

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 241 Session of 2017

INTRODUCED BY McGARRIGLE, KILLION, CORMAN, SCARNATI, LAUGHLIN, TOMLINSON, BROWNE, BARTOLOTTA AND RESCHENTHALER, JANUARY 31, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 7, 2017

AN ACT

1 Amending the act of December 17, 1959 (P.L.1913, No.694),
2 entitled "An act prohibiting discrimination in rate of pay
3 because of sex; conferring powers and imposing duties on the
4 Department of Labor and Industry; and prescribing penalties,"
5 further providing for wage rates; AND PROVIDING FOR <--
6 PREEMPTION.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 3 of the act of December 17, 1959
10 (P.L.1913, No.694), known as the Equal Pay Law, is amended to
11 read:

12 Section 3. Wage Rates.--(a) No employer having employes
13 subject to any provisions of this section shall discriminate,
14 within any establishment in which such employes are employed,
15 between employes on the basis of sex by paying wages to employes
16 in such establishment at a rate less than the rate at which he
17 pays wages to employes of the opposite sex in such establishment
18 for equal work on jobs, the performance of which, requires equal
19 skill, effort, and responsibility, and which are performed under

1 similar working conditions, except where such payment is made  
2 pursuant to (1) a seniority system; (2) a merit system; (3) a  
3 system which measures earnings by quantity or quality of  
4 production; (3.1) the level or amount of education, training or  
5 experience; or (4) a differential based on any other factor  
6 other than sex: Provided, That any employer who is paying a wage  
7 rate differential in violation of this subsection shall not in  
8 order to comply with the provisions of this subsection, reduce  
9 the wage rate of any employe.

10 (b) No labor organization, or its agents, representing  
11 employes of an employer having employes subject to any  
12 provisions of this section, shall cause or attempt to cause such  
13 an employer to discriminate against an employe in violation of  
14 subsection (a) of this section.

15 (c) No employer or labor organization may discharge or in  
16 any other manner discriminate against any employe for the sole  
17 reason that the employe (1) has made a charge or filed any  
18 complaint, or instituted or caused to be instituted any  
19 proceeding under or related to this act, including an  
20 investigation conducted by the employer, or has testified or is  
21 planning to testify or has assisted or participated in any  
22 manner in any such investigation, proceeding, hearing or action;  
23 or (2) has reasonably inquired about, discussed or disclosed the  
24 wages of the employe or another employe.

25 (d) No employer or labor organization shall (1) require, as  
26 a condition of employment, that an employe refrain from  
27 disclosing the amount of the employe's wages; or (2) require an  
28 employe to sign a waiver or other document that purports to deny  
29 the employe the right to disclose the amount of the employe's  
30 wages.

1     (e) No employer or labor organization may be required to  
2 disclose employe wages except as expressly provided by this  
3 section.

4     SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

5     SECTION 9.1. PREEMPTION.--THE PROVISIONS OF THIS ACT SHALL  
6 PREEMPT AND SUPERSEDE ANY LOCAL ORDINANCE OR RULE CONCERNING THE  
7 SUBJECT MATTER OF THIS ACT.

8     Section ~~2~~ 3. This act shall take effect in 30 days. <--