

## No. 13

## AN ACT

SB 903

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the Workmen's Compensation Board, Workmen's Compensation Referees and the authority of the Secretary and Department of Labor and Industry with respect thereto and to workmen's and occupational disease compensation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. As much as relates to the Department of Labor and Industry in section 202, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," amended July 28, 1953 (P.L.656), is amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

\* \* \*

In the Department of Labor and Industry,  
 Workmen's Compensation *Appeal* Board,  
 [Workmen's Compensation Referees,]  
 State Workmen's Insurance Board,  
 The Industrial Board,  
 Unemployment Compensation Board of Review,  
 Pennsylvania Labor Relations Board,  
 Advisory Council on Affairs of the Handicapped;

\* \* \*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. Sections 441 and 442 of the act, amended April 28, 1949 (P.L.776), are amended to read:

Section 441. Workmen's Compensation *Appeal* Board.—The Workmen's Compensation *Appeal* Board shall consist of *at least* three members, of whom the Governor shall designate one as chairman; *the Governor may, on the recommendation of the Secretary of Labor and Industry, increase the number of members on the board.* The Secretary of Labor and Industry shall be, ex officio, a member of the board. [Two] *When the board consists of three members, two members of the board shall be a quorum, and no action of the board shall be valid unless it shall have the concurrence of at least two members; when the board consists of more than three members, one more than half of the total number of members on the board shall constitute a quorum, and no action of the board shall be valid unless it shall have the concurrence of such number of members.* A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board.

The Secretary of Labor and Industry, with the approval of the Governor, shall appoint a secretary to the Workmen's Compensation *Appeal* Board, who shall receive such salary as the Secretary of Labor and Industry, with the approval of the Governor, shall determine.

[The Chairman of the Workmen's Compensation Board shall receive a salary at the rate of eleven thousand five hundred dollars per annum. The other members of the board, except the Secretary of Labor and Industry, shall receive salaries at the rate of eleven thousand dollars per annum.]

Section 442. Workmen's Compensation Referees.—There shall be, in the Department of Labor and Industry, as many Workmen's Compensation Referees, as, in the judgment of the [Governor and of the] Secretary of Labor and Industry, shall be necessary properly to administer the workmen's compensation laws of the Commonwealth. Such referees shall be *appointed by and* subject to the direction and control of the [Workmen's Compensation Board] *Secretary of Labor and Industry.* The [board] *Secretary of Labor and Industry* shall assign them to the various workmen's compensation districts, and shall prescribe from time to time the duties to be performed by them.

[Each Workmen's Compensation Referee shall receive a salary at the rate of seven thousand five hundred dollars per annum.]

*All positions as Workmen's Compensation Referees now existing or hereafter created shall be in the classified service in conformity with the act of August 5, 1941 (P.L.752), known as the "Civil Service Act": Provided, That persons occupying such positions on the day before the effective date of this amendment shall serve the maximum probationary period authorized by section 603 of the "Civil Service Act," beginning on effective date of this amendatory act.*

Section 3. Section 2208 of the act is amended to read:

Section 2208. Workmen's Compensation *and Occupational Disease* .—The Department of Labor and Industry shall have the power, and its duty shall be:

(a) To administer and enforce the laws of this Commonwealth, as now

existing or hereafter enacted, relating to workmen's compensation and *occupational disease compensation*: Provided, however, That the Workmen's Compensation *Appeal* Board [**and the Workmen's Compensation Referees**] shall perform their [**respective**] duties independently of the Secretary of Labor and Industry, or any other official of the department, except that all clerical, stenographic and other assistance required by the Workmen's Compensation *Appeal* Board [**and the several Workmen's Compensation Referees**] shall be appointed by the department as provided in this act;

(b) To receive and classify reports of all accidents *and injuries*; to receive and [**approve**] *examine* or disapprove agreements, supplemental agreements, *notices*, receipts, final receipts, and other papers in workmen's compensation cases [, **which have heretofore been subject to approval by the Workmen's Compensation Board, and to notify the parties of its approval or disapproval within thirty days after receipt of such agreements, supplemental agreements, receipts, final receipts, or other papers**] *and order the correction of any errors therein and by general rule, to regulate or waive the filing, approval or disapproval of such papers in the interest of fair, practical and prompt resolution of the rights of the parties*, as provided by law;

(c) To follow up *in* all cases in which workmen's compensation [**agreements shall have been filed, and see that such agreements are fulfilled in accordance with the provisions thereof and**] *is payable, and see that compensation is paid promptly and in accordance with the laws of this Commonwealth*;

(d) To advise injured workmen *and others* of their rights under the workmen's compensation laws;

(e) From time to time, to divide the State into such number of workmen's compensation districts as it may [, **with the approval of the Executive Board,**] deem advisable for the proper administration of the workmen's compensation laws;

(f) To receive and refer to [**the Workmen's Compensation Board claims in contested cases, and mail decisions of the Workmen's Compensation Board, and of Workmen's Compensation Referees, in all contested cases, to claimants and defendants**] *Workmen's Compensation Referees all claims for compensation in contested or unpaid cases and to receive and refer to the Workmen's Compensation Appeal Board all appeals from decisions of referees and to mail copies of decisions to all affected parties*;

(g) To render to the Workmen's Compensation *Appeal* Board any reasonable assistance requested by the board in the conduct of its work;

(h) Except in cases in which the Commonwealth's liability therefor is covered by insurance, to prepare and issue to the Auditor General certificates or requisitions for the payment of workmen's compensation to injured employes of the Commonwealth.

Section 4. Section 2212 of the act is repealed.

Section 5. Section 2213 of the act is amended to read:

Section 2213. Workmen's Compensation Referees.—[Subject to any inconsistent provisions in this act contained, each] *Each* Workmen's Compensation Referee shall have the power, and his duty shall be, to hear *and determine* such claims for compensation as shall be assigned to him by the [Workmen's Compensation Board] *Secretary of Labor and Industry*, and to perform such other duties as shall be required of him by the [Workmen's Compensation Board] *Secretary of Labor and Industry*, or imposed upon him by law. *Each decision of a referee shall be subject to appeal to the Workmen's Compensation Appeal Board as provided by law.*

APPROVED—The 8th day of February, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 13.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker".

*Secretary of the Commonwealth.*