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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1786

Session of  
1987

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

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SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, JUNE 6, 1988

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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 2. 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).

3 (d) A majority vote shall be required for any official  
4 action of the board or any panel provided for in subsection (g).

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. AND UNTIL SUCCESSORS <—  
9 ARE APPOINTED AND QUALIFIED. Any member appointed to fill a  
10 vacancy created otherwise than by expiration of term shall be  
11 appointed for the unexpired term of the member whom he is to  
12 succeed.

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

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

1 petition.

2 Section 4 3. Section 528 of the act, amended July 6, 1961 <—  
3 (P.L.516, No.267), is amended to read:

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

10 Section 5 4. Section 2203 of the act is amended to read: <—

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

17 Section 6 5. Section 2205 of the act, repealed in part July <—  
18 31, 1968 (P.L.769, No.240), is amended to read:

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

27 Section 7 6. The act is amended by adding a section to read: <—

28 Section 2209.3. Policy, Planning and Evaluation Advisory  
29 Committee.--(a) A Policy, Planning and Evaluation Advisory  
30 Committee is hereby created within the Department of Labor and

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

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

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

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

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

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

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

9 Section & 7. Section 2214 of the act is amended to read: <—

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

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

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

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

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

30 (d) To retain the power to grant variances and hear appeals

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

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

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

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

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

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



1 providing a penalty for violation thereof."

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

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

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

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

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

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

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

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

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

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

1 penalties."

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

7 (13) Any other acts assigned by the Secretary of Labor and  
8 Industry.

9 Section 9 8. This act, with respect to the Industrial Board, <—  
10 shall constitute the legislation required to reestablish an  
11 agency pursuant to the act of December 22, 1981 (P.L.508,  
12 No.142), known as the Sunset Act.

13 Section ~~10~~ 9. The presently confirmed members of the <—  
14 Industrial Board shall continue to serve as board members until  
15 members replacing them are appointed ~~by the Governor in~~ <—  
16 ~~accordance with section 445 of the act, or until their present~~  
17 ~~terms of office expire, whichever first occurs.~~ AND QUALIFIED. <—

18 Section ~~11~~ 10. All powers heretofore vested in the <—  
19 Industrial Board to promulgate, approve or disapprove, or review  
20 regulations of the Department of Labor and Industry are hereby  
21 transferred to the Secretary of Labor and Industry. Nothing in  
22 the act shall be construed to diminish in any way the powers and  
23 duties of the Department of Labor and Industry. All powers and  
24 duties previously assigned to the Industrial Board which are  
25 inconsistent with this act are hereby transferred to the  
26 Secretary of Labor and Industry.

27 Section ~~12~~ 11. Each rule ~~and regulation~~, REGULATION AND FEE <—  
28 of the Industrial Board and the Department of Labor and Industry  
29 in effect on the effective date of this act shall remain in  
30 effect after such date until repealed or amended by the

1 Secretary of Labor and Industry in the manner provided by law.

2 Section ~~13~~ 12. (a) The following acts or parts of acts are <—  
3 repealed insofar as they are inconsistent with this act:

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

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

30 Sections 5, 7.1 and 18.1 of the act of May 13, 1915 (P.L.286,

1 No.177), known as the Child Labor Law.

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

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

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

8 Section ~~14~~ 13. This act shall take effect ~~January~~ JULY 1,  
9 1988, or immediately, whichever is later.

<—