

Commonwealth of Puerto Rico
DEPARTMENT OF LABOR
Office of the Secretary

no. 1240
May 2, 1969 - 11:00 A.M.
Approved: Leonardo Chardón
Secretary of State

By: Gloria I. Silva de Cruz
Assistant Secretary of State

REGULATION NO.

To regulate the imposition and collection of the contribution levied by the Puerto Rico Employment Security Act and by the Disability Benefits Act.

Section 1. EXTENT OF THE REGULATION

This regulation deals with the imposition and collection of the contribution levied by Section 8 of Act Number 74, approved June 21, 1956, known as the Puerto Rico Employment Security Act, and by Section 8 of Act Number 139, approved June 26, 1968, known as the Disability Benefits Act and the same is adopted by virtue of the authority conferred upon the Secretary of Labor by Section 14 of Act Number 74 and Section 6 of the Act Number 139.

Section 2. DEFINITIONS

Unless otherwise deduced from the context, the terms used herein shall have the following meaning in the interpretation of this Regulation:

All terms defined in the Puerto Rico Employment Security Act and in the Disability Benefits Act shall be construed in the sense in which they are therein defined.

a) "Wages paid" include both wages actually received by the worker and wages constructively paid. Constructively paid are: 1) wages credited to the account of the worker or separated for the worker without any substantial restriction in relation to time, form of payment or condition upon which the payment is to be made; 2) the available wages the worker can obtain at any time; 3) amount withheld for income tax, social security, Disability Benefits Act, and other similar purposes, and the cash value of all

remuneration in any medium other than cash.

b) "Pay period" means a period of not more than 31 consecutive days upon which a payment for service is usually made to a person by an employing unit.

c) "Deficiency" means the amount of any contribution to be collected as assessed by the Secretary:

1. When the employer has failed to file his Contribution Report,
or

2. In excess of the contribution reported by the employer in his contributions report, if such contribution excess is not the result of mathematical error in the sum of the wages reported by the employer and/or in the computation of the contribution based on the wages reported by the employer.

Section 3. INFORMATION TO BE FURNISHED TO WORKERS

a) Each employer shall post and maintain a poster about the rights and obligations of his worker under the Unemployment Insurance and Disability Programs, in a conspicuous place in each plant, branch or establishment maintained by him. Such poster shall be supplied by the Bureau and shall state that the employer is covered under the acts and contain information as to the conditions under which the workers may be eligible for benefits and the place where claims for benefits may be filed. It shall further contain information of the workers contributions to the Disability Benefits Program.

b) Employed less than full-time. Immediately after the termination of any week in which an employer, because of lack of work has furnished any worker in his employ less than full-time work, such employer shall give each such worker a copy of Form PR-SD-529, Notice of Low Earnings.

Section 4. RULES REGARDING THE PAYMENT OF THE CONTRIBUTION

The contribution levied under Section 8 of the Puerto Rico Employment Security Act and under Section 8 of the Disability Benefits Act shall be paid in the form and time as follows:

a) To whom paid. The contributions shall be paid by each employer to the Secretary of the Treasury of Puerto Rico.

b) Form of payment. Such contributions shall be paid by check, postal money order or legal tender.

c) Periods for the payment of the contribution. Beginning on January 1, 1957, for purposes of Act 74 and beginning July 1, 1969, for purposes of Act 139, except as otherwise provided in this regulation, contributions shall be paid for each calendar quarter, ending on March 31, June 30, September 30 and December 31, with respect to wages paid during such calendar quarters. Except also as otherwise provided in this regulation, contributions will accumulate and become due and shall be paid quarterly on or before the last day of the month immediately following the close of the calendar quarter in which the wages were paid.

d) The first payment of contribution by any employing unit which becomes an employer at any time during a calendar year shall, except as otherwise provided in this regulation, become due and shall be paid on or before the last day of the month next following the close of the calendar quarter in which such employing unit becomes employer, and shall include contributions with respect to all wages paid during such calendar year up to and including the last day of such calendar quarter. Those employing units which become employers as provided by the Disability Benefits Act at any time during the period from July 1, 1969 and through December 31, 1969 shall

include the contributions with respect to all wages paid during such period of time.

e) The first contribution payment of any employing unit which elects to become an employer shall, upon written approval of such election by the Director, become due and shall be paid on or before the last day of the month next following the close of the calendar quarter in which the employing unit becomes an employer, which shall be determined by the effective date of such election or the date of approval by the Director, whichever is later.

f) Whenever the Director has given written notice to an employing unit that it has been determined not to be an employer or that services performed for it do not constitute employment, and a legal obligation on the part of such unit to pay contributions is thereafter established, accrued contributions shall become due fifteen days after such employing unit is informed of its liability. Said contributions shall bear interest from and after the day following that on which they become due.

g) Whenever the Secretary finds with respect to a particular employer that the collection of contributions which have accrued during any completed or incompletd quarterly or monthly period may be jeopardized by delay in payment or by any other reason, he may advance the due date of such employers contributions to such date as he deems advisable.

h) The Director may require from every employer who fails to complete the report required by this Regulation or who fails to pay the contributions above mentioned on the dates provided by the Regulation, the immediate monthly payment of the contributions, instead of quarterly, unless he shows to the satisfaction of the Director good cause for the delay. The Director may, in his discretion, permit an employer who has been required to make monthly

payment of contributions to pay his contributions on a quarterly basis if he does not owe any previous contributions to the Unemployment Insurance Division.

i) When an employer fails to pay the contributions in full, the contributions paid shall be prorated proportionally and thus prorated shall be assigned to each one of the programs. The prorating for the Unemployment Insurance Program shall be based on 75% and for the Disability Insurance Program shall be 25%.

Section 5. INSTALMENT PAYMENT PLANS

a) The Secretary may, in his discretion, permit an employer to pay contributions in instalments. Any arrangement for payment in instalments shall make provision for the payment of interest on the past due delinquent contribution balances beginning with the first day of the second month following the period with respect to which such contribution accrued and ending with the date on which each such instalment is paid.

b) Instalment payment plans shall only be granted in those extraordinary cases of inability to pay because of financial difficulties which may be promptly verified.

c) The Director of the Bureau of Employment Security or his authorized representative is empowered to enter into instalment payment plans under the following conditions;

1. No instalment payment plan shall extend for a period of more than twelve months.

2. No payment plan shall be accepted unless the initial payment be, at least, 20 per cent of the contributions due.

3. An employer to whom a partial payment plan has been granted, shall be under the obligation to pay the contributions which may become due monthly.

4. An employer who does not pay his instalments under the terms agreed, or who does not pay the contributions that may subsequently become due, shall be understood as having failed to fulfill his agreement, and the Secretary shall be at liberty to proceed as provided in Section 9 of the Puerto Rico Employment Security Act and in Section 9 of the Disability Benefits Act.

5. No new instalment payment plan shall be granted to an employer who has failed to fulfill his agreement without giving reasons of force majeure or other verifiable reasons.

Section 6. HOLIDAY

If the day on which the payment of the contribution is due is a holiday, or the employer is unable to make the payment because the offices of the Bureau of Employment Security are closed during working hours, contributions shall be paid on the next working day. The same rule will apply when the day due for the payment is Saturday.

Section 7. INTEREST FOR LATE PAYMENTS

a) Whenever an employer fails to pay an amount of contributions within the time prescribed in this regulation, then he shall pay, in addition to the amount of such contributions, interest at the rate of 0.75 per cent per month or fraction of a month from and after such date and until payment is received by the Secretary of the Treasury.

b) Charge for Overdrawn Checks. In addition to any other provisions of the Act, an additional charge of \$5.00 shall be imposed and collected for each check which is returned to the Bureau, corresponding to employers who issued such checks for the payment of contributions, penalties and interests of unemployment insurance, without sufficient funds in their depository banks.

Section 8. EMPLOYERS CONTRIBUTION REPORTS AND EMPLOYERS QUARTERLY REPORT OF WAGES PAID.

a) Each employer subject to the payment of contributions shall file with the Bureau of Employment Security on or before the last day of the month next following the close of the calendar quarter on which the wages were paid, an Employers' Contribution Report and an Employers' Quarterly Report of Wages Paid, except as otherwise provided in this Regulation.

b) Such report shall only be made on the official Form PR-UI-10, Employers Contribution Report, in accordance with instructions contained therein. The employers subject to the payment of the contribution can obtain such form, free of charge, from the Department of Labor, Bureau of Employment Security, Barbosa Avenue 414, Hato Rey, Puerto Rico. 00917

c) Each employer subject to the payment of contributions shall complete and file with official Form PR-UI-10, Employers' Contribution Report, a copy of Form PR-UI-10-A, Employers' Quarterly Report of Wages Paid, for the calendar quarter on which they were paid, stating clearly the names of the workers and the wages on which the contribution was determined.

d) The employers report of wages paid shall be filed in the form and containing the information prescribed by the Secretary of Labor. Such forms can be obtained from the Department of Labor, Bureau of Employment Security, Barbosa Ave. 414, Hato Rey, Puerto Rico. 00917

Section 9. IDENTIFICATION OF WORKERS

Every subject employer shall be obligated to:

a) Ascertain the social security account number of each worker employed by him.

b) Inform the workers social security account number in the Employers' Quarterly Report of Wages Paid and in any report or statement required by the Bureau with respect to any worker.

c) If a worker does not have a social security account number, the employer shall request the worker to produce a receipt or any other document

issued by an office of the Social Security Administration stating the worker has filed an application for an identification number. The receipt shall be retained by the worker. The employer shall include in any report requested by the Bureau of Employment Security, the worker's name and address as shown on the receipt and the date it was issued.

d) If such worker fails to report his correct social security account number or to produce a receipt issued by an office of the Social Security Administration stating that he has filed an application for the social security account number, the employer shall inform the worker that Regulation No. 128 of the Internal Revenue Service, Department of the Treasury, under the Federal Insurance Contribution Act, provides that:

1. Each worker shall report to his employer his social security account number and his name exactly as shown on the account number card issued to him by the Social Security Administration.

2. Each worker who has not secured an account number shall file an application for an account number on Form SS-5 of the Department of the Treasury, Internal Revenue Service. As soon as an account number is assigned to him, he shall show the card to his employer. If the worker quits or is separated from his job before he has been assigned an account number, he may inform the employer such number as soon as it is assigned to him. If the worker does not have an account number, and has not shown the employer a receipt issued by an office of the Social Security Administration indicating that he has filed an application for an account number, the worker shall furnish the employer an application on Form SS-5 completely filled in and signed by the worker. If a copy of Form SS-5 is not available, the worker shall furnish the employer a written statement signed by the worker, showing the date of the statement, the worker's full name, present address, date and place of birth, father's full name, mother's full name before marriage, worker's sex and color or race, and a

statement as to whether the worker has previously filed an application on Form SS-5 and, if so, the date and place of that filing. Furnishing the employer with an executed Form SS-5, or a statement in lieu thereof, does not relieve the worker of his obligation to make an application on Form SS-5.

e) As provided in Regulation No. 128 of the Federal Internal Revenue Service, Department of the Treasury, whenever pertinent, each employer shall inform his workers as follows:

1. Any worker who has lost his account number card may secure a duplicate card by applying at the field office of the Social Security Administration nearest his place of employment.

2. Any worker may have his account number changed at any time by applying to a field office of the Social Security Administration and showing good reasons for change.

3. Any worker whose name is changed by marriage or otherwise, or who has stated incorrect information on Form SS-5, shall report such change or correction to any district office of the Social Security Administration,

f) If a worker fails to comply with these requirements, his employer shall execute a Form SS-5, "Application for a Social Security Account Number", or statement, signed by the employer, setting forth as fully and clearly as possible, the worker's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, and worker's sex, and color or race, and a statement as to whether an application for an account number has previously been filed by the worker and, if so, the date and place of such filing. Such statement of Form SS-5 completely filled and signed by the employer may be attached to any report required by the Unemployment Insurance Division with respect to a worker.

g) Any worker who has more than one account number, shall report all numbers to any district office of the Social Security Administration.

Section 10. HOW AND WHERE SHOULD THE CONTRIBUTIONS BE PAID AND THE CONTRIBUTIONS REPORT AND EMPLOYERS' QUARTERLY REPORT OF WAGES PAID BE FILED.

The contributions may be paid, and the contribution report with the employer's report of wages paid be filed in the Bureau of Employment Security on the date above specified or mailed to Barbosa Avenue 414, Hato Rey, Puerto Rico. 00917

When payment of contribution is received through the mail, it shall be deemed to have been made and received on the date shown by the postmark. These reports shall be completed in accordance with instructions contained thereon.

Section 11. PROCEDURE WHEN EMPLOYER FAILS TO FILE REPORTS

Whenever any employer fails to file completely filled, the reports required in Section 12 of this regulation, within the time and manner prescribed, or files an incorrect or insufficient report or if such report contains a false or fraudulent statement, the Secretary shall file such reports based on his own knowledge or by the information obtained through testimony or otherwise.

Section 12. RECORDS AND REPORTS

a) Each employing unit shall complete and file with the Bureau all reports required by the Secretary. Such reports shall be completed in accordance with the instructions accompanying any such report forms.

Each employing unit shall file with the Bureau of Employment Security a Report to Determine Employer's Status, Form PR-UI-1, stating clearly the information required in said form. This report shall be signed by the employing unit or its authorized agent.

Each employing unit which starts operations shall file the above indicated report on or before the last day of the month following the close of the calendar month in which it starts operations.

b) Every subject employer who, in any calendar year, terminates his business, or transfers or sells all of his organization, trade or business,

or business, or any part thereof; or except in the usual course of business, sells a substantial part of his assets, or changes the business name of the firm or address thereof, shall give notice in writing to the Bureau of Employment Security, indicating:

1. Name and address of the person to whom the business was transferred.
2. Part of business transferred.
3. Date of which the employer ceased to employ workers.

In cases of bankruptcy, receivership or similar proceeding, the employer shall report the name and address of the trustee, receiver or other official placed in charge of the business. All reports indicating the sale, termination, transfer or change of business name or address thereof, as well as the initiation of a bankruptcy or other proceeding, shall be sent to the Director within 20 days after termination, transfer, sale or change. Every employer shall also file any file any other affidavit or report which the Secretary or the Director deems necessary for the effective administration of the Act.

The acquirer of the whole or part of a business from an employing unit or from an employer shall, within 10 days from the date of acquisition, notify the Director of the Bureau of Employment Security the name and address of the former owner, type of organization (individual partnership corporation or other) and the date of the acquisition.

Upon the death of any employer, such report shall be made by his legally authorized representative. In the event no personal representative is appointed, such report shall be made by the heir or heirs succeeding to the interest of the employer.

Section 13. CONTENT AND KEEPING OF RECORDS

Each and every employing unit shall keep work records with respect to the workers employed during the last five years. Such records shall be open to inspection by the Secretary or his authorized representative. The same shall be kept available for the Secretary or his authorized representative to take copies thereof at all reasonable times.

In the event any employing unit maintains employment record elsewhere than in Puerto Rico, such employing unit shall designate an agent in Puerto Rico from whom such records may be requested. The employing unit shall deliver such records to such agent upon demand thereof by the Secretary or his representative.

Such record shall be kept in the manner deemed by the employing unit as best suited to the business transacted by it, but shall clearly show and contain true and accurate information with reference to the total amount of wages paid by the employing unit in each pay period; the address or addresses of each of the establishments in which the payrolls are kept and the following information with respect to each worker;

- a) Name
- b) Social Security Account Number
- c) Place of employment within Puerto Rico (city or town where the work is performed.) The place of employment of a worker who performs his work in more than one city or town shall be recorded as the place in which the employer has his base of operations.
- d) Each day in which the worker performed any service in employment.
- e) The number of hours worked for each pay period if working on an hourly basis.

- f) The beginning and ending date of each pay period.
- g) Wages paid or payable to him for each pay period and date of payment.
- h) Time lost each week due to inability for work.
- i) The date hired, re-hired, or returning to work after temporary separation from work, and date of separation.
- j) Special payments of any kind, including annual bonuses, gifts, prizes, etc., showing separately, money payments, reasonable cash value of other remunerations, the nature of such payments and the period during which services were performed.
- k) If wages were on hourly or piece rate basis, the records shall show for each day the wages earned on such basis and the date of payment thereof.
- l) The amounts deducted from the wages paid to each worker under Act. 139.

Section 14. DESTRUCTION OF RECORDS

Upon the written approval of the Secretary, the Director may order the destruction of any records of the Bureau of Employment Security which in his discretion are no longer necessary; provided that no such records shall be destroyed unless a period of at least five years has elapsed counting from the date on which the employing unit to which they refer has ceased to be a covered employer.

Section 15. DEFICIENCIES AND REMEDIES.

If the Secretary determines that there is a deficiency in the payment of any contributions, he will notify the debtor by mail the amount of such deficiency.

Within thirty (30) days after the notice of deficiency has been mailed, the employer may apply in writing to the Secretary to reconsider his determination stating in his application the grounds thereof, and the Secretary may afford an administrative hearing before a final determination is made.

Within fifteen (15) days after the mailing of notice of the final determination of the Secretary based either on the fact that the employer did not apply for reconsideration of the deficiency in the manner and within the period above specified, or of the confirmation in whole or part of the deficiency, the employer may appeal from said final determination to the Superior Court for the jurisdiction in which the appellant has his principal place of business.

If the employer does not agree to the deficiency or part thereof determined by the Superior Court of Puerto Rico, and wishes to take an appeal from said Judgment to the Supreme Court of Puerto Rico, he shall pay in full the deficiency so determined within the period established by law for an appeal before said Supreme Court. Unless this requirement is complied with the said court shall not acquire jurisdiction.

Section 16. REFUNDS

Any employer who is not satisfied that the contributions, interest or penalties paid by him were due in whole or in part, may make an application for refund within the year from the date on which such payment was made or within 3 years from the last day of the period with respect to which such payment was made, whichever is later. If the Secretary determines that such contributions, interest or penalties, or any portion thereof were erroneously collected, he shall refund such amount, without interest, or allow a credit thereof to the employer against subsequent contributions, interest or penalties in accordance with Section 9(d) of the Puerto Rico

Employment Security Act and in the Section 9(d) of the Disability Benefits Act.

Section 17. PENALTIES

Unless otherwise provided, any violation to the provisions of this Act, shall constitute misdemeanor and shall be punished by a fine not to exceed \$1,000, or imprisonment in jail not to exceed one year, or by both penalties, in the discretion of the court; and each day such violation continues shall constitute a separate offense.

When the violation consists in the failure to pay the contribution the action in court will be discontinued upon the payment of such contributions plus interest and surcharge.

Any employing unit or employer who makes a false statement knowing it to be false, in relation to any information required by the act or by this regulation shall be considered guilty of misdemeanor and punished by a fine of not more than \$1,000 or imprisonment in jail of not more than one year, or both penalties, in the discretion of the court; and each day such violation continues shall constitute a separate offense.

Any employing unit which fails to maintain records and to keep them for the time and containing the information prescribed by this regulation shall be considered guilty of misdemeanor and punished with a maximum fine of \$1,000 or imprisonment for a maximum of one year, or both penalties, in the discretion of the Court.

Every employing unit or employer who refuses to produce the reports required by the Secretary shall be guilty of misdemeanor and punished with a maximum fine of \$1,000 or imprisonment in jail not to exceed one year, or both penalties, in the discretion of the Court.

SECTION 18. SPECIAL PROVISIONS OF THE DISABILITY BENEFITS ACT

a) Information to be furnished to the Employee:

On each pay day, the employer shall indicate on the pay envelope, voucher, check or any other means, and whenever wages are paid, the deductions made for the payment of contributions, and such deductions must be made separately. At the end of the calendar year or upon termination of employment, as the case may be, the employer shall be liable to furnish each employee a written report including the total wages paid to such employee and the total contributions made.

Section 19. CONTRIBUTIONS CORRESPONDING TO EMPLOYERS AND AGRICULTURAL WORKERS AND TO EMPLOYERS AND SUGAR MILL EMPLOYEES.

The contributions corresponding to the employer and to the worker for wages paid for services specified in section 2(j)(1)(D) of the Disability Benefits Act shall be paid from public funds. Section 2(j)(1)(D) of the Act provides that these employers and workers are those engaged in sugar mills and agricultural work.

The Secretary of the Treasury shall transfer, not later than January 31, of each year, from any available public funds, to the Disability Benefits Fund an amount equal to 1% of the wages paid to agricultural workers and sugar mill employees for service performed under section 2(j)(1)(D) of the Act, amount which shall be determined on the basis of the total payroll reported by the farmers and sugar mills to the State Insurance Fund for the preceding fiscal year.

Section 20. CHAUFFEURS PLAN, NON DUPLICATION

No contribution shall be made under the Disability Benefits Act by the employers or by the employee for any week for which contributions are made on behalf of the employee to the Chauffeurs' Social Security Fund, in accordance with Act No. 428, approved May 15, 1950. The fact that contributions

Commonwealth of Puerto Rico
Department of Labor
Office of the Secretary

REGULATION NO. 2 BENEFIT PAYMENTS AND PRIVATE PLANS

Section 1 - INTRODUCTION

Extent of the Regulation: This Regulation deals with the procedures to be followed for the claiming and payment of disability benefits under the provisions of Section 3 of Act Number 139, approved June 26, 1968, and regulation of private plans to provide disability benefits under Section 5 of the Act. This Regulation is promulgated pursuant to the authority conferred on the Secretary of Labor by Sections 5 and 6 of the said Act.

Section 2 - DEFINITIONS

All terms defined in the Disability Benefits Act shall be construed in the sense in which they are therein defined.

Unless otherwise deduced from the context, the terms used herein shall have the following meanings in the interpretation of this regulation:

1. "Administrator" shall mean, with respect to a Private Plan, the insurance company, employer acting as self-insurer, or association, union, or trustee, acting as self-insurer, whichever has undertaken to pay benefits under the Plan.
2. "Benefits" means the sum payable to an individual under this Act with respect to his disability.
3. "Dependents" or "dependent relatives" means those persons who, according to the sequence established in Section 3.9 (d) of this Regulation, were directly, totally, or partially dependent for their support on the

earnings of the worker at the time of his death or at the time he was judicially declared incompetent.

4. "Division" means the Unemployment and Disability Insurance Division of the Bureau of Employment Security in the Department of Labor.

5. "Doctor" means an individual authorized to practice medicine or a chiropractor authorized under Act Number 493, approved May 15, 1952.

6. "Hospital" shall mean a duly-licensed hospital.

7. "Fund" means the Disability Benefits Fund established by this Act.

8. "Disability", with respect to an employee who is employed, means his inability, as the result of injury or illness, physical or mental, to perform the duties of his employment. With respect to a worker who is unemployed, disability shall mean his inability, as the result of injury or sickness, physical or mental, to perform the duties of any employment for which he is reasonably qualified by training and experience.

9. "Act" means Act Number 139 of June 26, 1968, known as the "Puerto Rico Disability Benefits Act".

10. "Bureau" means the Bureau of Employment Security of the Department of Labor.

11. "Private Plan" means a Private Plan approved by the Secretary for the payment of disability benefits as provided in Section 5 of the Act and the Regulations.

12. "Existing Private Plan" means a Private Plan as defined in this Regulation and in Section 5(d) of the Act.

13. "Public Plan" means the social insurance system established by this Act for the payment by the Fund of temporary non-occupational disability benefits.

14. "Claimant" means an individual who has filed a claim for disability benefits.

15. "Secretary" means the Secretary of Labor of the Commonwealth of Puerto Rico.

Section 3. PAYMENT OF BENEFITS

Section 3.1 - COMPENSABLE DAYS AND WEEKS

Benefits shall be paid weekly on the basis of the days of disability within the preceding calendar week. A "calendar week" is defined as the week from 12:01 A.M. Sunday to 12 M. the following Saturday.

Days of disability are compensable, that is, they are to accrue benefits, only after the end of the waiting period. The waiting period shall end with the seventh day of a period of disability or immediately prior to the first day of hospital confinement, whichever is sooner.

If there are seven compensable days of disability in a particular calendar week, the benefit payment shall be at the weekly benefit amount prescribed in the Act. If there are fewer than seven compensable days of disability in a particular benefit week, the benefit payment shall be at the rate of one-seventh of the prescribed weekly benefit amount for each day of compensable disability, computed to the next higher multiple of one dollar. if not already a multiple of one dollar.

No benefit shall be payable for any disability which began before July 1, 1969, except as provided in the last paragraph of Section 3.2 of this Regulation.

Section 3.2 - PERIOD OF DISABILITY

Successive periods of disability caused by the same or related injury or illness shall be deemed a single period of disability if the periods are separated by less than 90 days. The successive periods shall, for purposes of identification, be referred to as the earlier part and the recurrent part. Days of waiting period discharged in an earlier part shall not be required for the recurrent part.

The liability for payments for a recurrent part shall be that of the Private Plan or Public Plan which would be liable if the recurrent part were a new period of disability.

In order to secure benefits for a recurrent part of a period of disability, an additional claim must be filed by, or on behalf of, a claimant, with the same requirements as to time and evidence as is required of a claim for the beginning of the period of disability.

If the recurrent part of a period of disability began on or after July 1, 1969 but the earlier part began before July 1, 1969, the recurrent part shall be compensable or be counted toward the waiting period only if the claimant was employed after the earlier part.

Section 3.3 - DURATION OF THE BENEFIT PAYMENTS

Benefits shall be paid during the continuance of disability, but not for more than twenty-six (26) benefit weeks in any period of disability or in any period of fifty-two (52) consecutive weeks. Seven days of disability for which disability benefits are payable shall comprise a "benefit week".

Such days shall include days for which benefits would be payable but for non-duplication provisions (Section 3, subsection g) of the Act. (For example, if a worker received full wages for the first two weeks of disability and continued disabled for another 26 weeks, he will be entitled to benefits for only 25 weeks, since the second week of his disability would count against his 26-week limit). The fifty-two consecutive weeks shall be calendar weeks computed retrospectively with respect to each week for which benefits are currently being claimed.

A period of disability shall be deemed terminated when:

1. The claimant returns to work; or
2. The claimant is able to work; or
3. The claimant is not under the care of a doctor; or
4. The claimant is no longer certified as disabled by a doctor.

Benefit payments are further subject to other restrictions and limitations set forth in the Act.

Section 3.4 - DISABILITY DUE TO PREGNANCY

No person shall be entitled to disability benefits for any period of disability caused by a pregnancy or arising in connection with a pregnancy, except if the period of disability occurs after both termination of the pregnancy and return to insured work for at least two consecutive weeks. However, a pregnant woman may receive benefits because of a disability unrelated to her pregnancy.

Section 3.5 - CLAIM FILING

Every claim shall be filed with the Division, except that a claim under

a Private Plan shall be made to the employer or to the administrator of the Plan. A claim under the Public Plan, if mailed, shall be considered filed at the time it was put in the mail, with the necessary postage and the full address of the Division.

If, because of his disability, a worker is unable to file a claim, it may be filed in his name by any person authorized by the worker or his family.

Section 3.6 - PERIOD FOR FILING A CLAIM

A written claim for benefits must be filed within thirty days after the beginning of the period of disability. The claim shall be made in the form prescribed by the Director. To be complete, a claim must be accompanied or supplemented by a certification of a doctor who has examined the claimant.

Failure to furnish notice or proof within the time required shall not invalidate the claim, but no day of disability shall be recognized for benefits or waiting period if it preceded the filing of adequate notice by more than thirty days. The Director may, however, extend the period for the filing of the claim if he finds that there was good cause for failure to make timely filing. A claim filed more than one year after the period of disability began shall not be recognized as timely.

If a claim not duly completed is returned to the claimant for completion, he shall be allowed for completion and resubmission ten (10) days after the request for completion was mailed to him.

If a worker dies before filing a claim, it may be filed by his dependents within thirty days from the time of his death; if his disability occurred within the fifty-two week period preceding his death.