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* * **EMPLOYMENT LAW ALERT** * *

In March, we sent an alert concerning the Pennsylvania Commonwealth Court's decision in Harkness v. Unemployment Compensation Board of Review, which held that most employers must be represented by an attorney at unemployment compensation referee hearings. This decision was interpreted by officials at Unemployment to require employers to be represented by an attorney for purposes of all appeals as well.

The Pennsylvania legislature, in response to a hue and cry raised by the business community, passed a bill on June 7, 2005, that effectively nullifies Harkness. The bill was signed into law by Governor Rendell on June 15, 2005, and is effective immediately. The new law specifies that: "Any party in any proceeding under this Act before the Department, a referee or the Board may be represented by an attorney or other representative." The "other representative" is specifically designed to allow employers to use their own personnel to present unemployment cases.

BOTTOM LINE: Employers are once again free to have cases presented to an unemployment compensation referee by their own personnel, or by others of their choosing. Employers also no longer need to have an attorney sign off on any appeal that is filed. Sometimes, occasions will arise where it is better to have counsel; for example, if an unemployment compensation case is difficult or may raise issues that could result in litigation (such as a termination that raises possible discrimination issues). Please feel free to call us if you need assistance with any unemployment compensation matter.

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