
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1158

Session of
1985

INTRODUCED BY KUKOVICH, FREEMAN, STABACK, GALLAGHER, WIGGINS,
DeLUCA, STEIGHNER, MICHLOVIC, DeWEESE, PISTELLA, RYBAK,
LEVANSKY, FOX, FISCHER AND TRELLO, MAY 8, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 8, 1985

AN ACT

1 Establishing a program for employee protection and community
2 stabilization; and providing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Employee
7 Protection and Community Stabilization Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Closing." The permanent shutting down of operations of any
13 establishment for any reason other than the filing of a petition
14 in bankruptcy in accordance with Federal law by the employer.

15 "Employer." Any person, corporation or entity which employs
16 at least 50 individuals and which operates an industrial,
17 commercial or business enterprise within this Commonwealth, not

1 including the Commonwealth, its political subdivisions, a not-
2 for-profit corporation or an employer who has been doing
3 business in this Commonwealth for less than three years.

4 "Establishment." Any factory, plant, office or working
5 facility of an employer, but not including any construction site
6 or workplace intended to be a temporary workplace.

7 "Industrial development agency." Any incorporated not-for-
8 profit organization, foundation, corporation or agency which has
9 as its purpose the promotion, encouragement or development of
10 industrial, commercial or business enterprises in a target area.

11 "Reduction in operations." The permanent shutting down of a
12 portion of the operations of an establishment which reduces the
13 number of employees of that establishment by 15% or more over a
14 one-year period, or by 25 employees, whichever is greater.

15 "Relocation." The transfer of all or part of an employer's
16 operations from one establishment to an existing establishment
17 or to a new establishment, owned or operated by the employer or
18 parent corporation or a subsidiary thereof. The term includes
19 any transfer of operations to another location which is located
20 beyond a reasonable commuting distance from the first location.

21 Section 3. Notice of intention to close, relocate or reduce
22 operations.

23 (a) Employer.--Whenever an employer makes a decision to
24 close, relocate or reduce all or part of the operations of an
25 establishment of that employer and the actions will result in
26 the loss of employment of 15% or more of the employees, the
27 employer shall give notice pursuant to this section.

28 (b) Parties notified.--The employer shall be required to
29 give written notice to:

30 (1) The employees of the establishment.

1 (2) Any employee organization which represents the
2 employees of the establishment.

3 (3) The local government and news media of the community
4 in which the establishment is located.

5 Section 4. Notice requirements.

6 Written notice by the employer to any party under section 3
7 shall contain a statement of intention to close, relocate or
8 reduce its operations, not less than six months prior to the
9 date of the closing, relocation or reduction.

10 Section 5. Employer obligations to employees.

11 (a) Duty.--Whenever an employer closes, relocates or reduces
12 all or part of the operations of an establishment of that
13 employer and the action results in the loss of employment of 15%
14 or more of the employees, the employer shall have a duty with
15 regard to its employees.

16 (b) Insurance benefits.--The employer shall continue
17 coverage of any health insurance benefits for each employee who
18 loses employment as a result of the closing, relocation or
19 reduction for six months or until the employee finds other full-
20 time employment, whichever comes first.

21 Section 6. Remedies.

22 (a) Standing.--Any employee, employer or representative
23 affected by an employer's noncompliance with the provisions of
24 this act may bring an action in the court of common pleas of the
25 county in which the affected establishment is located.

26 (b) Damages.--The amount of damages shall be equal to the
27 average weekly salary of an employee multiplied by the number of
28 weeks for which the provisions of this act were violated by the
29 employer.

30 Section 7. Penalty.

1 Any person who violates this act commits a misdemeanor of the
2 third degree.

3 Section 8. Effective date.

4 This act shall take effect in 60 days.