

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1786

Session of
1987

INTRODUCED BY COHEN, PRESSMANN, RITTER, LEVDANSKY, FREEMAN,
DeLUCA, KOSINSKI, KASUNIC, BELARDI, VEON AND BELFANTI,
SEPTEMBER 30, 1987

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 14, 1987

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," reestablishing the
21 Industrial Board; providing for its composition, powers and
22 duties; further providing for the powers and duties of the
23 Department of Labor and Industry; providing for a Policy,
24 Planning and Evaluation Advisory Committee; making an
25 editorial change; and making repeals.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. As much as applies to the Department of Labor and

1 Industry in section 203 of the act of April 9, 1929 (P.L.177,
2 No.175), known as The Administrative Code of 1929, amended
3 December 3, 1970 (P.L.834, No.275), is amended to read:

4 Section 203. Advisory Boards and Commissions.--The following
5 advisory boards and commissions are placed in and made parts of
6 the respective administrative departments, as follows:

7 * * *

8 In the Department of Labor and Industry,

9 [Industrial Board,]

10 Advisory Council on Affairs of the Handicapped,

11 Advisory Board on Problems of Older Workers[;],

12 Policy, Planning and Evaluation Advisory

13 Committee;

14 * * *

15 Section 2. Section 207.1(d)(2) of the act, added November 8,
16 1976 (P.L.1109, No.227), is amended to read:

17 Section 207.1. Gubernatorial Appointments.--* * *

18 (d) The Governor shall nominate in accordance with the
19 provisions of the Constitution of the Commonwealth of
20 Pennsylvania and, by and with the advice and consent of a
21 majority of the members elected to the Senate appoint persons to
22 fill the following positions:

23 * * *

24 (2) Those members which he is authorized to appoint to the
25 Board of Pardons, the Board of Probation and Parole, the State
26 Civil Service Commission, the State Horse Racing Commission, the
27 State Harness Racing Commission, the Board of Arbitration of
28 Claims, the Pennsylvania Securities Commission, the Pennsylvania
29 Industrial Development Authority, the State Board of Education,
30 the Board of State College and University Directors, the Board

1 of Trustees of Pennsylvania State University, the Board of
2 Trustees of the University of Pittsburgh, the Board of Trustees
3 of Temple University, the Board of Trustees of Lincoln
4 University, the Environmental Hearing Board, the Pennsylvania
5 Crime Commission, the Pennsylvania Labor Relations Board, [the
6 Industrial Board,] the Unemployment Compensation Board of
7 Review, the Workmen's Compensation Appeals Board, the State Art
8 Commission, the State Lottery Commission, the State
9 Transportation Commission and the Pennsylvania Human Relations
10 Commission.

11 * * *

12 Section 3. Section 445 of the act, amended June 21, 1937
13 (P.L.1865, No.373), is amended to read:

14 Section 445. The Industrial Board.--(a) The Industrial
15 Board shall consist of the Secretary of Labor and Industry[, and
16 four additional members, one of whom shall be an employer of
17 labor, one a wage earner and one a woman. The Secretary of Labor
18 and Industry shall be the chairman of the board.

19 Three members of the board shall be a quorum.

20 The members of the Industrial Board, other than the chairman,
21 shall receive fifteen dollars per day while in the performance
22 of their official duties.] or his designee and six additional
23 members appointed by the Governor, one of whom shall be a
24 licensed architect, one a licensed engineer, one a
25 representative of the building industry with experience in
26 building safety, one a representative of an employe organization
27 with experience in building safety and two representatives of
28 the general public.

29 (b) The Secretary of Labor and Industry or his designee
30 shall be the chairman of the board.

1 (c) Four members of the board shall constitute a quorum
2 EXCEPT AS PROVIDED FOR IN SUBSECTION (G).

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3 (d) A majority vote shall be required for any official
4 action of the board OR ANY PANEL PROVIDED FOR IN SUBSECTION (G).

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5 (e) All members other than the Secretary of Labor and
6 Industry or his designee shall be appointed for terms of four
7 years, such terms to run concurrent with that of the Governor.
8 Senate confirmation shall not be required. Any member appointed
9 to fill a vacancy created otherwise than by expiration of term
10 shall be appointed for the unexpired term of the member whom he
11 is to succeed.

12 (f) Board members, other than the Secretary of Labor and
13 Industry or his designee, shall receive one hundred dollars per
14 diem while actually attending to the work of the board. Members
15 shall also receive the amount of reasonable traveling, hotel and
16 other necessary expenses incurred in the performance of their
17 duties in accordance with Commonwealth regulations.

18 (g) The board may, at the discretion of the chairman, hear
19 appeals or perform its other duties in panels of three members,
20 including the chairman, one of the professional members (the
21 architect, engineer or representative of the building industry)
22 and one member representing an employe organization or a public
23 member. Panels may hold hearings in the various regions of this
24 Commonwealth for the convenience of petitioners or other
25 witnesses. Decisions of the panels shall be final unless the
26 chairman, upon his own initiative or upon request of OR another
27 panel member, refers the matter to the full board for review OR
28 UNLESS ONE OF THE PARTIES APPEALS TO THE FULL BOARD. The first
29 hearing on any petition shall be held on any petition within
30 forty-five days of receipt of the receiving petition.

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1 Section 4. Section 528 of the act, amended July 6, 1961
2 (P.L.516, No.267), is amended to read:

3 Section 528. Cotton Fabrics.--All cotton fabrics or other
4 fabrics or material used in State institutions, which involves
5 the threat of fire, shall be treated, processed or used so as to
6 lessen danger from fire, smoke or panic in accordance with
7 regulations of the Department of Labor and Industry [approved by
8 the Industrial Board].

9 Section 5. Section 2203 of the act is amended to read:

10 Section 2203. Investigations.--The Department of Labor and
11 Industry shall have the power to make investigations and surveys
12 upon any subject within the jurisdiction of the department,
13 either upon its own initiative or upon the request of [the
14 Industrial Board] an advisory board, commission or committee OF <—
15 THE DEPARTMENT.

16 Section 6. Section 2205 of the act, repealed in part July
17 31, 1968 (P.L.769, No.240), is amended to read:

18 Section 2205. Rules and Regulations.--[Subject to approval
19 by the Industrial Board, the] The Department of Labor and
20 Industry shall have the power to make rules and regulations for
21 carrying into effect the laws regulating the labor of persons
22 within this Commonwealth, and the construction, ventilation, and
23 equipment of the rooms, buildings, or places where such labor is
24 performed, or where public assemblies are held, and to enforce
25 all such rules and regulations.

26 Section 7. The act is amended by adding a section to read:

27 Section 2209.3. Policy, Planning and Evaluation Advisory
28 Committee.--(a) A Policy, Planning and Evaluation Advisory
29 Committee is hereby created within the Department of Labor and
30 Industry. The committee shall consist of any reasonable number

1 of members, to be appointed by the Secretary of Labor and
2 Industry. The appointees must, however, include at least two
3 women who are employed by a private employer within this
4 Commonwealth, two representatives of organized labor, two
5 representatives of Statewide business organizations and two
6 members representing minority ethnic groups. The appointments
7 may be made in any combination.

8 (b) The Secretary of Labor and Industry shall appoint
9 subcommittees which may or may not have overlapping membership
10 with the committee. These subcommittees shall include, but not
11 be limited to, a subcommittee on Farm Labor, a subcommittee on
12 Child Labor, a subcommittee on Industrial Homework and a
13 subcommittee on Women and Minorities in the Workforce.

14 (c) The committee shall have the power to advise the
15 department on all issues and regulations within the department's
16 jurisdiction. The committee shall also be specifically
17 responsible for advising the department on those topics
18 previously assigned to the Industrial Board, including farm
19 labor, child labor, industrial homework, women in the workforce,
20 as well as, on plans to regularize or improve employment
21 opportunities.

22 (d) The committee may consider, study and investigate the
23 work of the department and issue reports, and may request the
24 department to investigate or survey any subject within the
25 department's jurisdiction. The committee may also study any
26 issue area relevant to the department's jurisdiction and make
27 reports.

28 (e) The director of the Office of Policy, Planning and
29 Evaluation within the department shall serve as Executive
30 Director of the committee. The Executive Director shall be

1 responsible for providing the committee with such materials and
2 information as may be necessary for the conduct of the
3 committee's business.

4 (f) Committee and subcommittee members shall receive the
5 amount of reasonable traveling, hotel and other necessary
6 expenses incurred in the performance of their duties in
7 accordance with Commonwealth regulations.

8 Section 8. Section 2214 of the act is amended to read:

9 Section 2214. Industrial Board.--The Industrial Board
10 created by this act shall have the power, and its duty shall be:

11 (a) To meet at least once each month for the purpose of
12 considering such matters as are brought before it or the
13 Secretary of Labor and Industry shall request;

14 (b) To hold hearings with reference to the application by
15 the department of the laws [affecting labor] specified in
16 subsection (h), upon appeal either of employees or employers or
17 of the public and, after such hearings, to make recommendations
18 to the department;

19 (c) To [approve or disapprove the rules and regulations
20 established by the Department of Labor and Industry, and to]
21 make suggestions to the department for the formulation of [such]
22 rules and regulations within its jurisdiction;

23 [(d) To consider, study, and investigate the conduct of the
24 work of the Department of Labor and Industry. For this purpose,
25 the board shall have access at any time to all books, papers,
26 documents, and records pertaining to or belonging to the
27 department, and may require oral or written information from any
28 officer or employe thereof.]

29 (d) To retain the power to grant variances and hear appeals
30 within its jurisdiction arising out of the enforcement actions

1 of the department consistent with the powers granted to the
2 board by section 14 of the act of June 2, 1913 (P.L.396,
3 No.267), entitled "An act creating a Department of Labor and
4 Industry; defining its powers and duties; establishing an
5 Industrial Board; providing for the appointment of a
6 Commissioner of Labor, inspectors, statisticians, clerks, and
7 others to enforce the provisions of this act, and providing
8 salaries for the same; prescribing a standard of reasonable and
9 adequate protection to be observed in the rooms, buildings, and
10 places where labor is employed; empowering the said Industrial
11 Board to make, alter, amend, and repeal rules and regulations
12 relating thereto; transferring the powers and duties of the
13 Department of Factory Inspection to the Department of Labor and
14 Industry, and abolishing the Department of Factory Inspection;
15 and providing a penalty for the violation of the provisions of
16 this act, or the rules and regulations of the said board."

17 (e) To perform any other duties assigned to the board by the
18 Secretary of Labor and Industry;

19 (f) To request or initiate investigations and make reports
20 on all matters within its jurisdiction. The department shall
21 cooperate with the board and provide such information as the
22 board may request;

23 (g) To establish such technical advisory boards or
24 committees as may be necessary for the performance of its
25 duties, including, but not limited to, a Fire and Panic Advisory
26 Board, an Elevator Advisory Board and a Boiler Advisory Board;

27 (h) To have jurisdiction under the following acts:

28 (1) The act of May 30, 1895 (P.L.129, No.99), entitled "An
29 act to provide for safety guards upon passenger elevators and
30 providing a penalty for violation thereof."

1 (2) The act of April 27, 1927 (P.L.465, No.299), referred to
2 as the Fire and Panic Act.

3 (3) The act of May 2, 1929 (P.L.1513, No.451), referred to
4 as the Boiler Regulation Law.

5 (4) The act of May 2, 1929 (P.L.1518, No.452), referred to
6 as the Elevator Regulation Law.

7 (5) The act of May 18, 1937 (P.L.654, No.174), entitled "An
8 act to provide for the safety and to protect the health and
9 morals of persons while employed; prescribing certain
10 regulations and restrictions concerning places where persons are
11 employed, and the equipment, apparatus, materials, devices and
12 machinery used therein; prescribing certain powers and duties of
13 the Department of Labor and Industry relative to the enforcement
14 of this act; and fixing penalties."

15 ~~(6) The act of May 18, 1937 (P.L.665, No.176), known as the~~ <—
16 ~~"Industrial Homework Law."~~

17 ~~(6)~~ (6) The act of May 27, 1937 (P.L.926, No.249), referred
18 to as the Bedding and Upholstery Law.

19 ~~(7)~~ (7) The act of July 31, 1941 (P.L.616, No.261), known as <—
20 the "Employment Agency Law."

21 ~~(8)~~ (8) The act of May 14, 1949 (P.L.1342, No.402), known as <—
22 the "Dry Cleaning and Dyeing Law."

23 ~~(10)~~ (9) The act of December 27, 1951 (P.L.1793, No.475), <—
24 referred to as the Liquefied Petroleum Gas Act,

25 ~~(11)~~ (10) The act of July 25, 1961 (P.L.857, No.372), <—
26 referred to as the Stuffed Toy Manufacturing Act.

27 ~~(12)~~ (11) The act of August 22, 1961 (P.L.1034, No.467), <—
28 entitled "An act requiring a guard to be posted when a manhole
29 is entered; imposing powers and duties on the Department of
30 Labor and Industry; and authorizing said department to

1 promulgate rules and regulations relating to manholes, and
2 providing penalties."

3 ~~(13)~~ (12) The act of June 2, 1971 (P.L.115, No.5), entitled <—
4 "An act requiring the use of safety glazing materials in
5 hazardous locations in residential, commercial and public
6 buildings, imposing duties on the Department of Labor and
7 Industry and providing penalties."

8 ~~(14)~~ Section 503 of the act of June 23, 1978 (P.L.537, <—
9 No.93), known as the "Seasonal Farm Labor Act."

10 ~~(15)~~ (13) Any other acts assigned by the Secretary of Labor
11 and Industry.

12 Section 9. This act, with respect to the Industrial Board,
13 shall constitute the legislation required to reestablish an
14 agency pursuant to the act of December 22, 1981 (P.L.508,
15 No.142), known as the Sunset Act.

16 Section 10. The presently confirmed members of the
17 Industrial Board shall continue to serve as board members until
18 members replacing them are appointed by the Governor in
19 accordance with section 445 of the act, or until their present
20 terms of office expire, whichever first occurs.

21 Section 11. All powers heretofore vested in the Industrial
22 Board to promulgate, approve or disapprove, or review
23 regulations of the Department of Labor and Industry are hereby
24 transferred to the Secretary of Labor and Industry. Nothing in
25 the act shall be construed to diminish in any way the powers and
26 duties of the Department of Labor and Industry. All powers and
27 duties previously assigned to the Industrial Board which are
28 inconsistent with this act are hereby transferred to the
29 Secretary of Labor and Industry.

30 Section 12. Each rule and regulation of the Industrial Board

1 and the Department of Labor and Industry in effect on the
2 effective date of this act shall remain in effect after such
3 date until repealed or amended by the Secretary of Labor and
4 Industry in the manner provided by law.

5 Section 13. (a) The following acts or parts of acts are
6 repealed insofar as they are inconsistent with this act:

7 Sections 13 and 15 of the act of June 2, 1913 (P.L.396,
8 No.267) entitled "An act creating a Department of Labor and
9 Industry; defining its powers and duties; establishing an
10 Industrial Board; providing for the appointment of a
11 Commissioner of Labor, inspectors, statisticians, clerks, and
12 others to enforce the provisions of this act, and providing
13 salaries for the same; prescribing a standard of reasonable and
14 adequate protection to be observed in the rooms, buildings, and
15 places where labor is employed; empowering the said Industrial
16 Board to make, alter, amend, and repeal rules and regulations
17 relating thereto; transferring the powers and duties of the
18 Department of Factory Inspection to the Department of Labor and
19 Industry, and abolishing the Department of Factory Inspection;
20 and providing a penalty for the violation of the provisions of
21 this act, or the rules and regulations of the said board."

22 Act of July 25, 1913 (P.L.1024, No.466), entitled "An act to
23 protect the public health and welfare, by regulating the
24 employment of females in certain establishments, with respect to
25 their hours of labor and the conditions of their employment; by
26 establishing certain sanitary regulations in the establishments
27 in which they work; by requiring certain abstracts and notices
28 to be posted; by providing for the enforcement of this act by
29 the Commissioner of Labor and Industry and others; by
30 prescribing penalties for violations thereof; by defining the

1 procedure in prosecutions; and by repealing all acts and parts
2 of acts inconsistent with the provisions thereof."

3 Sections 5, 7.1 and 18.1 of the act of May 13, 1915 (P.L.286,
4 No.177), known as the Child Labor Law.

5 Section 22 of the act of May 18, 1937 (P.L.665, No.176),
6 known as the Industrial Homework Law.

7 Section 503 of the act of June 23, 1978 (P.L.537, No.93),
8 known as the Seasonal Farm Labor Act.

9 (b) All other acts or parts of act are repealed insofar as
10 they are inconsistent with this act.

11 Section 14. This act shall take effect January 1, 1988, or
12 immediately, whichever is later.