b) Compensation for the week shall be made in an amount equal to the weekly benefit rate of the claimant, less the sum of the estimated amount of his earnings and his actual earnings for the week, to the extent that the payments are in excess of partial benefit credit of the claimant.

(c) In estimating the amount of earnings which a claimant would have received for the hours during which he was unavailable for work the Bureau shall prorate his actual hourly earnings for the week, unless some other method of estimation would be fairer and more reasonable.

**Source**

The provisions of this § 65.71 adopted July 1, 1969.

**§ 65.72. Payments for deceased or incompetent claimants.**

(a) Payment of unemployment compensation benefits due a deceased claimant may be made without letters of administration on the estate of the decedent, in the following order:

- (1) The surviving spouse.
- (2) The surviving child or children.
- (3) The surviving parents.
- (4) The eldest surviving brother or sister.
- (5) A person who is not a relative, having an interest in the estate.

(b) Payments of unemployment compensation benefits due a claimant who has been declared incompetent shall be made to his legal guardian.

(c) Application for payment of benefits under the provisions of this section shall be made on a form and in a manner which shall be prescribed by the Department.

**Source**

The provisions of this § 65.72 adopted July 1, 1969.

**§ 65.81. [Reserved].****Source**

The provisions of this § 65.81 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (9321).

**§ 65.82. [Reserved].****Source**

The provisions of this § 65.82 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (9321).

**§ 65.83. [Reserved].****Source**

The provisions of this § 65.83 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (9321).

**§ 65.84. [Reserved].****Source**

The provisions of this § 65.84 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (9322).

**§ 65.85. [Reserved].****Source**

The provisions of this § 65.85 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (9322).

**Subchapter E. ELIGIBILITY IN CONJUNCTION WITH  
OTHER PAYMENTS****VACATION PAY**

- 65.91. Type of pay.
- 65.92. Determination of eligibility.
- 65.93. Reductions in unemployment compensation.
- 65.94. Identification of vacation periods.
- 65.95. Time of payment.
- 65.96. Calculation of vacation period.

**RETIREMENT PENSIONS AND ANNUITIES**

- 65.101. Purpose.
- 65.102. Application of the deduction.
- 65.103. [Reserved].
- 65.104. Initial payments.
- 65.105. Lump-sum retirement payments.
- 65.106. [Reserved].
- 65.107. [Reserved].
- 65.108. Rules of arbitration.

**VACATION PAY****§ 65.91. Type of pay.**

(a) Whether a payment constitutes vacation pay for purposes of this subchapter shall depend on the purpose for which it is in fact paid or payable rather than the label which may have been given to the payment or to the fund from which it is paid. Unemployment compensation may not be used to finance vacations.

(b) When a plant or department-wide period is granted for vacation and vacation pay is payable to an individual, he may not claim the period is a layoff for him due to lack of work and that his vacation pay should be assignable to some other period, so as to obtain unemployment compensation for one vacation with vacation pay from the employer for another.

(c) The Superior Court has, in effect, held that where the employer of the claimant has designated or approved a vacation period for him, other than the general vacation shutdown, any vacation pay he receives shall first be allocated to the special vacation period the employer has designated or approved for him.

(d) Apart from section 404 of the law (43 P. S. § 804), claimant may not meet the employment tests of eligibility for unemployment compensation while he is actually taking a vacation from work.

**Source**

The provisions of this § 65.91 adopted July 1, 1969.

**§ 65.92. Determination of eligibility.**

In determining the eligibility of a claimant to whom vacation pay is paid or payable, it shall be considered immaterial whether the vacation pay is paid directly by an employer or through some other person or organization, so long as it originates from employer payments. The principles stated in this section shall also apply whether or not the vacation pay is legally required to be paid. It shall be the responsibility of any employer who provides for vacation pay for his employees to notify the Department in writing of this fact.

**Source**

The provisions of this § 65.92 adopted July 1, 1969.

**§ 65.93. Reductions in unemployment compensation.**

Unemployment compensation otherwise payable to an individual with respect to any week shall be reduced by the amount of vacation pay which is in excess of the claimant's partial benefit credit paid or payable to him with respect to all or any part of a vacation period included within that week. Thus, an employee is not rendered totally ineligible by the receipt of vacation pay, but only to the extent of the amount of vacation pay, which is in excess of his partial benefit credit, that he receives with respect to that period.

**Source**

The provisions of this § 65.93 adopted July 1, 1969; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 441. Immediately preceding text appears at serial pages (9323) to (9324).

**§ 65.94. Identification of vacation periods.**

For the purposes of this subchapter, the term "vacation period" means the following:

- (1) A period designated or approved by the claimant's employer as his vacation.
- (2) The period of any plant-wide or departmental closing for vacation except to the extent that the employer of the claimant has granted him a separate vacation period in substitution, in whole or in part, for the general shutdown.

**Source**

The provisions of this § 65.94 adopted July 1, 1969.

**Notes of Decisions***Vacation Period*

Because there is a presumption of eligibility attached to involuntarily unemployed claimants, and to effectuate the legislative intent underlying the definition and application of "credit week" as a condition of eligibility, every week of vacation time, scheduled or unscheduled, earned during a base year must be allocated as a "credit week." *Poola v. Unemployment Compensation Board of Review*, 555 A.2d 97 (Pa. 1989).

A temporary employer shutdown was properly allocated as a vacation period; and, therefore, claimant was not entitled to collect unemployment despite claimant's contention that the employer's decision to shut down was merely a negotiating strategy. *Appel v. Unemployment Compensation Board of Review*, 556 A.2d 973 (Pa. Cmwlth. 1989).

Although employer complied with terms of bargaining agreement permitting 2 week annual shutdown for vacation, the shutdown did not meet the definition of "vacation" since employees were not required to use available vacation leave during shutdown and, in fact, took approved vacation leaves later in year. The employees simply were not "scheduled" to work as opposed to being "excused" from working. *Iceland Products v. Unemployment Compensation Board of Review*, 492 A.2d 457 (Pa. Cmwlth. 1985).

**§ 65.95. Time of payment.**

(a) Vacation pay shall be deemed to have been paid with respect to the vacation period irrespective of the time it is actually received by the claimant if it is for the calendar year in which the vacation period occurs.

(b) If, at the time of the vacation period, the claimant, due to insufficient service, has not yet established entitlement to vacation pay but will later accumulate the necessary amount of service, and if the claimant or his bargaining agent has not agreed to the particular time of the vacation period, the vacation pay may not be allocated to the vacation period.

**Source**

The provisions of this § 65.95 adopted July 1, 1969.

**§ 65.96. Calculation of vacation period.**

The Department shall determine the number of days or weeks of the vacation period to which the vacation pay shall be applied by dividing the total amount of vacation pay by the regular full-time daily or weekly wage of the claimant. When the allocation of the payment is made on the basis of the number of days, the payment shall be apportioned to the customary working days in the calendar week.

**Source**

The provisions of this § 65.96 adopted July 1, 1969.

**Notes of Decisions***Calculation*

Unemployment compensation Board was not able to reapportion yearly vacation pay between two periods since it had already made a finding of fact that excess earnings made in a particular month were allocable only to that month and as such the Board would be requesting an alternative factual finding unsupported by substantial evidence. *LaSota v. Unemployment Compensation Board of Review*, 547 A.2d 865 (Pa. Cmwlth. 1988).

**RETIREMENT PENSIONS AND ANNUITIES****§ 65.101. Purpose.**

(a) In accordance with section 404(d)(2) of the law (43 P. S. § 804(d)(2)), section 402(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 402(c)) and section 3304(a)(15) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C.A. § 3304(a)(15)), the Department has promulgated regulations governing the deduction of certain pension payments from unemployment compensation benefits (UC benefits).

(b) The Department has balanced the interests of employes and employers of this Commonwealth, consistent with the law. The Department seeks to maximize the Commonwealth's share of competitive employment in a global economy,

thereby serving the needs of all Pennsylvanians by reducing the number of unemployed individuals and ensuring that UC benefits are available to those who need and are entitled to them.

(c) For any week with respect to which a claimant is receiving certain pension payments, the Department will deduct from the weekly compensation otherwise payable to the claimant the prorated weekly amount of those pension payments which fulfill the prerequisites for deductibility specified in this chapter.

#### Source

The provisions of this § 65.101 adopted July 1, 1969; amended September 3, 1976, effective September 4, 1976, 6 Pa.B. 2107; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 21. Immediately preceding text appears at serial pages (209612) and (224421).

### § 65.102. Application of the deduction.

(a) Unless otherwise excluded from deductibility under this chapter, any pension payment received by a claimant with respect to a week for which the claimant receives unemployment compensation (UC) benefits shall be deducted from the weekly benefit amount otherwise payable to the claimant for that week.

(b) Deductible pensions include a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is made under a plan maintained or contributed to by the claimant's base period or chargeable employer and is based on the claimant's previous work.

(c) Similar periodic payments shall include all deductible pension payments made on other than a weekly basis which shall be prorated into a weekly amount before being deducted from the weekly benefit amount payable to the claimant.

(d) The Department will deduct all Social Security retirement pensions which are based upon the claimant's previous work or self-employment, or both, including primary Social Security, old age and retirement disability benefits.

(1) The Department will not deduct Social Security payments which are not based on the claimant's previous work, such as Supplemental Security Income.

(2) The Department will deduct pensions paid under the Social Security Act (42 U.S.C.A. §§ 301—1397e) and the Railroad Retirement Act (45 U.S.C.A. §§ 231—231s) when the claimant's base year employer contributed to the pension plan. The pensions are deductible irrespective of whether the claimant's base year employment affected the eligibility for, or increased the amount of, the pension.

(e) If the pension is entirely contributed to by the employer, 100% of the prorated weekly amount of the pension will be deducted from the weekly benefit amount payable to the claimant.

(f) If the pension is contributed to by the individual, in any amount, 50% of the prorated weekly amount of the pension will be deducted from the weekly benefit amount payable to the claimant.

(g) The weekly benefit amount payable to the claimant will not be reduced below zero by the prorated weekly amount of the pension.

(h) For any week with respect to which the claimant is not receiving but is eligible for a pension, the Department will not deduct the prorated weekly amount of the pension from the weekly benefit amount payable to the claimant.

(i) If, as a result of the claimant's ineligibility to receive a pension payment under a pension plan, the claimant receives a payment which represents only a return of the claimant's own contributions to the plan and does not include any contribution from a base period or chargeable employer, the payment is not a pension and will not be deducted from the weekly benefit amount payable to the claimant.

(j) The Department will not deduct pension payments if the services performed by the individual during the base period or the remuneration received for those services from a base period or chargeable employer did not affect the individual's eligibility for, or increase the amount of, the pension, except for pensions paid under the Social Security Act and the Railroad Retirement Act.

(k) The Department will not deduct periodic payments which are made under severance agreements, profit sharing arrangements or disability plans administered by a union, employer, workers' compensation carrier, insurance company or the Veterans Administration, unless the payments are based on retirement and fulfill all other prerequisites specified in this chapter.

(l) The Department will not deduct lump sum pension payments which represent the transfer of "eligible rollover distributions" from a "qualified trust" to an "eligible retirement plan," as those terms are defined in section 402(c) of the Internal Revenue Code (IRC) (26 U.S.C.A. § 402(c)).

(1) If all of the requirements of section 402(c) of the IRC are met, including the transfer of the payments into an "eligible retirement plan" within 60 days of receipt by the individual, those payments do not represent a payment to the individual for the purposes of retirement and are not received by the individual under section 404(d) of the law (43 P.S. § 804(d)) and section 3304(a)(15) of the Federal Unemployment Tax Act (26 U.S.C.A. § 3304(a)(15)) (FUTA).

(2) If a distribution, or any part thereof, does not meet the requirements of section 402(c) of the IRC, the Department will deduct the prorated weekly amount of that portion of the lump sum payment which is received by the claimant in accordance with § 65.108 (relating to rules of attribution).

(3) If a claimant does not roll over the entire lump sum into an eligible retirement plan, as set forth in paragraph (1), the Department will determine the amount to be deducted from the claimant's weekly benefit amount by dividing the amount of the lump sum payment that is received by the claimant by the total amount the claimant could have received had the claimant opted to take the entire lump sum available to the claimant. That quotient represents the deductible share of the lump sum pension amount received by the claimant.

The claimant's unreduced monthly pension is the amount the claimant could have received each month had the claimant opted to take periodic payments in lieu of a lump sum. The Department will calculate the deductible portion of that unreduced monthly amount by multiplying it by the quotient representing the deductible share of the lump sum which is received by the claimant. Using the deductible amount of that monthly pension, the Department will compute the prorated weekly deductible amount in accordance with § 65.108.

(4) If a claimant presents documented proof to the Department that the claimant has rolled over a portion of a deductible lump sum payment into an eligible retirement plan within 60 days, so that all or some of that lump sum payment is not subject to Federal Income Tax, the Department will credit the claimant for any amount deducted from the claimant's UC benefits which is properly exempt from deduction because it is attributable to the transfer of the funds into an eligible retirement plan.

#### Source

The provisions of this § 65.102 adopted July 1, 1969; amended November 8, 1974, effective November 9, 1974, 4 Pa.B. 2358; amended September 3, 1976, effective September 4, 1976, 6 Pa.B. 2107; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 21. Immediately preceding text appears at serial page (224421).

#### Notes of Decisions

##### *Excluded Contributions*

Employer's temporary disability salary continuation plan, fully paid and maintained by the employer, was specifically excluded as a deduction by this regulation. *York Cable Television, Inc. v. Unemployment Compensation Board of Review*, 654 A.2d 270 (Pa. Cmwlth. 1995).

#### Cross References

This section cited in 34 Pa. Code § 65.105 (relating to lump-sum retirement payments).

### § 65.103. [Reserved].

#### Source

The provisions of this § 65.103 adopted July 1, 1969; amended September 3, 1976, effective September 4, 1976, 6 Pa.B. 2107; reserved January 2, 1998, effective January 3, 1998, 28 Pa.B. 21. Immediately preceding text appears at serial pages (224421) to (224423).

#### Notes of Decisions

##### *Benefit Eligibility*

Claimant was not entitled to benefits based upon assertion that claimant retired due to "impending layoff" when claimant did so after attaining maximum pension benefit amount. *Boyle v. Unemployment Compensation Board of Review*, 566 A.2d 1259 (Pa. Cmwlth. 1989).

##### *Normal Retirement Date*

This regulation makes no mention of a normal retirement date determination. Therefore, when the employer makes an offer of full pension rights to an employee to retire, and the employee accepts

such an offer, a finding of when the “normal retirement date” occurs is not necessary to the application of the statute or regulation. *Dannerth v. Unemployment Compensation Board of Review*, 682 A.2d 55 (Pa. Cmwlth. 1996).

#### *Offset of Benefits*

Exemption did not apply to unemployment compensation claimants because they were eligible to retire under their employer’s retirement plan at the time the plant closed regardless of the special plant closing retirement plan; in order for the exemption to apply, the claimant must be permanently and involuntarily separated from employment prior to his retirement date. *Hornsberger v. Unemployment Compensation Board of Review*, 718 A.2d 359 (Pa. Cmwlth. 1998); appeal denied by 758 A.2d 1203 (Pa. 1999).

Unemployment compensation benefits are reduced by the amount of pension moneys paid by an employer to an employee who has elected to retire under an enhanced retirement program. *PECO Energy Co. v. Unemployment Compensation Board of Review*, 682 A.2d 36 (Pa. Cmwlth. 1996).

The Unemployment Compensation Board properly determined that the employee received a pension of \$494 per week and that this pension was entirely contributed to by the employer and because the employee’s weekly pension exceeded the calculated weekly benefit rate of \$340, the unemployment benefits were reduced to zero. *Kelly v. Unemployment Compensation Board of Review*, 682 A.2d 29 (Pa. Cmwlth. 1996).

When the employee accepted the plan which permitted retirement at age 50, that age then became for the employee the age of retirement and the employee was therefore not separated from employment prior to the retirement date. Since the employee was not separated from employment, however voluntarily or involuntarily, “prior to retirement date,” the regulatory exception to the rule of pension offset does not apply. The plain language of the excepting regulation requires that an employee be separated prior to retirement date, and, because the employee was not so separated, pension benefits could be deducted from the unemployment benefits. *Dannerth v. Unemployment Compensation Board of Review*, 682 A.2d 55 (Pa. Cmwlth. 1996).

Claimant reached the actual retirement date. The age at which claimant may have intended to retire, the offer of an enhancement plan that actually enabled claimant’s earlier retirement without penalty, claimant’s preference for delaying retirement in order to receive a larger pension, as well as other circumstances pertaining to “normal” retirement age, are not part of the relevant inquiry under this regulation. Therefore, claimant’s pension could be deducted from any unemployment compensation which claimant would otherwise be entitled to receive. *Salerno, Jr. v. Unemployment Compensation Board of Review*, 674 A.2d 776 (Pa. Cmwlth. 1996).

Although Claimant neither intended to retire nor considered self to be retired, at the time of separation claimant was admittedly eligible to retire under employer’s plan and was eligible to receive pension money without penalty. Contrary to claimant’s assertions, claimant’s eligibility to retire was determinative, and the Unemployment Compensation Board correctly applied 43 Pa.C.S. § 804(d)(2) to determine claimant’s weekly benefit rate by reducing the benefit amount from monthly retirement income even though claimant took retirement benefits in a lump sum payment. *Rathvon v. Unemployment Compensation Board of Review*, 663 A.2d 893 (Pa. Cmwlth. 1995).

This section was not inconsistent with Unemployment Compensation Law (43 P.S. § 804(d)(2)) or Multiemployer Pension Plan Amendments Act of 1980 (26 U.S.C.A. § 3304(a)(15)) even though it did not allow for the offset of retirement benefits against unemployment benefits in certain cases involving liquidation of pension benefits as a result of plant closings. *Teledyne Columbia-Summerill Carnegie v. Unemployment Compensation Board of Review*, 634 A.2d 665 (Pa. Cmwlth. 1993).

Unemployment compensation claimants who were separated from employment prior to retirement due to a plant closing were entitled to receive unemployment compensation without a deduction for pension benefits because this section was designed to protect a worker from the devastating effects of a plant closing. *Westinghouse Electric Corp. v. Unemployment Compensation Board of Review*, 549 A.2d 623 (Pa. Cmwlth. 1988); on reargument 561 A.2d 80 (Pa. Cmwlth. 1989).

Retirement benefits paid to an employee separated from employment due to a plant closing before employee reaches retirement age are not deducted from unemployment compensation. *Westinghouse v. Unemployment Compensation Board of Review*, 561 A.2d 80 (Pa. Cmwlth. 1989).

*Separation*

Claimant was not permanently and involuntarily separated from employment prior to retirement date, as claimant was eligible to retire at anytime. The fact that the claimant had no plans to retire at the time of separation was irrelevant. *Grace v. Unemployment Compensation Board of Review*, 631 A.2d 748 (Pa. Cmwlth. 1993).

*Separation*

Claimants remained on lay-off status after the plant closed and continued to accrue service credit. Because of this ongoing relationship, claimants were not fully, and not necessarily permanently, "separated" from employment; thus, employer was entitled to offset the weekly amount of the pensions against any unemployment benefits to which claimants were entitled. *Attenberger v. Unemployment Compensation Board of Review*, 682 A.2d 68 (Pa. Cmwlth. 1996).

**§ 65.104. Initial payments.**

(a) When, following the retirement of an employee and, as part of a general pension plan, an initial payment is made in lieu of or in addition to the regular pension amount to which the employee is entitled, the initial payment will be considered a pension payment, and will be subject to this chapter.

(b) Initial payments are independent of regular pension payments. To the extent that they meet the requirements for deductibility provided in this chapter, the Department will deduct them from compensation otherwise payable to a claimant even if the claimant's regular pension payments are not deductible. The Department will not deduct initial payments if they do not meet the requirements for deductibility provided in this chapter, even if the claimant's regular pension payments are deductible.

(c) When the initial payment includes an amount paid for any reason other than pension, including unused vacation, only that amount which is attributable to the pension is deductible.

(d) When the initial pension payment is received by a claimant in a lump-sum, the deduction of this initial pension amount will be calculated by dividing the initial pension amount by the number of weeks for which the pension plan specifies the initial payment is being made. The number of weeks attributable to unused vacation or other payments will not be used in determining the weekly pension amount to be deducted. The result of this calculation, if not a multiple of 1 dollar, will be computed to the next higher multiple of 1 dollar and will be considered the prorated weekly deductible amount of the initial payment and is the amount by which the weekly benefit rate will be reduced, but not below zero.

**Source**

The provisions of this § 65.104 adopted July 1, 1969; amended March 12, 1976, effective March 13, 1976, 6 Pa.B. 450; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 21. Immediately preceding text appears at serial page (224423).

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**§ 65.105. Lump-sum retirement payments.**

(a) When a claimant receives a lump-sum payment in lieu of a periodic pension payment, the prorated weekly pension amount which the employe could have received will be deducted in accordance with § 65.108 (relating to rules of attribution).

(b) When a claimant cannot receive periodic pension payments and must take a mandatory lump-sum payment, no pension deduction will be made.

(c) When a claimant receives a deductible lump sum payment and transfers only a portion of that payment into an eligible retirement plan within 60 days of receipt, the remainder of the lump sum payment which is not transferred into an eligible retirement plan will be deducted, along with any other deductible pension payments made to the claimant under § 65.102 (relating to application of the deduction) and § 65.108.

**Source**

The provisions of this § 65.105 adopted July 1, 1969; amended March 12, 1976, effective March 13, 1976, 6 Pa.B. 450; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 21. Immediately preceding text appears at serial page (209615).

**§ 65.106. [Reserved].****Source**

The provisions of this § 65.106 adopted July 1, 1969; reserved March 12, 1976, effective March 13, 1976, 6 Pa.B. 450. Immediately preceding text appears at serial pages (9326) to (9327).

**§ 65.107. [Reserved].****Source**

The provisions of this § 65.107 adopted July 1, 1969; reserved March 12, 1976, effective March 13, 1976, 6 Pa.B. 450. Immediately preceding text appears at serial page (9327).

**§ 65.108. Rules of attribution.**

If a pension, retirement, annuity or other similar periodic payment deductible under section 404(d)(2) of the law (43 P. S. § 804(d)(2)) is received on other than a weekly basis, the amount to be deducted will be prorated as follows: The claimant's monthly pension is the amount the claimant could have received each month had the claimant opted to take periodic payments in lieu of a lump sum. The Department will use the deductible amount of that monthly pension, convert it to a yearly amount, and divide by 52. If not a multiple of one dollar, the Department will determine the prorated weekly deductible amount of the pension by rounding to the next higher multiple of one dollar. The weekly benefit amount payable to the claimant will be reduced, but not below zero, by the prorated weekly deductible amount of the pension, in accordance with section 404(d)(2) of the law.

**Source**

The provisions of this § 65.108 adopted January 2, 1998, effective January 3, 1998, 28 Pa.B. 21.

**Cross References**

This section cited in 34 Pa. Code § 65.102 (relating to application of the deduction); and 34 Pa. Code § 65.105 (relating to lump-sum retirement payments).

**Subchapter F. COMPUTATIONS****DETERMINATION OF WEEKLY BENEFIT RATE**

Sec.

- 65.111. Benefit table.
- 65.112. Extending or contracting benefit table.
- 65.113. Computation of weekly wage.
- 65.114. High quarter rate determination.
- 65.115. Ascertainment of full-time weekly wage.
- 65.116. Application for benefits.
- 65.117. Appeals.

**WEEKLY NET EARNINGS IN SIDELINE SELF-EMPLOYMENT**

- 65.121. Computation of weekly net earnings.
- 65.122. Seasonal businesses.
- 65.123. Application of computed earnings.

**DETERMINATION OF WEEKLY BENEFIT RATE****§ 65.111. Benefit table.**

(a) The table specified for the determination of rate and amount of benefits, as provided in Appendix A, shall be extended or contracted annually as prescribed in section 404(e)(2) of the law (43 P. S. § 804(e)(2)) as follows:

- (1) The total number of persons in covered employment reported by employers to the Department for the 12-month period ending June 30 is divided by 12 and rounded to the nearest unit to produce the average monthly number of covered workers.
- (2) The total amount of covered wages reported by employers to the Department—irrespective of the limit on the amount of wages subject to employer contributions—for the 12-month period ending June 30 is then divided by the monthly number of covered workers. The result is rounded to the nearest cent to produce the average annual wage.
- (3) The average annual wage is then divided by 52, rounding to the nearest cent, to produce the average weekly wage.

- (4) The average weekly wage is then multiplied by 2 and the product is divided by 3. The result becomes the maximum weekly benefit rate. If the result is not a whole dollar amount, it shall be rounded to the next higher multiple of \$1.
- (b) The amount of qualifying wages set forth in the benefit table for the highest quarterly wage, not the base year wages of the employe, shall be subject to section 401(a) of the law (43 P. S. § 801(a)).
- (c) The Secretary shall annually submit the table specified for the determination of rate and amount of benefits to the Legislative Reference Bureau for suggested publication as a notice in the *Pennsylvania Bulletin* under 45 Pa.C.S. § 725(a)(6) (relating to additional contents of the *Pennsylvania Bulletin*) and for suggested codification in the *Pennsylvania Code*, as Appendix A, under 45 Pa.C.S. § 702(7) (relating to contents of the *Pennsylvania Code*).

#### Authority

The provisions of this § 65.111 issued under sections 201(a) and 404(e)(2) of the Unemployment Compensation Law (43 P. S. §§ 761(a) and 804(e)(2)).

#### Source

The provisions of this § 65.111 adopted December 17, 1971, effective December 18, 1971, 1 Pa.B. 2319; corrected December 24, 1971, effective January 1, 1972, 1 Pa.B. 2346; amended December 15, 1972, effective January 1, 1973, 2 Pa.B. 2327; amended December 15, 1973, effective January 1, 1974, 3 Pa.B. 2817; amended December 20, 1974, effective 30 days subsequent to final approval of act of December 5, 1974, 4 Pa.B. 2568; amended December 19, 1975, effective January 4, 1976, 5 Pa.B. 3272; amended December 17, 1976, effective January 2, 1977, 6 Pa.B. 3113; amended December 17, 1977, effective January 1, 1978, 7 Pa.B. 3784; amended December 30, 1978, effective January 1, 1979, 8 Pa.B. 3812; amended December 22, 1979, effective January 1, 1980, 9 Pa.B. 4168; amended December 25, 1981, effective January 1, 1982, 11 Pa.B. 4439; amended December 31, 1982,

effective January 1, 1983, 13 Pa.B. 17; corrected January 21, 1983, effective January 1, 1983, 13 Pa.B. 522; amended December 30, 1983, effective January 1, 1984, 13 Pa.B. 4013; amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4688; amended December 28, 1984, effective January 1, 1985, 14 Pa.B. 4719; amended January 3, 1985, effective January 1, 1986, 15 Pa.B. 50; amended December 26, 1986, effective January 1, 1987, 16 Pa.B. 5004; amended December 25, 1987, effective January 1, 1988, 17 Pa.B. 5359; amended December 23, 1988, effective January 1, 1989, 18 Pa. B. 5675; amended December 22, 1989, effective January 1, 1990, 19 Pa.B. 5467. Immediately preceding text appears at serial page (134103) to (134108).

#### Cross References

This section cited in 34 Pa. Code § 65.112 (relating to extending or contracting benefit table).

### § 65.112. Extending or contracting benefit table.

(a) When it is necessary, under the provisions of section 404(e)(2) of the law (43 P. S. § 804(e)(2)), to extend the table specified in § 65.111 (relating to benefit table) and Appendix A for the determination of rates and amounts of benefits, it shall be done as follows:

(1) The words “or more” shall be deleted from the last line under *Part A* of Appendix A, and an amount \$24 greater than the first entry in that line shall be substituted therefor.

(2) *Part A* shall be extended as much as necessary by adding \$25 to each amount of the preceding line. At the point where the entry in *Part B* equals 64 2/3% of the average weekly wage, the first entry in *Part A* shall consist of an amount \$25 greater than the smaller amount in the preceding line, and the words “or more” shall be added.

(3) *Part B* of Appendix A shall be extended in increments of \$1.00 until that point is reached where the amount is equal to 64 2/3% of the average weekly wage.

(4) *Part C* of Appendix A shall be extended in increments of \$40 to the point where, under *Part B* of Appendix A, the amount is equal to 64 2/3% of the average weekly wage.

(5) *Part D* of Appendix A shall be extended in increments of \$30 to the point where, under *Part B* of Appendix A, the amount is equal to 64 2/3% of the average weekly wage.

(b) When it is necessary to contract the table specified for the determination of rates and amounts of benefits, it shall be done by deleting all lines following that in which the amount in *Part B* is 64 2/3 % of the average weekly wage and substituting the words “or more” for the higher amount under *Part A* in that line.

(c) The percent stated in subsections (a) and (b) for establishing the maximum weekly benefit rate shall be 64 2/3 % for calendar year 1975, and 66 2/3% for calendar year 1976 and for subsequent calendar years.

**Source**

The provisions of this § 65.112 adopted December 3, 1971, effective December 4, 1971, 1 Pa.B. 2231; amended December 20, 1974, effective 30 days subsequent to final approval of the act of December 5, 1974, 4 Pa.B. 2568. Immediately preceding text appears at serial pages (13491) to (13492).

**§ 65.113. Computation of weekly wage.**

(a) It is an objective of the Pennsylvania Unemployment Compensation Program that an unemployed, eligible claimant shall be compensated for at least 50% of his weekly wage loss, subject to the maximum weekly benefit rate fixed by law.

(b) Prior to 1955, computation of the weekly benefit rate of the claimant was based exclusively upon his weekly earnings during that calendar quarter of his base year in which he has the greatest amount of wages in covered employment.

(c) When a claimant has experienced irregular or short term employment in his base year, the high quarter formula of subsection (b) has occasionally failed to compensate the claimant at the rate of 50% of his weekly wage. Section 404(a) of the law (43 P. S. § 804(a)) remedies this condition effective with benefit years commencing on or after May 1, 1955, to provide an alternate formula for computing a claimant's compensation rate, that is 50% of his full-time weekly wage, whichever is greater.

**Source**

The provisions of this § 65.113 adopted July 1, 1969.

**Notes of Decisions***Weekly Wage*

Claimants employed as intermittent intake interviewers by the Office of Employment Security were entitled to receive benefits at 50% of their weekly wage, since, when working, they never worked less hours per week than a full-time work week. *Brennan v. Unemployment Compensation Board of Review*, 484 A.2d 430 (Pa. Cmwlth. 1984).

**Cross References**

This section cited in 34 Pa. Code § 65.122 (relating to seasonal businesses).

**§ 65.114. High quarter rate determination.**

The high quarter formula, in most instances, yields a weekly benefit rate which is equal to or in excess of 50% of the full-time weekly wage of the claimant. Since the Department is in possession of the wage records of the claimant required for this computation, and since additional information not of record is required for determining his full-time weekly wage, the Department, for the purpose of practicable administration and in order to avoid delay in the payment of benefits, shall apply the following rules in determining the claimant's weekly benefit rate under the provisions of this subchapter:

(1) A weekly benefit rate, computed on the basis of the claimant's high quarter wages in accordance with Part A and Part B of Appendix A, shall be the rate on which his compensation rights shall be initially determined for any benefit year, unless it is found on the basis of employment experience in the claimant's base year that 50% of his full-time weekly wage exceeds his weekly benefit rate as established by the high quarter formula, in which event his weekly benefit rate shall be 50% of his full-time weekly wage.

(2) An employee who is employed in an occupation in which the remuneration is based solely on commission with no fixed or guaranteed minimum, or an employee hired as a contingent or extra employee, or one hired for less than the full-time work week of the establishment, shall be deemed not to have a full-time weekly wage on the basis of that employment.

(3) The application of these rules shall in no way prejudice the right of a claimant whose base-year wages are insufficient to qualify him for compensation at the rate thus determined to receive compensation at a lower rate in accordance with section 404(a)(3) and (c) of the law (43 P. S. § 804(a)(3) and (c)).

#### Notes of Decisions

##### *Invalid*

This section was held invalid because it excludes from the benefits of the optional calculation method allowed by 43 P. S. § 804(a)(1) a category of employees which was intended to be included, and because it is inconsistent with the broad humanitarian purpose and the language of the Unemployment Compensation Law. *Brennan v. Unemployment Compensation Board of Review*, 484 A.2d 430 (Pa. Cmwlth. 1984).

##### *Weekly Wage*

Working 30 out of a possible 35-hour work week does not qualify an applicant as a full-time weekly wage earner and benefits must be computed by the table located at 43 P. S. § 804(e)(1) as required by 43 P. S. § 804(a)(1). *Figliomeni v. Unemployment Compensation Board of Review*, 382 A.2d 1311 (Pa. Cmwlth. 1978).

#### **§ 65.115. Ascertainment of full-time weekly wage.**

The full-time weekly wage of an employee shall be that wage which an employee would receive if he were employed for a full-time week of not less than 5 full work days, and shall be ascertained as follows:

(1) In all cases, the wages paid by the employer from whom the claimant earned the greatest amount of wages in his base year, as shown on the Notice of Financial Determination (Form UC-44F), shall be used as the basis for ascertaining the full-time weekly wage. If the claimant was paid at more than one wage rate based upon a unit of time by the employer, the wage rate at which he earned the greatest amount of wages in his base year shall be used.

(2) In all cases, the full-time weekly wage shall be computed to the nearest dollar.

- (3) If the wages are fixed by the week, the amount so fixed shall be the full-time weekly wage.
- (4) If the wages are fixed by the month, the full-time weekly wage shall be the monthly wage so fixed, multiplied by 12 and divided by 52.
- (5) If the wages are fixed by the year, the full-time weekly wage shall be the yearly wage so fixed, divided by 52.
- (6) If the wages are fixed by the day, the full-time weekly wage shall be the daily wage rate multiplied by not less than five.
- (7) If the wages are fixed by the hour, the full-time weekly wage shall be the hourly wage rate multiplied by the regularly scheduled number of hours in a full-time work day, and the result multiplied by not less than five.
- (8) If the wages are fixed on a piece rate or tonnage basis, the full-time weekly wage shall be determined as follows:
- (9) Wages earned in the calendar quarter in which the claimant's earnings were the greatest in his base year shall be divided by the actual number of hours worked for the wages to establish the average hourly rate. The average hourly rate thus obtained shall be multiplied by the regularly scheduled number of hours in a full-time work day and the result multiplied by not less than five.
- (10) If the wages are fixed on a combination of an hourly wage rate plus a piece work or tonnage rate, the full-time weekly wage shall be determined by the piece rate method, as explained in this section.

**Source**

The provisions of this § 65.115 adopted July 1, 1969.

**§ 65.116. Application for benefits.**

- (a) If, at the time the claimant files his initial application for benefits, a full-time weekly wage can be established, subject to verification, it shall be indicated on the initial application of the claimant. The weekly benefit rate for these applications shall be computed on the basis of the highest quarterly wages in accordance with Part A and Part B of Appendix A, or 50% of the full-time weekly wage, whichever is greater.
- (b) If, at the time the claimant files his initial application for benefits, a full-time weekly wage cannot be established, the weekly benefit rate shall be computed solely on the basis of the high quarter formula. Upon receipt of the Notice of Financial Determination (Form UC-44F), the local office shall determine if there is a substantial basis for a weekly benefit rate determination based on full-time weekly wage. This determination may be made at the time of the waiting week or at the time of the benefit rights interview. For these cases the local office shall initiate whatever actions are required to obtain necessary wage information upon which to establish the full-time weekly wage.

**Source**

The provisions of this § 65.116 adopted July 1, 1969.

**§ 65.117. Appeals.**

(a) For the purpose of appeals filed by employers the date of decision with respect to determination of the weekly benefit rate of a claimant shall be the date on which the Notice of Financial Determination (Form UC-44F) indicating the weekly benefit rate was mailed to the employer.

(b) For the purpose of appeals filed by claimants the date of the decision shall be the date on which the Notice of Financial Determination (Form UC-44F) indicating the weekly benefit rate was personally delivered to him.

(c) In order to avoid multiplicity of appeals, whenever, pending an appeal, an issue arises as to the weekly benefit rate the issue shall be determined by the Department and submitted to the appropriate appellate tribunal for inclusion in the pending appellate proceedings and decision thereon.

**Source**

The provisions of this § 65.117 adopted July 1, 1969.

**WEEKLY NET EARNINGS IN SIDELINE SELF-EMPLOYMENT****§ 65.121. Computation of weekly net earnings.**

(a) Since an accurate determination of weekly net earnings for a particular week or month will usually be impossible because of the time lapse between the performance of services and the receipt of resulting income. Weekly net earnings for a current calendar year shall be based on net earnings in a previous calendar year or on anticipated earnings in the current calendar year, if operations were not conducted in a previous calendar year, in accordance with the following:

(1) For a claimant engaged in farming, "gross income" from sales and services shall be reduced by subtraction of expenses for labor, feed, seeds and plants, fertilizer and lime.

(2) For a claimant engaged in a business other than farming, "gross income" from sales and services shall be reduced by subtraction of the cost, if any, of goods sold. Cost of goods sold shall include the total cost of merchandise, cost of labor and cost of material and supplies.

(3) The remainder shall be divided by the number of weeks during which the farm or business operated or will operate during a year. The quotient shall represent the weekly net earnings to be used for the purpose of computing benefits payable.

(b) Weekly net earnings computed in accordance with subsection (a) applies throughout the benefit year for as long as the business operates in the benefit year.

**Notes of Decisions***Net Earnings*

The provisions of 34 Pa. Code § 65.121 provide only for the deduction of labor and material costs from gross income in computing the net earnings of a single sideline business; nothing suggests that losses from failing sideline ventures may be deducted from profits of successful sideline businesses in computing weekly income from sideline activities. *Frederick v. Unemployment Compensation Board of Review*, 423 A.2d 801 (Pa. Cmwlth. 1980).

**Source**

The provisions of this § 65.121 adopted July 1, 1969.

**§ 65.122. Seasonal businesses.**

When seasonal businesses are involved, weekly net earnings computed in accordance with § 65.113 (relating to computation of weekly wage) apply to any weeks in the benefit year during which the business normally operates.

**Source**

The provisions of this § 65.122 adopted July 1, 1969.

**§ 65.123. Application of computed earnings.**

Application of computed weekly net earnings apply whether or not a benefit year overlaps a calendar year.

**Source**

The provisions of this § 65.123 adopted July 1, 1969.

**Subchapter G. INTERSTATE CLAIMS****COMPENSATION TO INTERSTATE CLAIMANTS**

- Sec.  
65.131. Registration for work.  
65.132. Benefit rights of interstate claimants.  
65.133. Unavailable benefit credits.  
65.134. Claims for benefits.  
65.135. Filing of claims.  
65.136. Determination of claims.  
65.137. Appellate procedure.  
65.138. Claims taken in Canada.  
65.141. [Reserved].  
65.142. [Reserved].

**COMPENSATION TO INTERSTATE CLAIMANTS****§ 65.131. Registration for work.**

(a) Each interstate claimant shall be registered for work through a public employment office in the agent state, when and as required by the law, regulations and procedures of the agent state. The registration shall be accepted as meeting the registration requirements of the liable state.

(b) Each agent state shall report to the liable state in question whether each interstate claimant meets the registration requirements of the agent state.

**Source**

The provisions of this § 65.131 adopted July 1, 1969.

**§ 65.132. Benefit rights of interstate claimants.**

(a) If a claimant files a claim against a state, and it is determined by the state that the claimant has available benefit credits in that state, then claims shall be filed only against that state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(b) Benefit rights of interstate claimants established by this subchapter apply only with respect to new claims (notices of unemployment) filed on or after July 5, 1953.

**Source**

The provisions of this § 65.132 adopted July 1, 1969.

**§ 65.133. Unavailable benefit credits.**

(a) For the purposes of this subchapter, benefit credit shall be deemed to be unavailable whenever benefits have been exhausted, terminated or postponed either for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(b) Benefit rights of interstate claimants established by this subchapter apply only to new claims, that is, notices of unemployment filed on or after July 5, 1953.

**Source**

The provisions of this § 65.133 adopted July 1, 1969.

**§ 65.134. Claims for benefits.**

Claims for benefits or waiting-period credit shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Adjustments

required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

**Source**

The provisions of this § 65.134 adopted July 1, 1969.

**§ 65.135. Filing of claims.**

(a) Claims shall be filed in accordance with agent-state regulations for intra-state claims in local employment offices, or at an itinerant point.

(b) With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim shall be used to begin a claim series and no continued claim for a past period shall be accepted.

(c) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to the claims under the law of the agent state.

**Source**

The provisions of this § 65.135 adopted July 1, 1969.

**§ 65.136. Determination of claims.**

(a) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(b) The responsibility and authority of the agent state in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state may not refuse to take an interstate claim.

**Source**

The provisions of this § 65.136 adopted July 1, 1969.

**§ 65.137. Appellate procedure.**

(a) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

(b) With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

**Source**

The provisions of this § 65.137 adopted July 1, 1969.

**§ 65.138. Claims taken in Canada.**

This subchapter applies to claims taken in and for Canada.

**Source**

The provisions of this § 65.138 adopted July 1, 1969.

**§ 65.141. [Reserved].****Source**

The provisions of this § 65.141 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (14339).

**§ 65.142. [Reserved].****Source**

The provisions of this § 65.142 adopted July 1, 1969; reserved August 23, 1974, effective August 24, 1974, 4 Pa.B. 1779. Immediately preceding text appears at serial page (14339).

**Subchapter H. ALLOWANCES FOR DEPENDENTS**

Sec.

- 65.151. Definitions.
- 65.152. Purpose.
- 65.153. Amount to remain fixed.
- 65.154. Payments.
- 65.155. Claimants without a dependent spouse.
- 65.156. Reserve accounts of employers.
- 65.157. Extended benefits.

**§ 65.151. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Dependent child*—An individual's unmarried child, stepchild, legally adopted child or illegitimate child, who at the beginning of the individual's current benefit year, was wholly or chiefly supported by the individual and was 17 years of age or younger, or if 18 years of age or older, because of physical or mental infirmity was unable to engage in a gainful occupation.

*Dependent spouse*—An individual's lawful husband or wife who is living in the same household and who is being wholly or chiefly supported by the individual at the beginning of such individual's benefit year.

*Wholly or chiefly supported*—The dependent is receiving more than 1/2 of the cost of his support from the individual.

**Source**

The provisions of this § 65.151 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017; amended December 7, 1973, effective December 8, 1973, 3 Pa.B. 2790; amended November 5, 1976, effective November 6, 1976, 6 Pa.B. 2817. Immediately preceding text appears at serial page (17314).

**§ 65.152. Purpose.**

This subchapter is intended to effectuate those provisions of the law which deal with the payment of an allowance for dependents to eligible claimants for unemployment compensation.

**Source**

The provisions of this § 65.152 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017.

**§ 65.153. Amount to remain fixed.**

The amount of allowance for dependents as computed at the time of the application for benefits shall remain fixed for the duration of the claimant's benefit year, except in instances of error in the original determination.

**Source**

The provisions of this § 65.153 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017.

**§ 65.154. Payments.**

Dependent's allowance shall be paid for valid claim weeks whether full or partial weekly benefit amount is payable. The number of payments shall be limited to 30 under section 404(e)(3) of the law (43 P. S. § 804(e)(3)), and the number of payments shall be limited to nine under section 405A of the Law (43 P. S. § 815).

**Source**

The provisions of this § 65.154 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017.

**§ 65.155. Claimants without a dependent spouse.**

In the event a claimant does not have a dependent spouse, a \$5 allowance shall be payable for the first dependent child, plus \$3 for one other dependent child, if any.

**Source**

The provisions of this § 65.155 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017.

**§ 65.156. Reserve accounts of employers.**

(a) Allowances for dependents are not chargeable to the reserve accounts of employers.

(b) If a reserve account for an employer subject to this act is not authorized or not required to be maintained under criteria established in the law, allowances for dependents shall be subject to a reimbursement as follows:

(1) The Unemployment Compensation Fund shall be reimbursed for dependent's allowance paid as a result of State employment under section 1001 of the law (43 P. S. § 891). Reimbursement will be made in accordance with section 1003 of the law (43 P. S. § 893).

(2) The Unemployment Compensation Fund will be reimbursed for dependent's allowance paid as a result of service in the employ of a reimbursable nonprofit organization as defined under section 1101 of the law (43 P. S. § 901). Charges will be made to the employer's account in accordance with section 1108 of the law (43 P. S. § 908). Reimbursement will be made in accordance with section 1106 of the law (43 P. S. § 906).

(3) The Unemployment Compensation Fund will be reimbursed based upon the percent of charge for dependent's allowance paid on a combined wage claim. The transferring state's reimbursement shall be in accordance with arrangements entered into under section 312 of the law (43 P. S. § 792).

**Source**

The provisions of this § 65.156 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017; amended March 29, 1974, effective March 30, 1974, 4 Pa.B. 581. Immediately preceding text appears at serial pages (15241) to (15242).

**§ 65.157. Extended benefits.**

The terms and conditions of the law which apply to claims for and payment of regular compensation apply to claims for and payment of extended compensation under Article IV-A of the law (43 P. S. §§ 811—818), except that a claimant otherwise eligible for extended benefits under Article IV-A of the law is not subject to the terms and conditions of the following provisions:

(1) To have worked and earned requalifying wages between benefit years as required by section 4(w)(2) of the law (43 P. S. § 753(w)(2)).

(2) To meet the monetary requirements specified by section 401(a) of the law (43 P. S. § 801(a)).

**Source**

The provisions of this § 65.157 adopted October 22, 1971, effective October 23, 1971, 1 Pa.B. 2017; amended March 2, 1973, effective March 3, 1973, 3 Pa.B. 484; amended September 17, 1976, effective September 18, 1976, 6 Pa.B. 2279. Immediately preceding text appears at serial page (15242).

**Subchapter I. BENEFITS BASED ON SERVICE FOR  
EDUCATIONAL INSTITUTIONS**

Sec.  
65.161. Reasonable assurance.

**Authority**

The provisions of this Subchapter I issued under section 201(a) of the Unemployment Compensation Law (43 P. S. § 761(a)), unless otherwise noted.

**Source**

The provisions of this Subchapter I adopted January 3, 2003, effective immediately and apply to applications for benefits effective on or after the date of publication, 33 Pa.B. 25, unless otherwise noted.

**§ 65.161. Reasonable assurance.**

(a) For purposes of section 402.1 of the law (43 P. S. § 802.1), a contract or reasonable assurance that an individual will perform services in the second academic period exists only if both of the following conditions are met:

(1) The educational institution or educational service agency provides a bona fide offer of employment for the second academic period to the individual.

(2) The economic terms and conditions of the employment offered to the individual for the second academic period are not substantially less than the terms and conditions of the individual's employment in the first academic period.

(b) For the purposes of subsection (a), an offer of employment is not bona fide if both of the following conditions exist:

(1) The educational institution or educational service agency does not control the circumstances under which the individual would be employed.

(2) The educational institution or educational service agency cannot provide evidence that the individual or similarly situated individuals normally perform services in the second academic period.

(c) For the purposes of subsection (a), economic terms and conditions of employment include wages, benefits and hours of work.

**Notes of Decisions***Substitute Teacher Not Eligible for Unemployment Benefits*

School District sought review of order of Unemployment Compensation Board of Review that found substitute teacher eligible for unemployment compensation benefits; even though substitute teacher enjoyed several long-term assignments, district's offer of per diem employment was the same as previous school year's offer and therefore, terms and conditions were not substantially less precluding eligibility for unemployment benefits. *Carlynton School District v. Unemployment Compensation Board*, 929 A.2d 680, 684 (Pa. Cmwlth. 2007)

*Teacher Unemployed During Break Not Entitled to Unemployment Benefits*

A teacher who is unemployed during a break between academic terms and has a reasonable assurance of employment in the next term is not entitled to unemployment compensation when the employer provided a bona fide offer of employment for the second term, with economic terms and conditions not substantially less than those provided in the first term. *Glassmire v. Unemployment Compensation Board of Review*, 856 A.2d 269, 273 (Pa. Cmwlth. 2004).

## APPENDIX A

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
\$ 800-812	\$35	\$1320	\$ 910	\$ 560
813-837	36	1360	936	576
838-862	37	1400	962	592
863-887	38	1440	988	608
888-912	39	1480	1014	624
913-937	40	1520	1040	640
938-962	41	1560	1066	656
963-987	42	1600	1092	672
988-1012	43	1640	1118	688
1013-1037	44	1680	1144	704
1038-1062	45	1720	1170	720
1063-1087	46	1760	1196	736
1088-1112	47	1800	1222	752
1113-1162	48	1840	1248	768
1163-1187	49	1880	1274	784
1188-1212	50	1920	1300	800
1213-1237	51	1960	1326	816
1238-1262	52	2000	1352	832
1263-1287	53	2040	1378	848
1288-1312	54	2080	1404	864
1313-1337	55	2120	1430	880
1338-1362	56	2160	1456	896
1363-1387	57	2200	1482	912
1388-1412	58	2240	1508	928
1413-1437	59	2280	1534	944
1438-1462	60	2320	1560	960
1463-1487	61	2360	1586	976
1488-1512	62	2400	1612	992
1513-1537	63	2440	1638	1008
1538-1562	64	2480	1664	1024
1563-1587	65	2520	1690	1040
1588-1612	66	2560	1716	1056
1613-1637	67	2600	1742	1072
1638-1662	68	2640	1768	1088



<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
1663-1687	69	2680	1794	1104
1688-1712	70	2720	1820	1120
1713-1737	71	2760	1846	1136
1738-1762	72	2800	1872	1152
1763-1787	73	2840	1898	1168
1788-1812	74	2880	1924	1184
1813-1837	75	2920	1950	1200
1838-1862	76	2960	1976	1216
1863-1887	77	3000	2002	1232
1888-1912	78	3040	2028	1248
1913-1937	79	3080	2054	1264
1938-1962	80	3120	2080	1280
1963-1987	81	3160	2106	1296
1988-2012	82	3200	2132	1312
2013-2037	83	3240	2158	1328
2038-2062	84	3280	2184	1344
2063-2087	85	3320	2210	1360
2088-2112	86	3360	2236	1376
2113-2137	87	3400	2262	1392
2138-2162	88	3440	2288	1408
2163-2187	89	3480	2314	1424
2188-2212	90	3520	2340	1440
2213-2237	91	3560	2366	1456
2238-2262	92	3600	2392	1472
2263-2287	93	3640	2418	1488
2288-2312	94	3680	2444	1504
2313-2337	95	3720	2470	1520
2338-2362	96	3760	2496	1536
2363-2387	97	3800	2522	1552
2388-2412	98	3840	2548	1568
2413-2437	99	3880	2574	1584
2438-2462	100	3920	2600	1600
2463-2487	101	3960	2626	1616
2488-2512	102	4000	2652	1632
2513-2537	103	4040	2678	1648

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
2538-2562	104	4080	2704	1664
2563-2587	105	4120	2730	1680
2588-2612	106	4160	2756	1696
2613-2637	107	4200	2782	1712
2638-2662	108	4240	2808	1728
2663-2687	109	4280	2834	1744
2688-2712	110	4320	2860	1760
2713-2737	111	4360	2886	1776
2738-2762	112	4400	2912	1792
2763-2787	113	4440	2938	1808
2788-2812	114	4480	2964	1824
2813-2837	115	4520	2990	1840
2838-2862	116	4560	3016	1856
2863-2887	117	4600	3042	1872
2888-2912	118	4640	3068	1888
2913-2937	119	4680	3094	1904
2938-2962	120	4720	3120	1920
2963-2987	121	4760	3146	1936
2988-3012	122	4800	3172	1952
3013-3037	123	4840	3198	1968
3038-3062	124	4880	3224	1984
3063-3087	125	4920	3250	2000
3088-3112	126	4960	3276	2016
3113-3137	127	5000	3302	2032
3138-3162	128	5040	3328	2048
3163-3187	129	5080	3354	2064
3188-3212	130	5120	3380	2080
3213-3237	131	5160	3406	2096
3238-3262	132	5200	3432	2112
3263-3287	133	5240	3458	2128
3288-3312	134	5280	3484	2144
3313-3337	135	5320	3510	2160
3338-3362	136	5360	3536	2176
3363-3387	137	5400	3562	2192
3388-3412	138	5440	3588	2208

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
3413-3437	139	5480	3614	2224
3438-3462	140	5520	3640	2240
3463-3487	141	5560	3666	2256
3488-3512	142	5600	3692	2272
3513-3537	143	5640	3718	2288
3538-3562	144	5680	3744	2304
3563-3587	145	5720	3770	2320
3588-3612	146	5760	3796	2336
3613-3637	147	5800	3822	2352
3638-3662	148	5840	3848	2368
3663-3687	149	5880	3874	2384
3688-3712	150	5920	3900	2400
3713-3737	151	5960	3926	2416
3738-3762	152	6000	3952	2432
3763-3787	153	6040	3978	2448
3788-3812	154	6080	4004	2464
3813-3837	155	6120	4030	2480
3838-3862	156	6160	4056	2496
3863-3887	157	6200	4082	2512
3888-3912	158	6240	4108	2528
3913-3937	159	6280	4134	2544
3938-3962	160	6320	4160	2560
3963-3987	161	6360	4186	2576
3988-4012	162	6400	4212	2592
4013-4037	163	6440	4238	2608
4038-4062	164	6480	4264	2624
4063-4087	165	6520	4290	2640
4088-4112	166	6560	4316	2656
4113-4137	167	6600	4342	2672
4138-4162	168	6640	4368	2688
4163-4187	169	6680	4394	2704
4188-4212	170	6720	4420	2720
4213-4237	171	6760	4446	2736
4238-4262	172	6800	4472	2752
4263-4287	173	6840	4498	2768

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
4288-4312	174	6880	4524	2784
4313-4337	175	6920	4550	2800
4338-4362	176	6960	4576	2816
4363-4387	177	7000	4602	2832
4388-4412	178	7040	4628	2848
4413-4437	179	7080	4654	2864
4438-4462	180	7120	4680	2880
4463-4487	181	7160	4706	2896
4488-4512	182	7200	4732	2912
4513-4537	183	7240	4758	2928
4538-4562	184	7280	4784	2944
4563-4587	185	7320	4810	2960
4588-4612	186	7360	4836	2976
4613-4637	187	7400	4862	2992
4638-4662	188	7440	4888	3008
4663-4687	189	7480	4914	3024
4688-4712	190	7520	4940	3040
4713-4737	191	7560	4966	3056
4738-4762	192	7600	4992	3072
4763-4787	193	7640	5018	3088
4788-4812	194	7680	5044	3104
4813-4837	195	7720	5070	3120
4838-4862	196	7760	5096	3136
4863-4887	197	7800	5122	3152
4888-4912	198	7840	5148	3168
4913-4937	199	7880	5174	3184
4938-4962	200	7920	5200	3200
4963-4987	201	7960	5226	3216
4988-5012	202	8000	5252	3232
5013-5037	203	8040	5278	3248
5038-5062	204	8080	5304	3264
5063-5087	205	8120	5330	3280
5088-5112	206	8160	5356	3296
5113-5137	207	8200	5382	3312
5138-5162	208	8240	5408	3328

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
5163-5187	209	8280	5434	3344
5188-5212	210	8320	5460	3360
5213-5237	211	8360	5486	3376
5238-5262	212	8400	5512	3392
5263-5287	213	8440	5538	3408
5288-5312	214	8480	5564	3424
5313-5337	215	8520	5590	3440
5338-5362	216	8560	5616	3456
5363-5387	217	8600	5642	3472
5388-5412	218	8640	5668	3488
5413-5437	219	8680	5694	3504
5438-5462	220	8720	5720	3520
5463-5487	221	8760	5746	3536
5488-5512	222	8800	5772	3552
5513-5537	223	8840	5798	3568
5538-5562	224	8880	5824	3584
5563-5587	225	8920	5850	3600
5588-5612	226	8960	5876	3616
5613-5637	227	9000	5902	3632
5638-5662	228	9040	5928	3648
5663-5687	229	9080	5954	3664
5688-5712	230	9120	5980	3680
5713-5737	231	9160	6006	3696
5738-5762	232	9200	6032	3712
5763-5787	233	9240	6058	3728
5788-5812	234	9280	6084	3744
5813-5837	235	9320	6110	3760
5838-5862	236	9360	6136	3776
5863-5887	237	9400	6162	3792
5888-5912	238	9440	6188	3808
5913-5937	239	9480	6214	3824
5938-5962	240	9520	6240	3840
5963-5987	241	9560	6266	3856
5988-6012	242	9600	6292	3872
6013-6037	243	9640	6318	3888

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
6038-6062	244	9680	6344	3904
6063-6087	245	9720	6370	3920
6088-6112	246	9760	6396	3936
6113-6137	247	9800	6422	3952
6138-6162	248	9840	6448	3968
6163-6187	249	9880	6474	3984
6188-6212	250	9920	6500	4000
6213-6237	251	9960	6526	4016
6238-6262	252	10000	6552	4032
6263-6287	253	10040	6578	4048
6288-6312	254	10080	6604	4064
6313-6337	255	10120	6630	4080
6338-6362	256	10160	6656	4096
6363-6387	257	10200	6682	4112
6388-6412	258	10240	6708	4128
6413-6437	259	10280	6734	4144
6438-6462	260	10320	6760	4160
6463-6487	261	10360	6786	4176
6488-6512	262	10400	6812	4192
6513-6537	263	10440	6838	4208
6538-6562	264	10480	6864	4224
6563-6587	265	10520	6890	4240
6588-6612	266	10560	6916	4256
6613-6637	267	10600	6942	4272
6638-6662	268	10640	6968	4288
6663-6687	269	10680	6994	4304
6688-6712	270	10720	7020	4320
6713-6737	271	10760	7046	4336
6738-6762	272	10800	7072	4352
6763-6787	273	10840	7098	4368
6788-6812	274	10880	7124	4384
6813-6837	275	10920	7150	4400
6838-6862	276	10960	7176	4416
6863-6887	277	11000	7202	4432
6888-6912	278	11040	7228	4448

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
6913-6937	279	11080	7254	4464
6938-6962	280	11120	7280	4480
6963-6987	281	11160	7306	4496
6988-7012	282	11200	7332	4512
7013-7037	283	11240	7358	4528
7038-7062	284	11280	7384	4544
7063-7087	285	11320	7410	4560
7088-7112	286	11360	7436	4576
7113-7137	287	11400	7462	4592
7138-7162	288	11440	7488	4608
7163-7187	289	11480	7514	4624
7188-7212	290	11520	7540	4640
7213-7237	291	11560	7566	4656
7238-7262	292	11600	7592	4672
7263-7287	293	11640	7618	4688
7288-7312	294	11680	7644	4704
7313-7337	295	11720	7670	4720
7338-7362	296	11760	7696	4736
7363-7387	297	11800	7722	4752
7388-7412	298	11840	7748	4768
7413-7437	299	11880	7774	4784
7438-7462	300	11920	7800	4800
7463-7487	301	11960	7826	4816
7488-7512	302	12000	7852	4832
7513-7537	303	12040	7878	4848
7538-7562	304	12080	7904	4864
7563-7587	305	12120	7930	4880
7588-7612	306	12160	7956	4896
7613-7637	307	12200	7982	4912
7638-7662	308	12240	8008	4928
7663-7687	309	12280	8034	4944
7688-7712	310	12320	8060	4960
7713-7737	311	12360	8086	4976
7738-7762	312	12400	8112	4992
7763-7787	313	12440	8138	5008

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
7788-7812	314	12480	8164	5024
7813-7837	315	12520	8190	5040
7838-7862	316	12560	8216	5056
7863-7887	317	12600	8242	5072
7888-7912	318	12640	8268	5088
7913-7937	319	12680	8294	5104
7938-7962	320	12720	8320	5120
7963-7987	321	12760	8346	5136
7988-8012	322	12800	8372	5152
8013-8037	323	12840	8398	5168
8038-8062	324	12880	8424	5184
8063-8087	325	12920	8450	5200
8088-8112	326	12960	8476	5216
8113-8137	327	13000	8502	5232
8138-8162	328	13040	8528	5248
8163-8187	329	13080	8554	5264
8188-8212	330	13120	8580	5280
8213-8237	331	13160	8606	5296
8238-8262	332	13200	8632	5312
8263-8287	333	13240	8658	5328
8288-8312	334	13280	8684	5344
8313-8337	335	13320	8710	5360
8338-8362	336	13360	8736	5376
8363-8387	337	13400	8762	5392
8388-8412	338	13440	8788	5408
8413-8437	339	13480	8814	5424
8438-8462	340	13520	8840	5440
8463-8487	341	13560	8866	5456
8488-8512	342	13600	8892	5472
8513-8537	343	13640	8918	5488
8538-8562	344	13680	8944	5504
8563-8587	345	13720	8970	5520
8588-8612	346	13760	8996	5536
8613-8637	347	13800	9022	5552
8638-8662	348	13840	9048	5568

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
8663-8687	349	13880	9074	5584
8688-8712	350	13920	9100	5600
8713-8737	351	13960	9126	5616
8738-8762	352	14000	9152	5632
8763-8787	353	14040	9178	5648
8788-8812	354	14080	9204	5664
8813-8837	355	14120	9230	5680
8838-8862	356	14160	9256	5696
8863-8887	357	14200	9282	5712
8888-8912	358	14240	9308	5728
8913-8937	359	14280	9334	5744
8938-8962	360	14320	9360	5760
8963-8987	361	14360	9386	5776
8988-9012	362	14400	9412	5792
9013-9037	363	14440	9438	5808
9038-9062	364	14480	9464	5824
9063-9087	365	14520	9490	5840
9088-9112	366	14560	9516	5856
9113-9137	367	14600	9542	5872
9138-9162	368	14640	9568	5888
9163-9187	369	14680	9594	5904
9188-9212	370	14720	9620	5920
9213-9237	371	14760	9646	5936
9238-9262	372	14800	9672	5952
9263-9287	373	14840	9698	5968
9288-9312	374	14880	9724	5984
9313-9337	375	14920	9750	6000
9338-9362	376	14960	9776	6016
9363-9387	377	15000	9802	6032
9388-9412	378	15040	9828	6048
9413-9437	379	15080	9854	6064
9438-9462	380	15120	9880	6080
9463-9487	381	15160	9906	6096
9488-9512	382	15200	9932	6112
9513-9537	383	15240	9958	6128
9538-9562	384	15280	9984	6144

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
9563-9587	385	15320	10010	6160
9588-9612	386	15360	10036	6176
9613-9637	387	15400	10062	6192
9638-9662	388	15440	10088	6208
9663-9687	389	15480	10114	6224
9688-9712	390	15520	10140	6240
9713-9737	391	15560	10166	6256
9738-9762	392	15600	10192	6272
9763-9787	393	15640	10218	6288
9788-9812	394	15680	10244	6304
9813-9837	395	15720	10270	6320
9838-9862	396	15760	10296	6336
9863-9887	397	15800	10322	6352
9888-9912	398	15840	10348	6368
9913-9937	399	15880	10374	6384
9938-9962	400	15920	10400	6400
9963-9987	401	15960	10426	6416
9988-10012	402	16000	10452	6432
10013-10037	403	16040	10478	6448
10038-10062	404	16080	10504	6464
10063-10087	405	16120	10530	6480
10088-10112	406	16160	10556	6496
10113-10137	407	16200	10582	6512
10138-10162	408	16240	10608	6528
10163-10187	409	16280	10634	6544
10188-10212	410	16320	10660	6560
10213-10237	411	16360	10686	6576
10238-10262	412	16400	10712	6592
10263-10287	413	16440	10738	6608
10288-10312	414	16480	10764	6624
10313-10337	415	16520	10790	6640
10338-10362	416	16560	10816	6656
10363-10387	417	16600	10842	6672
10388-10412	418	16640	10868	6688
10413-10437	419	16680	10894	6704
10438-10462	420	16720	10920	6720
10463-10487	421	16760	10946	6736

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
10488-10512	422	16800	10972	6752
10513-10537	423	16840	10998	6768
10538-10562	424	16880	11024	6784
10563-10587	425	16920	11050	6800
10588-10612	426	16960	11076	6816
10613-10637	427	17000	11102	6832
10638-10662	428	17040	11128	6848
10663-10687	429	17080	11154	6864
10688-10712	430	17120	11180	6880
10713-10737	431	17160	11206	6896
10738-10762	432	17200	11232	6912
10763-10787	433	17240	11258	6928
10788-10812	434	17280	11284	6944
10813-10837	435	17320	11310	6960
10838-10862	436	17360	11336	6976
10863-10887	437	17400	11362	6992
10888-10912	438	17440	11388	7008
10913-10937	439	17480	11414	7024
10938-10962	440	17520	11440	7040
10963-10987	441	17560	11466	7056
10988-11012	442	17600	11492	7072
11013-11037	443	17640	11518	7088
11038-11062	444	17680	11544	7104
11063-11087	445	17720	11570	7120
11088-11112	446	17760	11596	7136
11113-11137	447	17800	11622	7152
11138-11162	448	17840	11648	7168
11163-11187	449	17880	11674	7184
11188-11212	450	17920	11700	7200
11213-11237	451	17960	11726	7216
11238-11262	452	18000	11752	7232
11263-11287	453	18040	11778	7248
11288-11312	454	18080	11804	7264
11313-11337	455	18120	11830	7280
11338-11362	456	18160	11856	7296
11363-11387	457	18200	11882	7312
11388-11412	458	18240	11908	7328

## EMPLOYMENT SECURITY

Pt. II

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
11413-11437	459	18280	11934	7344
11438-11462	460	18320	11960	7360
11463-11487	461	18360	11986	7376
11488-11512	462	18400	12012	7392
11513-11537	463	18440	12038	7408
11538-11562	464	18480	12064	7424
11563-11587	465	18520	12090	7440
11588-11612	466	18560	12116	7456
11613-11637	467	18600	12142	7472
11638-11662	468	18640	12168	7488
11663-11687	469	18680	12194	7504
11688-11712	470	18720	12220	7520
11713-11737	471	18760	12246	7536
11738-11762	472	18800	12272	7552
11763-11787	473	18840	12298	7568
11788-11812	474	18880	12324	7584
11813-11837	475	18920	12350	7600
11838-11862	476	18960	12376	7616
11863-11887	477	19000	12402	7632
11888-11912	478	19040	12428	7648
11913-11937	479	19080	12454	7664
11938-11962	480	19120	12480	7680
11963-11987	481	19160	12506	7696
11988-12012	482	19200	12532	7712
12013-12037	483	19240	12558	7728
12038-12062	484	19280	12584	7744
12063-12087	485	19320	12610	7760
12088-12112	486	19360	12636	7776
12113-12137	487	19400	12662	7792
12138-12162	488	19440	12688	7808
12163-12187	489	19480	12714	7824
12188-12212	490	19520	12740	7840
12213-12237	491	19560	12766	7856
12238-12262	492	19600	12792	7872
12263-12287	493	19640	12818	7888
12288-12312	494	19680	12844	7904
12313-12337	495	19720	12870	7920

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
12338-12362	496	19760	12896	7936
12363-12387	497	19800	12922	7952
12388-12412	498	19840	12948	7968
12413-12437	499	19880	12974	7984
12438-12462	500	19920	13000	8000
12463-12487	501	19960	13026	8016
12488-12512	502	20000	13052	8032
12513-12537	503	20040	13078	8048
12538-12562	504	20080	13104	8064
12563-12587	505	20120	13130	8080
12588-12612	506	20160	13156	8096
12613-12637	507	20200	13182	8112
12638-12662	508	20240	13208	8128
12663-12687	509	20280	13234	8144
12688-12712	510	20320	13260	8160
12713-12737	511	20360	13286	8176
12738-12762	512	20400	13312	8192
12763-12787	513	20440	13338	8208
12788-12812	514	20480	13364	8224
12813-12837	515	20520	13390	8240
12838-12862	516	20560	13416	8256
12863-12887	517	20600	13442	8272
12888-12912	518	20640	13468	8288
12913-12937	519	20680	13494	8304
12938-12962	520	20720	13520	8320
12963-12987	521	20760	13546	8336
12988-13012	522	20800	13572	8352
13013-13037	523	20840	13598	8368
13038-13062	524	20880	13624	8384
13063-13087	525	20920	13650	8400
13088-13112	526	20960	13676	8416
13113-13137	527	21000	13702	8432
13138-13162	528	21040	13728	8448
13163-13187	529	21080	13754	8464
13188-13212	530	21120	13780	8480
13213-13237	531	21160	13806	8496
13238-13262	532	21200	13832	8512

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of</i> <i>Compensation</i>	<i>Part E</i> <i>Compensation</i>
13263-13287	533	21240	13858	8528
13288-13312	534	21280	13884	8544
13313-13337	535	21320	13910	8560
13338-13362	536	21360	13936	8576
13363-13387	537	21400	13962	8592
13388-13412	538	21440	13988	8608
13413-13437	539	21480	14014	8624
13438-13462	540	21520	14040	8640
13463-13487	541	21560	14066	8656
13488-13512	542	21600	14092	8672
13513-13537	543	21640	14118	8688
13538-13562	544	21680	14144	8704
13563-13587	545	21720	14170	8720
13588-13612	546	21760	14196	8736
13613-13637	547	21800	14222	8752
13638-13662	548	21840	14248	8768
13663-13687	549	21880	14274	8784
13688-13712	550	21920	14300	8800
13713-13737	551	21960	14326	8816
13738-13762	552	22000	14352	8832
13763-13787	553	22040	14378	8848
13788-13812	554	22080	14404	8864
13813-13837	555	22120	14430	8880
13838-13862	556	22160	14456	8896
13863-13887	557	22200	14482	8912
13888-or more	558	*22240	14508	8928

\*The claimant will be ineligible for benefits unless 20% of the qualifying wage \$22,240 was paid in a quarter or quarters of the base year other than the high quarter.

#### Authority

The provisions of this Appendix A issued under sections 201(a) and 404(e)(2) of the act of December 5, 1936 (P. L. 2897 (1937) No. 1) (43 P. S. §§ 761(a) and 804(e)(2)).

#### Source

The provisions of this Appendix A adopted December 17, 1971, effective December 18, 1971, 1 Pa.B. 2319; corrected December 24, 1971, effective January 1, 1972, 1 Pa.B. 2346; amended December 15, 1972, effective January 1, 1973, 2 Pa.B. 2327; amended December 15, 1973, effective January 1, 1974, 3 Pa.B. 2817; amended December 20, 1974, effective 30 days subsequent to final approval of the act of December 5, 1974, 4 Pa.B. 2568; amended December 19, 1975, effective January 4, 1976, 5 Pa.B. 3272; amended December 17, 1976, effective January 2, 1977, 6 Pa.B. 3113; amended December 17, 1977, effective January 1, 1978, 7 Pa.B. 3784; amended December 30, 1978, effective January 1, 1979, 8 Pa.B. 3812; amended December 22, 1979, effective January 1, 1980, 9

Pa.B. 4168; amended December 25, 1981, effective January 1, 1982, 11 Pa.B. 4439; amended December 31, 1982, effective January 1, 1983, 13 Pa.B. 17; corrected January 21, 1983, effective January 1, 1983, 13 Pa.B. 522; amended December 30, 1983, effective January 1, 1984, 13 Pa.B. 4013; amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4688; amended December 28, 1984, effective January 1, 1985, 14 Pa.B. 4719; amended January 3, 1985, effective January 1, 1986, 15 Pa.B. 50; amended December 26, 1986, effective January 1, 1987, 16 Pa.B. 5004; amended December 25, 1987, effective January 1, 1988, 17 Pa.B. 5359; amended December 23, 1988, effective January 1, 1989, 18 Pa.B. 5675; amended December 22, 1989, effective January 1, 1990, 19 Pa.B. 5467; amended December 28, 1990, effective January 1, 1991, 20 Pa.B. 6431; amended December 27, 1991, effective January 1, 1992, 21 Pa.B. 6006; amended December 31, 1992, effective January 1, 1993, 23 Pa.B. 45; amended December 31, 1993, effective January 1, 1994, 24 Pa.B. 75; amended December 30, 1994, effective January 1, 1995, 24 Pa.B. 6604; amended January 5, 1996, effective January 1, 1996, 26 Pa.B. 64; amended January 3, 1997, effective January 1, 1997, 27 Pa.B. 62; amended December 26, 1997, effective January 1, 1998, 27 Pa.B. 6859; amended December 31, 1998, effective January 1, 1999, 29 Pa.B. 69; amended December 30, 1999, effective January 1, 2000, 30 Pa.B. 83; amended December 22, 2000, effective January 1, 2001, 30 Pa.B. 6651; amended January 14, 2005, effective January 2, 2005, 35 Pa.B. 452; amended January 13, 2006, effective January 1, 2006, 36 Pa.B. 235; amended January 12, 2007, effective January 1, 2007, 37 Pa.B. 264; amended January 25, 2008, effective January 1, 2008, 38 Pa.B. 557; amended January 17, 2009, effective January 1, 2009, 39 Pa.B. 379. Immediately preceding text appears at serial pages (294841) to (294842), (209629) to (209636), (281449) to (281450), (316217) to (316218) and (332181) to (332182).

#### Cross References

This section cited in 34 Pa. Code § 65.111 (relating to benefit table); and 34 Pa. Code § 65.112 (relating to extending or contracting benefit table).

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