

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE NEUMAN

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1 Amend Bill, page 1, line 7, by inserting after "penalties,"
2 in damages by action of law, further providing for benefits;

3 Amend Bill, page 1, lines 17 through 20, by striking out all
4 of said lines and inserting

5 Section 1. Section 204 of the act of June 2, 1915 (P.L.736,
6 No.338), known as the Workers' Compensation Act, is amended to
7 read:

8 Section 204. (a) No agreement, composition, or release of
9 damages made before the date of any injury shall be valid or
10 shall bar a claim for damages resulting therefrom; and any such
11 agreement is declared to be against the public policy of this
12 Commonwealth. The receipt of benefits from any association,
13 society, or fund shall not bar the recovery of damages by action
14 at law, nor the recovery of compensation under article three
15 hereof; and any release executed in consideration of such
16 benefits shall be void: Provided, however, That if the employe
17 receives unemployment compensation benefits, such amount or
18 amounts so received shall be credited as against the amount of
19 the award made under the provisions of sections 108 and 306,
20 except for benefits payable under section 306(c) or 307. [Fifty
21 per centum of the benefits commonly characterized as "old age"
22 benefits under the Social Security Act (49 Stat. 620, 42 U.S.C.
23 § 301 et seq.) shall also be credited against the amount of the
24 payments made under sections 108 and 306, except for benefits
25 payable under section 306(c): Provided, however, That the Social
26 Security offset shall not apply if old age Social Security
27 benefits were received prior to the compensable injury.] The
28 severance benefits paid by the employer directly liable for the
29 payment of compensation and the benefits from a pension plan to
30 the extent funded by the employer directly liable for the
31 payment of compensation which are received by an employe shall
32 also be credited against the amount of the award made under
33 sections 108 and 306, except for benefits payable under section
34 306(c). The employe shall provide the insurer with proper
35 authorization to secure the amount which the employe is
36 receiving under the Social Security Act.

37 (b) For the exclusive purpose of determining eligibility for

1 compensation under the act of December 5, 1936 (2nd Sp.Sess.,
2 1937 P.L.2897, No.1), known as the "Unemployment Compensation
3 Law," any employe who does not meet the monetary and credit week
4 requirements under section 401(a) of that act due to a work-
5 related injury compensable under this act may elect to have his
6 base year consist of the four complete calendar quarters
7 immediately preceding the date of the work-related injury.

8 (c) The employe is required to report regularly to the
9 insurer the receipt of unemployment compensation benefits, wages
10 received in employment or self-employment, [benefits commonly
11 characterized as "old age" benefits under the Social Security
12 Act,] severance benefits and pension benefits, which post-date
13 the compensable injury under this act, subject to the fraud
14 provisions of Article XI.

15 (d) The department shall prepare the forms necessary for the
16 enforcement of this section and issue rules and regulations as
17 appropriate.

18 Section 2. Section 306(f.1)(6)(ii) of the act is amended,
19 paragraph (3)(vi) is amended by adding a subclause and paragraph
20 (6) is amended by adding a subparagraph to read:

21 Amend Bill, page 7, line 16, by striking out "2" and
22 inserting

23 3

24 Amend Bill, page 8, line 18, by striking out "3" and
25 inserting

26 4

27 Amend Bill, page 8, line 22, by striking out "4" and
28 inserting

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