

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2873

Session of  
1996

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INTRODUCED BY STISH, SEPTEMBER 23, 1996

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AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 1996

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## AN ACT

1 Amending the act of January 17, 1968 (P.L.11, No.5), entitled  
2 "An act establishing a fixed minimum wage and overtime rates  
3 for employes, with certain exceptions; providing for minimum  
4 rates for learners and apprentices; creating a Minimum Wage  
5 Advisory Board and defining its powers and duties; conferring  
6 powers and imposing duties upon the Department of Labor and  
7 Industry; imposing duties on employers; and providing  
8 penalties," further providing for the minimum wage.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 4 of the act of January 17, 1968 (P.L.11,  
12 No.5), known as The Minimum Wage Act of 1968, amended December  
13 10, 1974 (P.L.916, No.303), July 1, 1978 (P.L.735, No.135),  
14 December 15, 1988 (P.L.1232, No.150), and July 9, 1990 (P.L.348,  
15 No.79), is amended to read:

16 Section 4. Minimum Wages.--Except as may otherwise be  
17 provided under this act:

18 (a) Every employer shall pay to each of his employes wages  
19 for all hours worked at a rate of not less than:

20 (1) Two dollars sixty-five cents (\$2.65) an hour upon the

1 effective date of this amendment.

2 (2) Two dollars ninety cents (\$2.90) an hour during the year  
3 beginning January 1, 1979.

4 (3) Three dollars ten cents (\$3.10) an hour during the year  
5 beginning January 1, 1980.

6 (4) Three dollars thirty-five cents (\$3.35) an hour after  
7 December 31, 1980.

8 (5) Three dollars seventy cents (\$3.70) an hour beginning  
9 February 1, 1989, and [thereafter.] ending September 30, 1996.

10 (6) Four dollars seventy-five cents (\$4.75) an hour after  
11 September 30, 1996, and before January 1, 1997.

12 (7) Five dollars (\$5.00) an hour after December 31, 1996,  
13 and before September 1, 1997.

14 (8) Five dollars fifty cents (\$5.50) an hour after August  
15 31, 1997, and before September 1, 1998.

16 (9) Six dollars (\$6.00) an hour after August 31, 1998, and  
17 before September 1, 1999.

18 (a.1) If the minimum wage set forth in the Fair Labor  
19 Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.)  
20 is increased above three dollars thirty-five cents (\$3.35) an  
21 hour, the minimum wage required under this section shall be  
22 increased by the same amounts and effective the same date as the  
23 increases under the Fair Labor Standards Act, and the provisions  
24 of subsection (a) are suspended to the extent they [differ from] <—  
25 ARE LESS THAN those set forth under the Fair Labor Standards <—  
26 Act.

27 (a.2) On September 1, 1999, and every September 1  
28 thereafter, the minimum wage shall be increased to a figure  
29 obtained by dividing the Poverty Level for a family of three  
30 persons, as set forth by the Department of Health and Human

1 Services, by two thousand eighty and rounding the quotient to  
2 the next highest cent. By August 31 of each year, the secretary  
3 shall transmit a notice of the new rate to the Legislative  
4 Reference Bureau for publication in the Pennsylvania Bulletin.

5 (b) The secretary, to the extent necessary to prevent  
6 curtailment of employment opportunities, shall by regulations  
7 provide for the employment of learners and students, under  
8 special certificates at wages lower than the minimum wage  
9 applicable under this section, and subject to such limitations  
10 as to number, proportion and length of service as the secretary  
11 shall prescribe: Provided, That the minimum wage prescribed  
12 under this subsection (b) shall not be less than eighty-five  
13 percent of the otherwise applicable wage rate in effect under  
14 section 4. A special certificate issued under this subsection  
15 shall provide that for six or less students for whom it is  
16 issued shall, except during vacation periods, be employed on a  
17 part-time basis and not in excess of twenty hours in any  
18 workweek at a sub-minimum rate.

19 In the case of an employer who intends to employ seven or  
20 more students, at a sub-minimum rate, the secretary may issue a  
21 special certificate only if the employer certifies to the  
22 secretary that employment of such students will not create a  
23 substantial probability of reducing the full-time employment  
24 opportunities for other workers.

25 (c) Employes shall be paid for overtime not less than one  
26 and one-half times the employe's regular rate as prescribed in  
27 regulations promulgated by the secretary: Provided, That  
28 students employed in seasonal occupations as defined and  
29 delimited by regulations promulgated by the secretary may, by  
30 such regulations, be excluded from the overtime provisions of

1 this act: And provided further, That the secretary shall  
2 promulgate regulations with respect to overtime subject to the  
3 limitations that no pay for overtime in addition to the regular  
4 rate shall be required except for hours in excess of forty hours  
5 in a workweek.

6 (d) An employe whose earning capacity is impaired by  
7 physical or mental deficiency or injury may be paid less than  
8 the applicable minimum wage if either a license specifying a  
9 wage rate commensurate with the employe's productive capacity  
10 has been obtained by the employer from the secretary or a  
11 Federal certificate is obtained under section 14(c) of the Fair  
12 Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et  
13 seq.). A license obtained from the secretary shall be granted  
14 only upon joint application of employer and employe.

15 Section 2. The addition of section 4(a)(6) of the act shall  
16 apply retroactively to October 1, 1996.

17 Section 3. This act shall take effect immediately.