

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 61, 63 AND 65]

Unemployment Compensation; Regulatory Review; Request for Public Comment

Summary

Executive Order 1996-1, Regulatory Review and Promulgation, provides, inter alia, that regulations should be clear and concise and that existing regulations should be reviewed periodically to determine whether they continue to effectively fulfill the goals for which they were intended. In accordance with the Executive Order, the Department of Labor and Industry (Department) may propose amendments to the regulations listed as follows. The amendments would make clarifying changes to the regulations, update them to reflect current practices and circumstances and, where appropriate, consolidate them for consistency. The Executive Order provides that regulations shall be drafted with early and meaningful input from the regulated community. In keeping with the Executive Order, the Department is soliciting comments regarding the listed regulations. While comments addressing amendments of the kind under consideration are requested, all comments reflecting the regulatory principles in the Executive Order will be considered.

§ 61.3 Wages

Addresses the date of the payment of wages to the employe and the cash value of board and lodging

§ 63.3 Required forms and time limits for applications

Identifies the form required for requesting the transfer of the experience record and reserve account balance of a predecessor and specifies the time for filing such a request

§ 63.21 Prerequisites for applications

Addresses the content of an application for review and redetermination of employer contribution rates and the time for filing such an application

§ 63.22 Supporting data

Specifies the types of supporting data to be submitted for consideration with an application for review of employer contribution rate

§ 63.51 Form UC-1

Identifies the form which is to be filed in order to register for Pennsylvania unemployment compensation contribution purposes and when it is to be filed

§ 63.52 Form UC-2

Specifies forms (Employer's Report for Unemployment Compensation, Form UC-2, and Employer's Quarterly Report of Wages Paid to Each employe, Form UC-2A) which are to be filed by employers, the time frames and the manner in which the forms are to be filed, and the conditions under which employers are relieved of the responsibility to file the forms

§ 63.99 Assignment of rate of contribution

Addresses the rate of contribution to be assigned to employers who elect the reimbursable method of payment and subsequently choose to convert to contributory status

§ 65.13 Predated claims

Provides the guidelines for predating claimant work registration renewals, with respect to the permissible reasons and time frames

§ 65.33 Predating

Provides the guidelines for predating claims for a week of total, partial or part-time unemployment, with respect to the permissible reasons and time frames

§ 65.41 Procedure

Provides the guidelines for predating claimant applications for benefits, with respect to the permissible reasons and time frames

§ 65.42 Date of filing

Addresses the date on which an application for benefits or claim for a week of unemployment shall be considered to be filed, with respect to consistency between applications and claims

Dates: Comments should be submitted no later than 30 days from the date of publication of this notice in this particular notice.

Addresses: Comments should be submitted to the following address: Department of Labor and Industry, Unemployment Compensation Deputate, Regulatory Coordinator Verna Kocher, Room 601 Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-1013. Filed for public inspection June 26, 1998, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Administration of the Program

Purpose

The purpose of these proposed amendments is to clarify and correct various aspects of the existing regulations. The following are the proposed amendments:

Amending § 203.11 (relating to qualifications) allows certified police officers and enlisted members of the State Police who are not currently employed as police officers 2 years to obtain employment as a police officer with another police department without going through the certification process provided the employment takes place within 2 years of the termination of police employment.

Deleting § 203.11(9)(ii)(F)(I) eliminates retesting.

Amending § 203.33(b)(1) (relating to minimum school standards and requirements) and § 203.36(5) (relating to revocation of school certification) will permit schools to

conduct only one basic recruit training class every 3 years instead of every year to retain school certification.

Adding § 203.83(a)(2) (relating to grants for nonmandatory in-service training programs) will allow law enforcement officers presently not eligible for reimbursement to attend nonmandatory training classes after paying tuition to the Municipal Police Officers' Education and Training Commission (Commission).

Effect

The impact of the proposed changes will affect both recruits and veteran police officers. Recruits will be required to be retrained at the school they presently attend. This will be a new policy put in effect. Also veteran officers will be able to change departments within 2 years of leaving a police department without having to meet the certification standards.

Allowing schools to conduct one class every 3 years puts less of a burden on those schools that cannot get enough recruits to hold a class every year.

Proposing to amend the certification section allows those individuals that leave a police department or the State Police 2 years from the date of departure to obtain another police position without going through the certification process. This proposed change will make the process used to change employment more consistent with other professions. This will save the Commission an enormous amount of time as far as processing applications.

By allowing law enforcement officers who are not eligible for reimbursement to attend nonmandatory in-service training classes after paying a tuition to the Commission those agencies will have better trained officers and be able to be trained along with municipal police officers.

Statutory Authority

The authority for this proposal is 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

Legal Issues

There are no legal issues involved with these proposed amendments.

Fiscal Impact

The proposed changes will have no additional fiscal impact on the Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 15, 1998, the Commission submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee for review and comment. In addition to submitting these proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1982-2 "Improving Government Regulations." A copy of this material is available to the public upon written request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to the proposed changes it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed

procedures for review, prior to final publication of the amendments, by the Commission, the General Assembly and the Governor of objections raised.

Public Comment

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to Major Richard C. Mooney, Executive Director, Municipal Police Officers' Education and Training Commission, 75 East Derry Road, Hershey, PA 17033, (717) 533-5987, Ext. 205.

COLONEL PAUL J. EVANKO,
Chairperson

Fiscal Note: 17-62. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM

CHAPTER 203. ADMINISTRATION OF THE PROGRAM

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

§ 203.11. Qualifications.

Persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall **meet the following requirements unless the applicant held a valid certification issued by the Commission or was a sworn enlisted member of the State Police within 2 years prior to the date of employment on the application for certification in which case the requirements are waived:**

* * * * *

(9) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

* * * * *

(ii) To qualify for this certification, an applicant shall:

* * * * *

(F) Complete the basic training course approved by the Commission with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum grade on each tested area of examination changes.

[(I) Applicants not achieving the minimum grade in any tested area are permitted to take the examination in that tested area at another Commission-certified school. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to successfully re-take and pass the entire basic police training course in order to qualify for certification.

(II)] Applicants not achieving the minimum grade in two separate tested areas during one basic police training course shall be required to retake and pass the entire basic police training course [in order] to qualify for certification.

Subchapter C. SCHOOL REQUIREMENTS

§ 203.33. Minimum school standards and requirements.

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(b) In addition to subsection (a), schools shall comply with the following requirements:

(1) Conduct at least one basic police training course every [year] 3 years the school is certified.

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§ 203.36. Revocation of school certification.

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), revoke the certification of a school for one of the following reasons:

* * * * *

(5) Failure to conduct one basic police training course [each year] every 3 years the school is certified.

Subchapter F. REIMBURSEMENT OF EXPENSES

§ 203.83. Grants for nonmandatory in-service training programs.

(a) The Commission will provide grants only for actual expenses incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

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(2) The Commission has the discretion to approve additional expenditures not explicitly provided for in this chapter. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program. **Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend nonmandatory in-service training courses after the law enforcement agency pays the tuition established for the course to the Commission.**

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[Pa.B. Doc. No. 98-1014. Filed for public inspection June 26, 1998, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Professional Conduct; Advertising

The State Board of Veterinary Medicine (Board) proposes to amend § 31.21, Principle 5 (relating to advertising), pertaining to necessary information when advertising emergency services, to read as set forth in Annex A.

A. Effective Date

The amendment will be effective upon publication of a final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendment is proposed under the dual authority of sections 5(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1) and (2)). Section 5(1) of the act empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine necessary to enable it to carry out and make effective the purpose and intent of the act. Section 5(2) of the act empowers the Board to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

C. Background and Purpose

The purpose of the proposal is to amend Principle 5 of the Rules of Professional Conduct for Veterinarians pertaining to advertising, requiring that veterinarians advertising emergency or 24-hour veterinary services include in the advertisements the hours when services will be provided and whether a veterinarian is on the premises or on call.

The Rules of Professional Conduct for Veterinarians were amended at 24 Pa.B. 1481 (March 18, 1994). Since that date, the Board has received suggestions that it require advertisements for emergency or 24-hour veterinary care to specify the type of veterinarian availability provided to avoid client confusion. The Pennsylvania Veterinary Medical Association and Priority Veterinary Consultants advocate adoption of the proposed amendment.

The Board believes that veterinarians have a special professional responsibility when advertising the availability of emergency services which takes into account when clients are most likely to use advertising. First, except for teaching hospitals and clinics, veterinary establishments are the sole source of emergency treatment. Most establishments have arrangements for current clients. However, many owners may not be a client of a veterinary establishment, or may be out of the establishment's service area when an emergency arises. The Board believes that in many cases owners are able to assess the nature of the emergency and whether they should seek the services of a veterinarian who will be immediately available at the veterinary establishment. In the case of a life-threatening emergency, this information may be invaluable to the owner in evaluating the appropriateness of a facility. For these reasons, the Board believes that veterinarians should provide this information.

D. Description of Proposed Amendment

Principle 5 currently proscribes false and misleading conduct and contains guidelines for the use of testimonials and endorsements. It is amended to require veterinarians advertising emergency services or 24-hour veterinary services to include in the advertisements the hours when services will be provided and whether a veterinarian is on the premises or on call.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendment, the Board solicited input from the regulated community as well as the Pennsylvania Veterinary Medical Association, the Regional Veterinary Medical Associations, the Veterinary Technicians

and Assistants Association of Pennsylvania, the Animal Health Commission, the University of Pennsylvania and the Pennsylvania Association of Veterinary Technician Education. The Board reviewed and considered all comments in drafting the proposed amendment.

F. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Veterinarians who advertise emergency services or 24-hour veterinary care may incur additional costs in amending their advertisements if the advertisements do not list the hours during which the emergency/24-hour services will be provided and indicate whether there is a veterinarian on premises or on call. These costs may ultimately be passed on to the public.

G. Sunset Date

The Board continually monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 17, 1998, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor, of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Deborah B. Eskin, Board Counsel, State Board of Veterinary Medicine, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

JEFFREY M. OTT, V.M.D.,
Chairperson

Fiscal Note: 16A-576. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

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Principle 5. Advertising.

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(c) Advertising for emergency veterinary services shall provide information as to whether a veterinarian is on the premises, or on call, and as to any limitation on hours during which emergency services may not be available. For the purposes of this section "on the premises" means that a veterinarian is physically present in the veterinary establishment and immediately available and "on call" means that the veterinarian is available within a reasonable time.

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