

## AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE PASHINSKI

Printer's No. 2014

1 Amend Bill, page 1, line 7, by inserting after "penalties,"  
2 in damages by action at law, further providing for eligibility  
3 to recover damages;

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

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

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

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

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

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

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

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

24 3

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

27 4

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

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