

Student name: _____ Date: _____

Describe Child Labor Laws*

Objectives:

- A. Evaluate regulations concerning employment certificates.
- B. Identify hazardous occupations.
- C. Describe labor regulations that affect wages, hours, and conditions of employment.

MODULE 8A: INFORMATION SHEET

TO THE STUDENT: Read and study this information sheet and then complete the student activities at the end of this module.

Obtaining an Employment Certificate

To ensure that employers adhere to Child Labor Laws, the employment of the minor is permitted by the parent or guardian and that the minor is physically capable of performing the duties of specific employment, the Pennsylvania Department of Labor and Industry, in coordination with the Department of Education, have in place regulations concerning Employment Certificates. Employers are required to have on file Employment Certificates for the minors they employ.

Prior to applying for a certificate, a promise of employment from an employer must first be secured by the minor. The minor will then determine who the issuing officer is within the school district they reside and receive an application for an employment certificate, which may be known as "working papers."

Generally, an applicant who is between the age of 16 to 18 and participating in a bonafide Cooperative Education Program will apply for a transferable work permit classified for general employment. The transferable work permit allows the student to work any day during the year to a maximum of 8 hours a day and 44 hours per week. (Other child labor laws also apply—see *Excerpt of the Child Labor Law* on page 4.)

** (This is also CAPS Modules 29 and 30, used with permission.)*

When the minor receives the application (see *Application* on page 7) from the issuing office, subsection A must be completed and signed by the issuing officer. Subsection A contains the minor's date of birth and type of evidence of age accepted. There's also space provided in the upper right hand corner for the date of application, Certificate/Permit Number, and the date of issuance. One of the following proofs of age must be submitted and preference is in the order given.

- a. A birth record from the Vital Statistics Division. None of the options below will be accepted unless it's impossible to obtain a record of birth from the Vital Statistics Division.
- b. A Baptismal Certificate or Transcript of the record of Baptism. The certificate must include date of birth.
- c. A passport showing the age of the minor.
- d. Any other documentary record of age, other than a school record.
- e. An Affidavit of parent or guardian accompanied by a physician's statement of opinion as to the age of the minor.

Subsection B is to be completed by the parent, guardian or legal custodian. This section indicates the type of certificate/permit requested and includes the signature of the responsible adult and the adult's address. Application for the certificate must be made by the parent, guardian or legal custodian of the minor. The person responsible for the minor may appear in person and sign the work permit or may execute a statement (see *Attestation Document* page 8) before a notary public and attach form to the application.

Subsection C is to be completed by the employer. This section is a promise of employment and should identify the kind of industry and type of work in which the minor will be engaged. Also displayed and filled by the employer are the specific hours per day the student minor is anticipated to work. These hours must be consistent with current labor law.

Subsection D to be completed by a qualified physician or practitioner certifying that the minor is physically qualified for employment at the time of application or within the previous three hundred sixty five days.

The completed application is taken back to the issuing office where the issuing officer will complete the transferable work permit. (See *Transferable Work Permit* on page 9.)

The face side contains:

- a. Class of certification
- b. Number and date of issue
- c. Name, address and signature of the minor
- d. Physical characteristics of the minor
- e. Signature of the issuing officer and official title
- f. Name and address of school district

The back side of the permit contains:

- a. Employer instructions
- b. Note to the minor
- c. Classes of certification
- d. Note to the issuing officer

The original wallet size copy of the Transferable Work Permit will remain in the possession of the minor. The minor can use this card for multiple employers, if necessary. A new card need not be issued for each employer, although each employer will retain a copy for their records and follow the child labor law regulations noted on the back side of the transferable work permit.

**EXCERPT-CHILD LABOR LAW
ACT OF 1915, P.L. 286, NO. 177**

Section 8

- a. Before any minor under the age of 18 becomes employed, the employer shall receive from the minor and keep on file an employment certificate.
- b. Any minor 16 years of age can receive a transferable work permit instead of an employment certificate, and the permit is valid until the age of 18.

Section 9

Employment certificates and transferable work permits shall be obtained from the school district in which the minor resides, and will be issued by the superintendent or supervising principal of the district.

Section 10

Application for the Certificate must be made by the parent or guardian of the minor and the minor must appear personally before the issuing officer.

Section 11

Employment certificates are of two classes: General Employment and Vacation Employment. General Employment certificates entitle a minor 16 to 18 years of age to work the entire year. Vacation Employment certificates allow a minor 14 to 18 years of age to work any day except at such times and days when the minor is required to attend school.

Section 12

The official authorized to issue an employment certificate shall not issue the certificate unless the following papers are completed and filed:

- a. A statement signed by the employer stating the minor will be employed, the type of employment involved, and the hours of employment.
- b. A certificate of physical fitness.
- c. Proof of age.

Section 14

The certificate of physical fitness required shall be provided by the examining physician or certified practitioners stating the minor has been thoroughly examined at the time of application or within the previous three hundred sixty five days and is physically qualified for employment.

Section 15

One of the following proofs of age must be submitted:

- a. Birth certificate
- b. Baptismal certificate showing date of birth
- c. Passport showing age of minor
- d. Only if none of the above are obtainable, any other certified documentary record of age acceptable to the issuing officer
- e. Only if none of the above are obtainable, then a signed statement by a physician who is approved by the Board of School Directors stating that, after the examination, the minor has attained the age required by law for the occupation anticipated. A statement signed by the parent or guardian certifying the name, date and place of birth of the minor, and the unavailability of any other proofs of age.

Section 17

- a. All employers shall require a minor to have a valid employment certificate or transferable work permit. The transferable work permit shall remain in the custody of the minor.
- b. Within five days of receiving an employment certificate, the employer shall notify the issuing officer in writing of it's receipt. Within five days of termination of employment, the employer will return the certificate to the issuing officer by mail or to the minor on demand.

Section 17.1

- a. Employers employing minors having transferable work permits shall also, within five days of employment, provide the issuing officer with the following information in writing:
 1. The permit number
 2. The name and age of the minor employed.
 3. The number of hours per day and week the minor will work.
 4. The type of employment.

- b. A record of minors with transferable work permits at the work site will be maintained by the employer which contains for each minor:
 - 1. Name of the school district issuing the permit.
 - 2. Minor's birthdate.
 - 3. Date of permit issue.
 - 4. Permit number
 - 5. Occupation of the minor
 - 6. A photocopy of the transferable work permit
- c. Within five days of termination of employment of a minor with transferable work permit, the employer will notify the issuing officer in writing.
- d. School districts shall maintain the records required in subsection A for two years.

Section 18

- a. All forms used for issuing employment certificates shall be supplied by the Secretary of Education.
- b. All transferable work permits shall be issued on wallet sized forms supplied by the Secretary of Education.

References:

“Child Labor Law”, Act of 1915, P.L. 286, No. 177, amended Dec. 21, 1998, P.L. 1242, No. 158.

Child Labor Law, Bureau of Labor Law Compliance, Department of Labor & Industry. 6/01.

APPLICATION FOR EMPLOYMENT CERTIFICATE
OR TRANSFERABLE WORK PERMIT

Date of Application _____
Certificate/Permit Number _____
Date Issued _____

PDE-4565 (10/91)

A. To be completed by issuing officer

Name of Minor	Sex _____ Color of Hair _____ Color of Eyes _____	Signature of Issuing Officer
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Any Distinguishing Physical Characteristics:	School District - Name and Address
Place of Residence	

Date of Birth			Evidence of age accepted and filed. Evidence shall be required in the order designated. Cross out all but the one accepted.		
Month	Day	Year	a. Transcript of birth certificate	b. Baptismal certificate or transcript	c. Passport
			d. Other documentary evidence	e. Affidavit of parent or guardian accompanied by physician's statement of opinion as to the age of the minor	

B. To be completed by parent, guardian or legal custodian in presence of issuing officer

I, the parent, guardian or legal custodian of the above-named minor, request the issuance of an employment certificate as indicated below:

Mark only one

_____ General Employment Certificate _____ Transferable Work Permit (in lieu of General Employment Certificate)

_____ Vacation Employment Certificate _____ Transferable Work Permit (in lieu of Vacation Employment Certificate)

Signature of Parent, Guardian or Legal Custodian	Name and Address of Parent, Guardian or Legal Custodian
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Commonwealth of Pennsylvania - Department of Education

C. To be completed by prospective employer

The undersigned expects to employ the minor as _____ in the industry of _____

(type of work) (kind of industry)

The minor will work during such times and in accordance with the maximum hours permissible by law as established by Section 4 and 12 of the Child Labor Law, Act of May 13, 1915, P.L. 286; No. 177, as amended.

<p>* Hours of employment - Ages 14 and 15</p> <p>Maximum 3 hours on school days Maximum 18 hours per week Maximum 8 hours on nonschool days Maximum 40 hours per nonschool week</p> <p><u>Summer Vacation</u></p> <p>Maximum 8 hours per day Maximum 40 hours per week</p> <p><u>Night Work</u></p> <p>School term - may not work after 7 p.m. or before 7 a.m. Exception - Summer Vacation until 9 p.m. but not before 7 a.m.</p>	<p>Hours of employment - Ages 16 and 17</p> <p>Maximum 8 hours on any given day. Maximum 28 hours (Mon.-Fri.). Plus an additional 8 hours on Saturday and an additional 8 hours on Sunday. Maximum 44 hours per week.</p> <p><u>Summer Vacation</u>: Maximum 8 hours per day, 44 hours per week.</p> <p><u>Night Work</u></p> <p>School Term: May not work after midnight Sunday thru Thursday or before 6 a.m. any day. Exception: Preceding non-school day 1 a.m. No limits during summer.</p>	<p>Employer: Within the limitations as identified in "Hours of Employment," please fill in the following:</p> <table border="1"> <tr> <td>Sun.</td> <td>Mon.</td> <td>Tues.</td> <td>Wed.</td> <td>Thurs.</td> <td>Fri.</td> <td>Sat.</td> </tr> <tr> <td>_____ hrs.</td> </tr> </table> <p>Maximum hours: per day _____ per week _____</p> <p>Name, address and telephone number of employer:</p> <p>_____</p> <p>_____ Zip _____</p> <p>Signature of Owner or Manager:</p> <p>_____</p>	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	_____ hrs.						
Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.										
_____ hrs.	_____ hrs.	_____ hrs.	_____ hrs.	_____ hrs.	_____ hrs.	_____ hrs.										

* Federal Law

D. To be completed by examining physician, certified nurse practitioner or certified registered nurse practitioner employed by the board of school directors, by the minor's family physician or by a physician designated by the prospective employer.

I hereby certify that the minor named on this form has been thoroughly examined and:

_____ is physically qualified for the employment specified in the statement of the prospective employer.

_____ is physically qualified for the period of _____, after which time a new examination is required.

_____ is physically qualified with the following limitations: _____

Signature of Examiner:	Address of Examiner:
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Attestation Document

This form may be used as stated in the following excerpt of the Child Labor Law, as amended: Section 10 ". . . In lieu of the personal appearance of the parent, guardian, legal custodian, or next friend of the minor, such person may execute a statement before a Notary Public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application . . ."

The application referred to in the above law is the Application For Employment Certificate or Transferable Work Permit, Form PDE 4565.

When this form is used in lieu of personal appearance, the completed form shall be attached to the application form PDE-4565 and transmitted to the responsible Work Permit Issuing Officer of the public school district in which the minor, so named on the application, resides.

I attest that the information contained on the Application For Employment or Transferable Work Permit, Form PDE-4565 made out in the name of _____ is true and accurate.

(Minor's Name)

Signature of Notary Public or other person authorized to administer oaths

Signature of parent, guardian legal custodian or next of friend

Signature

Date

Signature

Date

Application for the employment certificate must be made by the parent, guardian, or legal custodian of the minor for whom such employment certificate or Transferable Work Permit is requested.

In lieu of the personal appearance of the person responsible for the minor, such person may execute a statement before a Notary Public or other person authorized to administer oaths attesting to the accuracy of facts contained on the application PDE-4565. The PDE-4565A is the official form to be used for said purpose and shall be attached to the application PDE-4565.

PDE-4566 (12/89)		TRANSFERABLE WORK PERMIT	
Class of certificate (mark one only)		Number _____	
General Employment _____	Date issued _____		
Vacation Employment _____			
Issued to a minor between 16 and 18 years of age under the provision of the Child Labor Laws, as amended.			
Name of Minor _____			
Signature of Minor _____			
Place of Residence _____			
_____ Zip _____			
Description of Minor _____			
Place of Birth _____			
(city)	(state)	(country)	
		Mo.	Day Year
(sex)	(color of eyes)	(color of hair)	(date of birth)
Other distinguishing characteristics and physical limitations _____			

Issuing Officer _____			
I hereby certify that all the requirements of law for issuing a Transferable Work Permit have been fulfilled, and that the above-named minor has signed this permit in my presence.			
Signature of Issuing Officer _____			
Official Title _____			
School District Name and Address _____			
_____ Zip _____			

Employer Instructions	
A.	Any employer, employing a minor having a Transferable Work Permit shall, within five days of commencement of such employment, provide the school district issuing that permit with the following information in writing: <ol style="list-style-type: none"> 1. Permit number 2. Name and age of employe. 3. Number and hours per day and week minor will work. 4. Character of employment.
B.	Any employer, employing minors having Transferable Work Permits shall maintain a record of minors in their employ. <ol style="list-style-type: none"> 1. A photocopy of the Transferable Work Permit may be used for such records. 2. The Transferable Work Permit shall remain in the custody of the minor employe.

Note to Minor Holding this Permit:	
<ol style="list-style-type: none"> 1. When applying for employment make sure the employer has access to the information contained on this permit. 2. Allow the employer to make a photocopy of this permit if he/she wishes. 3. The permit must be returned to you and you should carry it on your person when you are working. 	
Class of Certificate	
<ol style="list-style-type: none"> 1. <u>General Employment</u>—Entitles a minor, 16 to 18 years of age, to work during the entire year and at any time of day to a maximum of eight hours per day and 44 hours per week. 2. <u>Vacation Employment</u>—Entitles a minor, 16 to 18 years of age to work on any day except at such times when a minor is required to attend school. (Minors under 18 years of age may not be issued a Transferable Work Permit.) 	
Note Issuing Officers: Please mark the proper class of certificate (General or Vacation) on the face of this permit.	

What is the Federal Fair Labor Standards Act?

The Federal Fair Labor Standards Act provides standards for the employment of minors. These provisions are designed to confine the employment of minors to periods which will not interfere with their schooling and to conditions which will not jeopardize their health and well-being.

All states have child labor laws and all but one have compulsory school attendance laws. These state laws or other federal laws may have higher standards than those established under the Fair Labor Standards Act. When these other laws are applicable, **THE MORE STRINGENT STANDARDS MUST BE OBSERVED.**

Who is exempt from the requirements?

Some working minors are exempt from the Child Labor Requirements in Nonagricultural Occupations. They are:

1. Children under 16 years old employed by their parents in occupations other than manufacturing or mining or occupations declared hazardous by the Secretary of Labor.
2. Children engaged in the delivery of newspapers to the consumer.

3. Children employed as actors or performers in motion pictures, theatrical, radio or television productions.
4. Home workers engaged in making wreaths composed principally of natural holly, pine, cedar or other evergreens.
5. Domestic service employees working in or about the household of the employer.

Employment Relationships

An employment relationship requires an "employer" and an "employee," and the act or condition of employment. Mere knowledge by an employer of work done for him or her by another is sufficient to create an employment relationship under the Fair Labor Standard Act.

Wages

Minimum Wage

Under the Fair Labor Standards Act, all covered, non-exempt workers are entitled to the established, minimum hourly wage rate of \$5.15 per hour (as of September 1, 1997) and should receive overtime pay at a rate of at least one and one-half times their regular rates of pay after 40 hours of work in a work week. However, no provision or order of the FLSA excuses noncompliance with any federal or state law that establishes higher standards.

Tipped Employees

Employers who elect to use the tip credit provision must inform their employees in advance and must be able to show that the employees receive at least the minimum wage when direct wages and the tip credit allowance are combined. Also, employees must retain all of their tips, except to the extent that they participate in a valid tip pooling or sharing arrangement.

A "tipped employee" under FLSA is any employee engaged in an occupation in which he/she customarily and regularly receives more than \$30 a month in tips. If an employee's, regardless of whether they are full-time or part-time, tips do not total more than \$30 a month, he/she must receive the full minimum wage without any deduction for the tips received.

Workweek

A workweek is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods. The workweek need not be the same as the calendar week and may begin on any day of the week, at any hour of the day.

Sub Minimum Wages

The Fair Labor Standards Act provides for the employment of certain individuals at sub minimum wages to prevent the curtailment of their employment opportunities. Before such individuals may be employed at sub minimum wages, a certificate must be obtained from the Wage and Hour Division of the United States Department of Labor.

Regulations governing the conditions under which sub minimum wage certificates may be issued are prescribed by the Secretary of Labor.

The following conditions must be satisfied before a special certificate may be issued authorizing the employment of a student-learner at sub minimum wages:

1. The occupation must not be one for which a student-learner application was previously submitted by the employer and a special certificate was denied.
2. The student-learner's employment must be directly related to his/her course of study and cooperative education training program.
3. The training program under which the student-learner will be employed must be a bona fide cooperative education training program.
4. The employment of the student-learner at a sub minimum wage must be necessary to prevent curtailment of opportunities for employment.
5. The student-learner must be at least 16 years of age unless he/she is to be employed in an occupation that has been declared hazardous, in which case the student-learner must be 18 years old.
6. The occupation for which the student-learner is receiving preparatory training must require a sufficient degree of skill to necessitate a substantial learning period.
7. The training must not be for the purpose of acquiring manual dexterity and high production speed in repetitive operations.
8. The employment of a student-learner must not displace a company's regular worker.

Hazardous Occupations Orders

The Fair Labor Standards Act provides a minimum age of 18 years for any nonagricultural occupation which the Secretary of Labor "shall find and by order declare" to be particularly hazardous or detrimental to the health and well-being of minors under that age. There are seventeen hazardous occupations orders now in effect, they are:

1. Manufacturing and storing explosives
2. Motor-vehicle driving and outside helper
3. Coal mining
4. Logging and saw-milling
5. Power-driven woodworking machines
6. Exposure to radioactive substances
7. Power-driven hoisting apparatus
8. Power-driven metal-forming, punching, and shearing machines
9. Mining, other than coal mining
10. Slaughtering, or meat-packing, processing or rendering
11. Power-driven bakery machines
12. Power-driven paper-products machines
13. Manufacturing brick, tile, and kindred products
14. Power-driven circular saws, band saws, and guillotine shears
15. Wrecking, demolition, and shipbreaking operations
16. Roofing operations
17. Excavation operations

Exemptions to hazardous occupations

There are some exemptions to this minimum age standard. Apprentices and Cooperative Education **student-learners*** who are at least 16-year-olds may be granted exemptions from the following hazardous occupations orders:

5. Power-driven woodworking machines
8. Power-driven metal-forming, punching, and shearing machines
10. Slaughtering, or meat-packing, processing or rendering
12. Power-driven paper-products machines
14. Power-driven circular saws, band saws, and guillotine shears
16. Roofing operations
17. Excavations operations

***Student-learner** -- is a student who is at least 16 years of age, is receiving instruction in an accredited school, and is employed on a part-time basis under a bona fide cooperative education training program administered by the school.

Minimum age standards

Pennsylvania

Age 12 & 13

Only permitted employment is golf caddie. May carry one golf bag for a maximum of 18 holes a day, maximum of 6 consecutive days. May not work during school hours when school is in session.

Age 14 & 15

Maximum of 3 hours during a school day; maximum of 8 hours on days when there is no school, maximum of 15 hours for school week (Monday through Friday). May not be employed before 7 a.m., after 7 p.m. or when school is in session. Maximum of 6 consecutive days and 18 hours within the 6 days.

Age 16

Maximum of 28 hours during the school week, which is Monday through Friday. May work an additional 8 hours on Saturday and/or Sunday. If working both Saturday and Sunday, may not work one of the week days. Maximum of 6 consecutive days. May not be employed before 6 a.m. or after 12 midnight if there is school the next day. If there is no school the next day, the student may work until 1 a.m. During summer vacation the student may work 8 hours a day, 44 hours a week, 6 consecutive days and anytime of the day or night.

Age 18

Do not need a Work Permit any longer.

Fair Labor Standards Act

Age 14 & 15

Minimum age for employment in specified occupations outside school hours. Can not legally work: during school hours, before 7 a.m. or after 7 p.m. (from June 1 through Labor Day this is extended to 9 p.m.), more than 3 hours a day on school days, more than 18 hours a week in school weeks, more than 8 hours a day on non-school days, and more than 40 hours a week in non-school weeks.

Age 16

Basic minimum age for employment. At 16 years of age youths may be employed in any occupation that has not been declared hazardous by the Secretary of Labor.

Age 18

Minimum age for employment in those occupations declared hazardous by the Secretary of Labor. This minimum age applies even when a minor is employed by a parent.

Students enrolled in a Cooperative work experience program would be allowed to work during the school day and would be allowed more than the 28 hours during the week.

MODULE 8A: STUDENT ACTIVITIES

TO THE STUDENT: After reading and studying the information sheet, complete the following questions.

Activity 1: Answer the following questions.

1. What is the purpose of an Employment Certificate?

2. At what age is an Employment Certificate no longer required?

3. List five proofs of age allowed when applying for an Employment Certificate. Which is the most acceptable? The least?
 - a.

 - b.

 - c.

 - d.

 - e.

4. The minor must have a physical at the time of application for a certificate.

T F

5. The original transferable work permit will remain in the possession of the employer.

T F

6. What are the two classes of Employment Certificates?
 - a.

 - b.

7. A promise of employment is the first step in obtaining an employment certificate. What are the others? Include all requirements listed on the application.

8. There are both federal and state employment regulations. If they differ in any way, which one would be enforced?

9. What is the prevailing minimum wage? Under what conditions could an employer pay sub minimum wages?

10. According to your age, how many and what hours are you allowed to work during the school year?

Activity 3: Small group discussion.

In small groups, discuss the hazardous occupations that are listed by the Secretary of Labor and which ones would you be exempt from due to the educational background you have. Each group will then share with the class.

Activity 4: Write an essay.

Write a three paragraph essay describing any regulations at your worksite that affect you because of your age. Evaluate and discuss how carefully your employer enforces these regulations.

MODULE 8A: STANDARDS ADDRESSED IN THIS MODULE

Pennsylvania’s Academic Standards for Career Education and Work**13.2.11. Career Acquisition (Getting a Job)**

- E. Demonstrate, in the career acquisition process, the application of essential workplace skills/knowledge, such as, but not limited to:
- Commitment
 - Communication
 - Dependability
 - Health/safety
 - Laws and regulations (i.e. Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets)
 - Personal initiative
 - Scheduling/time management
 - Team building
 - Technical literacy
 - Technology

Pennsylvania’s Academic Standards for Reading, Writing, Speaking and Listening (RWSL)**1.1.11. Learning to Read Independently**

- E. Establish a reading vocabulary by identifying and correctly using new words acquired through the study of their relationships to other words. Use a dictionary or related reference.

1.5.11. Quality of Writing

- A. Write with a sharp, distinct focus.
- Identify topic, task and audience.
 - Establish and maintain a single point of view.
- B. Write using well-developed content appropriate for the topic.
- Gather, determine validity and reliability of, analyze and organize information.
 - Employ the most effective format for purpose and audience.
 - Write fully developed paragraphs that have details and information specific to the topic and relevant to the focus.

- F. Edit writing using the conventions of language.
- Spell all words correctly.
 - Use capital letters correctly.
 - Punctuate correctly (periods, exclamation points, question marks, commas, quotation marks, apostrophes, colons, semicolons, parentheses, hyphens, brackets, ellipses).
 - Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions, prepositions and interjections properly.
 - Use complete sentences (simple, compound, complex, declarative, interrogative, exclamatory and imperative).

1.6.11 Speaking and Listening

- D. Contribute to discussions.
- Ask relevant, clarifying questions.
 - Respond with relevant information or opinions to questions asked.
 - Listen to and acknowledge the contributions of others.
 - Adjust tone and involvement to encourage equitable participation.
 - Facilitate total group participation.
 - Introduce relevant, facilitating information, ideas and opinions to enrich the discussion.
 - Paraphrase and summarize as needed.
- E. Participate in small and large group discussions and presentations.
- Initiate everyday conversation.
 - Participate in a formal interview (e.g., for a job, college)

Student name: _____ Date: _____

Describe the benefits provided by Social Security, Unemployment Compensation, and Workers' Compensation.

Objectives:

- A. Describe the benefits of Social Security.
- B. Describe how Unemployment Compensation assists the unemployed.
- C. Explain how Workers' Compensation protects people.

MODULE 8B: INFORMATION SHEET

TO THE STUDENT: Read and study the following information sheet and then complete the student activities at the end of this module.

Introduction

This module will discuss three social insurance programs. Workers Compensation began in the United States in the early 1900's and developed over the next three decades. Social Security began after the GREAT DEPRESSION of 1929 and the early 1930's. Unemployment Compensation began initially as part of the Social Security legislation of 1935. All of these programs involved a gradually changing concept of how active or involved the government should be in interfering with the economy to protect workers.

Historical Background

Our initial thinking could be summarized in a French term *laissez-faire*. The term simply translated means "LEAVE ALONE!" In short, the common thinking was that the government should "LEAVE THE ECONOMY ALONE" and let it function naturally, without any artificial interference. The government should not pass minimum wages laws, child labor laws, overtime laws, or any laws forcing employers to pay insurance premiums for workers in case they lost their jobs or were injured at work. The government should not get involved in protecting unions as they organized and should stay out of regulating business and industry in any way; no environmental protection and no safety regulation. It wasn't until the ghastly, horrible instances of child labor abuse and unsafe working conditions that led to several industrial accidents (causing death and disabling injuries) that

the sentiment began to change. That change in thinking grew especially during a time in American History called “The Progressive Era.”

Teddy Roosevelt was the President that presided over that time in our history. During his presidency from 1901-1909 he led the attempt to change the thinking on how the government should be involved in the economy. After leaving the presidency, he helped organize a third party attempt called the “Bull-Moose Party,” or “The Progressive Party” to continue the trend for more government involvement in industry regulation and worker safety and protection. He did not win his presidential bid, but the new trend in government policy had begun. Laws were enacted to protect workers on the job and guarantee fair labor practices. One issue, workers’ compensation, will be discussed later.

Social Security

The “Social Security Act” was passed in 1935. This wide sweeping law was passed to take care of people who had retired from their workplace and who may have become “unemployed.” Americans felt they had to act (under the leadership of Franklin D. Roosevelt’s “New Deal”) because we had just experienced something catastrophic in the economy. It was known as THE GREAT DEPRESSION. The stock market crashed in 1929 and the result was over a quarter of the workforce was out of a job by the early 1930’s.

Most Americans believed the government had to do something to prevent another wide sweeping depression (through government regulations) and help at least provide a *safety net* for Americans who found themselves unemployed through no fault of their own, or who were ready for their retirement years.

Retirement Benefits

Social Security, as it was enacted in 1935, provided the first of four major benefits to eligible workers. That first coverage was RETIREMENT BENEFITS! After 40 calendar quarters, (10 years of work), you would build a benefit package for yourself to claim when you retired. Full retirement was set at 65 and early retirement (80%) was set at 62. Today, students reading this module will obtain full retirement at age 67 and early retirement at age 65. Retired workers get a monthly benefit based on their years of work and amount of money they earned. When a worker retires, his/her spouse may also collect as a dependent under those benefits at the age of 62.

Survivors’ Benefits

In 1939, the second benefit of Social Security was enacted. That benefit was for the surviving members of the family of a worker who died. These benefits are called “SURVIVORS’ BENEFITS!” The dependent spouse and children under 18 receive these benefits based on the earnings of the deceased worker. Surviving

children, who are 18 and still in high school, may continue to receive benefits for another year. Benefits are not paid if a surviving child goes on to post-secondary education. There is also a lump sum payment of \$255 to the family for burial expenses.

Disability Benefits

In 1954, the third benefit of the Social Security Act was enacted. That was known as “DISABILITY BENEFITS!” Workers can receive disability benefits after six months if it is believed it will last at least a full year. As long as you cannot work due to your disability, you will receive monthly disability income checks based on your earnings and how long you worked. You do not have to be 65 to get these benefits. If you are 24 years old, you just need a year and a half of work in the three years prior to the disability to get these benefits. Benefits will also go to a dependent spouse (age 60) or any dependent children under 18. While a worker is collecting disability, any children who become disabled before the age of 18, will continue to be covered for life if necessary. You can see how these additional benefits have brought the cost of running the Social Security program up dramatically. Ten years ago, everyone paid 7.65% of their income (F.I.C.A. deduction) (up to a certain amount--now \$87,000) for all four benefits. Today, because of the rising cost of health insurance, your F.I.C.A. deduction is 6.2% to include payments toward retirement, survivors and disability, to a maximum amount (\$87,000), and you pay 1.45% on UNLIMITED AMOUNT OF INCOME for our Medicare coverage.

Medicare Benefits

The final of the four major Social Security benefits was enacted in 1965. This “MEDICARE” benefit is now the costliest of all the coverages of Social Security. This health benefit is available to workers at 65, or at any age after they have been collecting disability two years. There is still a monthly premium that must be paid. A new coverage about to go into effect under Medicare is the new “Prescription Drug” Benefit.

It is easy to understand why the cost of Social Security has gone up so much recently. In addition to the increased benefits and rising cost of health care, the “Baby Boomers” of the 1950’s will begin to retire. The population growth has slowed down, therefore more people to collect benefits and fewer people to pay into the system. Also, people are living LONGER, therefore, they will collect their benefits longer. Because of these factors, there is concern for the survival of the Social Security system in the next few decades.

Unemployment Compensation

Unemployment could happen to anyone. The basic premise behind Unemployment Compensation is that it was NOT YOUR FAULT! Something

happened to the workplace that was beyond your control. Maybe your job can now be done by a machine (automation). Maybe the company is in a slump or slow down, or maybe the company just went out of business. Maybe the company was purchased or merged with another company and you will be replaced by someone from the new company. Maybe your business is moving out of the area. All of these factors may not be your fault. We, as a society have built into employer/employee taxation a program to protect these people.

How did the program start? Unemployment Compensation began as part of the Social Security Act of 1935. The federal law simply stated that the federal and state governments would work together to establish a nationwide Unemployment Compensation partnership. The problem was the states did not initially jump on the band wagon for this program. They were reluctant to raise taxes on their employers to fund the program. To get the program moving, the Federal Government passed the Unemployment Compensation Tax Act in 1939. Basically, this law stated that the Federal Government would tax employers in all the states a certain % for Unemployment Compensation coverage. This money would leave the states and go to a special trust fund of the Federal Treasury. The only way the states could get that money back to pay benefits to unemployed workers was they had to develop and coordinate their own system. So, state after state developed their own program to get the money back to their state. Thus, the Unemployment Compensation Federal-State Partnership was born!

PENNSYLVANIA

Pennsylvania has developed its own program in partnership with the federal government. Let's look at the basic elements of Pennsylvania's Unemployment Compensation Program.

First, let's look at ELIGIBILITY. To be entitled to benefits, each state defines its own eligibility standards. In Pennsylvania those standards are the following:

- ✓ *You must be laid off through no fault of your own.* That means if you're FIRED for JUST CAUSE (good reason), you won't receive UC. If the company is sold, cuts staff, moves out of the area, it's not your fault.
- ✓ *You must have worked long enough and made enough money.* That means you just don't file a claim because you are not working. You must have worked for a while. (In PA, you must have worked at least 18 weeks and get at least \$50/wk).
- ✓ *You must be able to work.* You cannot collect if you are injured or disabled.
- ✓ *You must be available and willing to work.* You cannot collect if you leave the area to go on a vacation or if you refuse to go back to work when called or refuse suitable employment.

- ✓ Your employer must be covered. Just about every employer in PA is covered. The last group excluded used to be government, school, and municipal workers, but they too are now covered. NOTE: Employers of high school or college students in school training programs may elect not to be covered!
- ✓ You must NOT be involved in a Job Action (STRIKE)! If you choose to honor a picket line (non-violent), then you can't collect.

Usually, your benefits will equal about 50% of your average earnings. But it will not go over \$480 per week. That is the maximum allowed as a weekly benefit rate (the most you can collect in a week). You may be eligible for PARTIAL BENEFITS if you are called back to work sporadically or your hours are cut. They figure out partial benefits by allowing you to earn up to 40% of your Weekly Benefit Rate (WBR) before they start to reduce your benefits. For example, if you are allowed to collect a maximum of \$100 per claim week (Sunday through the following Saturday), you can get called out to work and earn \$40 (40% of \$100) before they take money out of your benefits. On a week you earned \$65 while collecting, you would get only \$75 in Unemployment Benefits, not the \$100. Why? Well, we said you were only allowed to earn 40% of your Weekly Benefit Rate (WBR). If your WBR is \$100, that is \$40. But we said you got \$65. That is \$25 over your Partial Benefit Credit (PBC). \$65 earned - \$40 allowed = \$25 over. \$100 - \$25 over your PBC = \$75 in partial benefits that week.

Benefit Year

How much money can you collect in a Benefit Year (Sunday of the week you filed claim to 52 weeks later)? Twenty-six times your weekly benefit rate. So, if your weekly benefit rate is determined to be \$100, you can collect \$5,200 in your Benefit Year. Once you collect that, YOU'RE DONE! Your benefits have RUN OUT! Of course, if you collect "partial benefits," you may collect beyond 26 weeks until you have used up your \$5,200. You cannot carry money over to the next year if not used. Once the claim year is over (that 52 week period to collect), the only way you could collect again is if when you earn enough money and work long enough to qualify.

Dependent's Allowance

There is also something that is called "Dependent's Allowance." That allows a claimant the opportunity to collect another \$5 per spouse and \$3 for children. Keep in mind the maximum here is just \$8. You don't get \$3 per child. You can get the Dependent's Allowance added to your Weekly Benefit Rate or Partial benefits each week you collect.

Now, how are your benefits determined? They look at your "BASE YEAR." That is a year IN THE PAST. Typically, you go back a complete calendar quarter,

eliminate it, and then go back four complete calendar quarters and that's your BASE YEAR. In other words, use the first four of the last five completed calendar quarters.

Penalties

What penalties are possible if you lie about your income or misrepresent your case to the Employment Service?

- *First, you may be fined \$200 for every check you cashed under intentional false information*
- *You may be jailed for 30 days for every check cashed under intentional false information*
- *You will have to return all money collected above what should have been collected*
- *You may lose the right to ever collect unemployment compensation in PA ever again*

Other Questions

- *Do I have any rights of appeal if I don't agree with the decision about my Unemployment Compensation claim?*

Yes you do. First, you are given the opportunity of a "Fact Finding Interview" to state the circumstance surrounding your claim. Secondly, if you are denied benefits, you have fifteen days to appeal that decision before an Unemployment Compensation Referee. There is even someone at the Employment Office who will help you file that appeal. Third, if you are already receiving benefits and you are in danger of losing them, they just won't stop. You must have a warning, or advance notice of thirty days.

- *What does it mean to have the right of representation?*

That means you can bring anyone you want to a fact-finding interview or appeal hearing about your claim, even an attorney.

- *As a cooperative education student, am I eligible for Unemployment Benefits if my Co-op employer lays me off.*

NO! Under federal and state unemployment compensation law, employers do not have to pay into the UC fund for any student on a school training program (high school or college). None of the training time may be used toward a BASE YEAR!

- *Where do I go to file for Unemployment Compensation? Do I go to the Career Link Office?*

You no longer report personally to file for Unemployment Compensation benefits. There is a phone number they will give you and you make your claim by phone to a special office that only handles Unemployment Compensation claims.

- *Who pays the Unemployment Compensation Tax?*

Usually, in PA, it has been only the employer. But, recently, due to the rise in unemployment, employees also pay into the fund, but only a minimal rate of .01% (that is a penny on each \$10). Employer payments are based on the number of layoffs experienced, payments made by the employment service, and the size of their employment pool.

Workers' Compensation

Workers' Compensation was the first of our three social insurance programs at work to be introduced into the workplace. Again, with all the focus on government regulations and employee safety during the Progressive Era, the issue of protecting workers came to the forefront of public thinking. To understand Workers' Compensation and how it operates today, we first need to look at the historical development of Workers' Compensation in America.

Common Law Arguments

Even before medieval times, the situation concerning worker injuries was patterned after what was known as the "Common Law." The Common Law was made up of court judgments concerning legal matters. When the colonists came to America, the new legislatures in the colonies did not produce new laws that impacted how workers were to be treated on the job if injured. The colonies simply imported the "Common Law," those court case decisions that gave a legal opinion on the matter. These findings of the early courts of England were now accepted as law in the colonies. There are three major arguments of the Common Law that we need to discuss because they were accepted well into the turn of the twentieth century. These arguments heavily favored the employer at the expense of the worker. These arguments were:

- *The Doctrine of Contributory Negligence:* This said basically that if the worker in ANY WAY contributed to the cause of the accident, it was the worker's fault, not the fault of the employer. So if you slipped, you fell, you contributed to the accident by being tired, or making some kind of mistake in judgment, you were at fault, not the employer.

- *Fellow Servant Rule:* If a co-worker in any way contributed to the accident, they were responsible, not the employer. Notice how a co-worker was called “a fellow servant.” That term alone tells you how low in the balance the worker was considered. He or she was a “servant,” not an employee.
- *Doctrine of the Assumption of Risk:* If the employer did not get off scott free before, this will certainly help him escape responsibility. It basically said that you accepted (or assumed) all the risks of the job when you accepted employment. So, if you fell off a roof, hey, that sometimes happens in the construction business. If you were injured in the mines, hey, that happens all the time. If you were injured in the steel mills because of the heavy lifting and dangerous atmosphere, you accepted that when you went to work.

Employer Liability Laws

The meager income and legal power of the worker was no match for the legal and financial resources of the employer. There was definitely and unfair balance of power in this equation. Most people and the government agreed something had to be done. So, the first step was states began to pass what were known as EMPLOYER LIABILITY LAWS. These laws stated that the employer could no longer use the three common law arguments as a defense in court to escape liability for worker deaths and injuries.

But, these laws did not solve the problem. The injured worker or surviving members of the family had to take the employer to court to PROVE liability or responsibility of the accident/injury. Few workers could afford a lawyer, especially while out of work trying to pay medical bills, while employers often had lawyers on “retainer,” waiting in the wings for a fee always available to defend the company and its owner. Even if the worker somehow got the case to court, their case would often depend on the testimony of other workers who would probably not talk for fear of losing their jobs. So, this brings us to workers’ compensation as it is today. The states came up with a basic principal to side step all of these issues. That principal was to make the law a “NO FAULT LAW.”

No Fault Law

The main thing about a NO FAULT LAW is that everyone STOPS pointing the finger to find out who is responsible before compensation is made. Now, compensation can be made without the legal hassle of proving who is at fault. Keep in mind a few guiding principles:

- *Seek medical attention*
- *Always report an accident/injury IMMEDIATELY to the proper employer representative.*

- *Be sure to also inform a union representative or another co-worker so you have a witness that the accident was duly reported.*
- *Follow your employer guidelines concerning what doctor you need to to initially. You don't want to cause confusion in the situation by not following their written guidelines. This could cause a problem for your compensation later on.*
- *DO NOT SIGN OFF on anything that states you are no longer injured or the nature of your injuries are limited. This is an area where you still may find yourself in need of legal counsel because it could impact long term compensation payments.*

Coverages under PA Workers' Compensation Law

TOTAL DISABILITY BENEFITS

- Definition: Wage replacement for a worker TOTALLY UNABLE to return to work due to a work related injury.
- Effective : After 7 days. On 14th day, get compensation for 1st seven days.
- How Much: 2/3 of the workers former average weekly wage.
- How Long: Indefinitely, as long as the worker remains totally disabled.

PARTIAL DISABILITY BENEFITS

- Definition: Wage replacement for a worker's "LOSS IN EARNING POWER due to work related injury. Person is back to work in a LIMITED capacity.
- Effective: After 7 days. On 14th day get compensation for 1st seven days.
- How Much: 2/3 of the LOSS IN EARNING POWER
- How Long: A maximum of 500 weeks.

SPECIFIC LOSS BENEFITS

- Definition: Wage replacement when a worker loses a limb, or use of a limb, appendage, sight, hearing, or suffers disfigurement.
- Effective: Under circumstances, usually after first day.
- How Much: 2/3 of workers average weekly wage.
- How Long: Duration of payments depends on the specific loss. (16 weeks to 410 weeks).

HOSPITAL-SURGICAL-MEDICAL

Definition: Payment for all services, medicine, supplies, medical/Surgical/hospital care resulting from the work related injury.

Effective: Immediately.

How Much: No limitation on amount, so long as charges are *reasonable*.

How Long: Indefinite; as long as necessary.

DEATH BENEFITS

Definition: Payments made to the surviving family members of a worker.

Effective: From day injury or accident results in death.

How Much: Up to 2/3 of the previous average weekly wage depending on the number of dependents. \$3,000 one time, lump sum burial payment to family.

How Long: Surviving children receive benefits until 18, or 23 if Full time student and unmarried.

Remember: You will never get more benefits than the average weekly wage in PA. That is the high limit.

MODULE 8B: STUDENT ACTIVITIES

TO THE STUDENT: After reading and studying the information sheet, complete the following questions.

SOCIAL SECURITY

Activity 1: Complete the following questions about Social Security.

MATCHING

- | | |
|--|-------------------------------|
| ___ 1. The Social Security Act was passed in this year. | A. Age 67 |
| ___ 2. Health Insurance under Social Security. | B. Age 65 |
| ___ 3. SS benefits paid to worker/family if unable to work. | C. Prescription Coverage |
| ___ 4. Social Security benefits paid to widow/widower/family | D. 1.45% |
| ___ 5. Social Security Benefits paid to a worker who “leaves
employment” as a “senior citizen.” | E. 6.2% |
| ___ 6. Social Security tax rate for Medicare. | F. 1935 |
| ___ 7. Social Security tax rate for FICA coverages. (other 3) | G. Retirement Benefits |
| ___ 8. This could be total Social Security Rate for
self-employed people. | H. Survivor’s Benefits |
| ___ 9. You pay regular FICA tax until you earn this amount. | I. Medicare Benefits |
| ___ 10. You may Medicare tax until you earn this amount. | J. Disability Benefits |
| ___ 11. Social Security comes under this Federal Department. | K. Over 15% |
| ___ 12. As a worker, how many full years of work will
You need to build a minimum benefit for retirement
under SS? | L. Health & Human
Services |
| ___ 13. The newest coverage under Social Security.
to begin soon. | M. 10 years |
| ___ 14. To collect FULL retirement under SS, you must not
retire before this age. | N. \$87,000 |
| ___ 15. To collect reduced retirement benefits, you may retire
at this age. | O. Unlimited Earnings |
| ___ 16. This economic thought said the government should “leave
the economy alone” and not interfere with regulations. | P. Teddy Roosevelt |
| ___ 17. A time in our History (early 1900’s) when people began to
question laissez-faire attitude and push for government involvement
in the economy and in the workplace. | Q. Great Depression |
| ___ 18. This social Insurance program was also initiated with the passage of the SS Act. | R. Progressive Era |
| ___ 19. A leader of the “Progressive Movement” and also a President of the USA. | S. Laissez-Faire |
| ___ 20. A time in the early 1930’s that made way for FDR’s “New Deal” and
passage of the Social Security Act. | T. Unempl. Comp. |

FILL-IN-THE-BLANK

- 21-24. List the four basic coverages of the Social Security Program.
- 25-26. Social Security _____ benefits go to a totally disabled worker after _____ months of Disability that is expected to last at least _____ months.
27. For Disability Benefits, if you are 24, you need only to have worked 1½ out of the previous _____ years.
- 28-29. Normally, you won't collect Medicare Benefits until _____ years old. The exception is if you collect _____ benefits for two years or more.
- 30-32. Dependent children of a deceased worker can collect Social Security _____'s benefits until they are _____ years old. If they are still in high school, they may collect until they turn _____ years old.
33. If you go out on early retirement, you will only get about _____% of your projected retirement rate for benefits.
- 34-37. List four reasons for this increase in the cost of the Social Security Program.
38. The lump sum amount paid to a family under Social Security Survivors Benefits for funeral costs is \$_____.
39. At your age, could a circumstance develop where you could be eligible for Social Security Benefits? ___ Yes ___ No
40. If you paid \$1,000 into FICA and Medicare taxes, how much did your employer also pay into your account for you? \$_____.

UNEMPLOYMENT COMPENSATION

Activity 2: Complete the following questions about Unemployment Compensation.

- 1) Define Unemployment Compensation:

- 2) List the eligibility requirements for Unemployment Compensation In PA.

- 3) Define:
 - Weekly Benefit rate

 - Partial Benefit Rate

 - Partial Benefits

 - Base Year

 - Benefit Year

 - Dependent's Allowance

- 4) What penalties may you suffer if you willfully give false information to obtain Unemployment Benefits?

MATCHING

- | | |
|---|--|
| <p>___ 1. What you receive if your regular hours were reduced or if you have excessive outside earnings while collecting.</p> <p>___ 2. Allows claimant to tell their side of the story when filing a claim.</p> <p>___ 3. If you believe the Employment Office made an error, you always have the right to file this within 15 days.</p> <p>___ 4. This officer reviews appeals and renders a decision.</p> <p>___ 5. The maximum amount of benefits you can get in a in a claim week.</p> <p>___ 6. Allows you to earn up to 40% of your WBR before money is taken from that WBR.</p> <p>___ 7. Seven consecutive days from Sunday thru Saturday.</p> <p>___ 8. A 12 month period beginning with the Sunday before the date you filed for benefits.</p> <p>___ 9. Additional benefits for dependent spouse & children.</p> <p>___ 10. The individual who files the UC claim.</p> <p>___ 11. The first four of the last five complete calendar quarters. Helps determine your WBR.</p> <p>___ 12. The time of economic strife which demonstrated the need for UC and a concern for retired citizens.</p> <p>___ 13. The federal-state UC partnership was put into motion with the passage of this law.</p> <p>___ 14. You may collect if you are involved in this job action.</p> <p>___ 15. You may NOT collect if you are involved in this job action.</p> | <p>A. Claimant</p> <p>B. Fact Finding Interview</p> <p>C. Base Year</p> <p>D. Benefit Year</p> <p>E. Weekly Benefit Rate</p> <p>F. Partial Benefit Credit</p> <p>G. Claim Week</p> <p>H. Lockout</p> <p>I. Partial Benefits</p> <p>J. Appeal</p> <p>K. Referee</p> <p>L. Social Security Act</p> <p>M. Dependent's Allowance</p> <p>N. Great Depression</p> <p>O. Strike</p> |
|---|--|

TRUE OR FALSE

- ___ 16. The place where you file your claim for UC is at the Career Link Office.
- ___ 17. You may file and get UC anytime you want.
- ___ 18. In PA. you may be denied UC if you are on strike.
- ___ 19. It is possible to collect if on strike, and it is classified as a "violent" strike.
- ___ 20. If you are fired, you can NEVER collect only if the firing was for JUST CAUSE!
- ___ 21. You may earn as much outside earnings as you want and still collect your full Weekly Benefit Rate for UC.
- ___ 22. Partial Benefits may be payable during a benefit year until you receive 30X your Weekly Benefit Rate.
- ___ 23. You will be denied UC benefits if you refuse a suitable job offer.
- ___ 24. In PA right now, only the employer is paying your UC taxes.

- __25. If you are in danger of losing your UC benefits, you WILL NOT receive advance notice. Your benefits will just stop. Tony Tiger was laid off from a part-time job. He may be eligible to collect UC.
- __26. Antoinette Tiger got laid off and filed for UC on December 21, 2004. She collected her full WBR for 26 weeks. She has been unemployed ever since. She can file a new claim this December and collect for another full year.
- __27. While you collect UC, it's like being on vacation.
- __28. If your benefits are denied, you've had it. There is nothing that can be done.
- __29. Generally, you get your first UC check IMMEDIATELY when you file.
- __30. If you are unemployed, don't worry. Your employer contacts the employment office for you and starts your claim.
- __31. The UC program is run totally by the Federal Government.
- __32. During special instances of high unemployment, the 26 week duration for UC may be extended.
- __33. There is an extension of UC benefits in effect right now.
- __34. Collecting UC for a month is exactly the same thing as having a month's paid vacation at work.
- __35. You must always have a lawyer with you at any UC hearings.

FILL IN THE BLANK

36-38. What are three penalties you may face if you lie about your income to get UC Benefits?

39-40. When you collect Dependent's Allowances, you can get \$_____ for your spouse and \$_____ for your kids.

41. The maximum weekly benefit rate in PA now is \$_____.

42. The maximum number of weeks to collect your weekly benefit rate (w/out any extensions) is _____ weeks.

43. You have how many days to file an appeal? _____

44. Generally, your WBR will be about ____% of your regular pay.

45. Being fired for a valid reason is being fired for just _____.

46-50. List five eligibility requirements to collect unemployment compensation in PA.

WORKERS' COMPENSATION**Activity 2: Complete the following questions about Workers' Compensation.**

- 1) Before laws to protect workers from costs of job related injuries were passed, employers could use any of the three common law arguments to escape responsibility. Those arguments were: (List & Explain)

- 2) What were employer liability laws?

- 3) Why didn't employer liability laws work?

- 4) Today, Workers' Compensation solves the problem. How?

- 5) Today, the cost for worker-related accidents/injuries are not just a burden for the employee. The Company owner must figure the costs of workers' compensation as part of their overall total cost of _____.

- 6) Each _____ sets their own guidelines for Workers' Compensation. (Not Fed Gov)

- 7) In PA, workers compensation is NOT elective for employers but is _____.

- 8) When you are injured at work, you should _____,
_____, and _____.

- 9) List the five coverages for Workers Compensation:

MATCHING

- | | |
|---|---|
| ___1. Maximum weekly benefits for lost wages in PA. | A. \$690.00 |
| ___2. These laws did not allow employers to use the 3 Common Law Arguments in court. | B. Partial Disability
C. Doctrine of Contributory Negligence |
| ___3. WC benefits paid to a worker who is “totally” unable to work. | D. 250 weeks |
| ___4. WC benefits that pay 2/3 of “loss in earning power.” | E. 500 weeks |
| ___5. WC benefits paid to surviving dependents. | F. Death Benefits |
| ___6. WC benefits paid for loss of limb, sight, hearing, etc. | G. Employer Liability Laws |
| ___7. Meant a worker was expected to know the dangers of the job and accepted them by taking job. | H. Indefinitely |
| ___8. If a co-worker caused accident, they are responsible. | I. Total Disability |
| ___9. If the worker was negligent in any way, they are responsible for accident costs. | J. Fellow-Servant Rule
K. Specific Loss Benefits
L. Hosp/Surg/Med. Benefits |
| ___10. Maximum duration to collect Total Disability. | M. Dr. of Assumption of Risk |

FILL- IN –THE-BLANK

11. You may collect Partial Disability Benefits for maximum of _____ weeks.
12. The cost of work Comp. insurance is now paid by the employer as part of his overall cost of _____.
- 13.-14. In the case of an injury to a minor where there is a violation of the child labor law, the insurance carrier pays _____% of the cost, but the employer also pays penalty of _____% of the cost.
- 15.-17. Although employer liability laws did not allow employers to use the 3 common law arguments, the worker was still at a disadvantage. The worker had to prove the employer’s _____ which could involve a long expensive _____ fight they could not afford. Also, co-workers would be not testify for fear of losing their _____.
18. Each _____ sets the guidelines for Workers Comp. Coverage.
- 19.-21. If you are injured on the job, you should _____, _____ and _____.
- 22.-24. Death benefits under WC in PA may be paid to a surviving family of a lump sum funeral payment of \$_____. Death Benefits also go to a widow/widower and dependent children under age _____, or _____ if a F-T student .
30. In PA, WC is not elective , but it is _____.
31. If you miss work days due to an injury, you don’t get paid until you miss over ___ days.
32. You will receive payment from day one if you miss _____ days.
33. What made the WC law work was that it was a no _____ law.

MODULE 8B: STANDARDS ADDRESSED IN THIS MODULE

Pennsylvania’s Academic Standards for Career Education and Work**13.2.11. Career Acquisition (Getting a Job)**

- E. Demonstrate, in the career acquisition process, the application of essential workplace skills/knowledge, such as, but not limited to:
- Commitment
 - Communication
 - Dependability
 - Health/safety
 - Laws and regulations (i.e. Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets)
 - Personal initiative
 - Scheduling/time management
 - Team building
 - Technical literacy
 - Technology

Pennsylvania’s Academic Standards for Reading, Writing, Speaking and Listening (RWSL)**1.1.11. Learning to Read Independently**

- E. Establish a reading vocabulary by identifying and correctly using new words acquired through the study of their relationships to other words. Use a dictionary or related reference.

1.5.11. Quality of Writing

- F. Edit writing using the conventions of language.
- Spell all words correctly.
 - Use capital letters correctly.
 - Punctuate correctly (periods, exclamation points, question marks, commas, quotation marks, apostrophes, colons, semicolons, parentheses, hyphens, brackets, ellipses).
 - Use nouns, pronouns, verbs, adjectives, adverbs, conjunctions, prepositions and interjections properly.
 - Use complete sentences (simple, compound, complex, declarative, interrogative, exclamatory and imperative).